

CITY OF SOUTH MILWAUKEE

CHAPTER 21
PROPERTY MAINTENANCE CODE

| | |
|----------|---|
| 21.100 | ADMINISTRATION |
| 21.102 | APPLICABILITY |
| 21.104 | ENFORCEMENT |
| 21.107.1 | NOTICE AND ORDERS |
| 21.108 | UNSAFE STRUCTURES AND EQUIPMENT |
| 21.109 | EMERGENCY MEASURES |
| 21.110 | DEMOLITION |
| 21.1.1.4 | PENALTY FOR VIOLATIONS |
| 21.201 | DEFINITIONS |
| 21.202 | GENERAL DEFINITIONS |
| 21.301 | GENERAL REQUIREMENTS |
| 21.302 | EXTERIOR PROPERTY AREAS |
| 21.303 | EXTERIOR STRUCTURE |
| 21.304 | INTERIOR STRUCTURE |
| 21.305 | RUBBISH AND GARBAGE |
| 21.306 | EXTERMINATION |
| 21.307 | VACANT, ABANDONED OR UNDEVELOPED LAND REQUIREMENTS |
| 21.400 | LIGHT, VENTILATION AN OCCUPANCY LIMITATIONS |
| 21.402 | LIGHT |
| 21.403 | VENTILATION |
| 21.404 | OCCUPANCY LIMITS |
| 21.501 | PLUMBING FACILITIES AND FIXTURE REQUIREMENTS |
| 21.503 | TOILET ROOMS |
| 21.504 | PLUMBING SYSTEMS AND FIXTURES |
| 21.505 | WATER SYSTEMS |
| 21.506 | DRAINAGE SYSTEMS |
| 21.601 | MECHANICAL AND ELECTRICAL REQUIREMENTS |
| 21.603 | MECHANICAL REQUIREMENTS |
| 21.604 | ELECTRICAL FACILITIES & EQUIPMENT |
| 21.606 | ELEVATORS, ESCALATORS AND DUMBWAITERS |
| 21.607 | DUCT SYSTEMS |
| 21.701 | FIRE SAFETY REQUIREMENTS |
| 21.702 | MEANS OF EGRESS |
| 21.702 | ENFORCEMENT OF DEVELOPMENT AGREEMENTS |

21.100 ADMINISTRATION

GENERAL

21.101.1 Title - These regulations shall be known as the Property Maintenance code of the City of South Milwaukee, hereinafter referred to as “this code”.

21.101.2 Scope – The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. 2/16/11, 2018

21.101.3 Intent – This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

21.101.4 Severability – If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

21.101.5 Fees - The fees for services and activities performed by the department in carrying out its responsibilities under this code shall be determined by resolution of the Common Council and published in the Administrative Fee Schedule.

21.102 APPLICABILITY

21.102.1 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation of code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. 2/16/11, 2018

21.102.2 The term “owner” as used herein means all and any of the following persons, entities and individuals. Each and all of those designated herein as “owners” shall be responsible for compliance with the code and with orders issued by the appropriate City Official to carry out or enforce the provisions of this code:

- a. the titled owner
 - b. where the titled owner is a corporation, the designated agent of the owner, and/or property manager, and/or person actually in charge of the premises and/or the person who collects rent from the premises;
 - c. where the titled owner is an LLC, each member of the LLC is individually responsible for the maintenance of the premises as required in this code unless the LLC has designated a managing member and that designation is on file with the State of Wisconsin DFI in which case the managing member is responsible for compliance with this code and in addition to the designated managing member, the following are also responsible for compliance; the property manager and/or person actually in charge of the premises and/or the person who collects rent from the premises;
 - d. where the titled owner is a partnership, whether limited or otherwise, each managing partner, and/or property manager and/or person actually in charge of the premises or the person who collects rent from the premises;
 - e. where the titled owner is one or more individuals, each individual.
- 2/16/11, 2018

21.102.3 Application of other codes – Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 16 of the City of South Milwaukee Code of Ordinances and the codes and provisions adopted therein. Nothing in this code shall be construed to cancel, modify or set aside any provisions of Chapters 15 and 16 of the City of South Milwaukee Code of Ordinances (the City Zoning and Building Codes, respectively.) Where the City of South Milwaukee Code of Ordinances provides no specific applicable provision related to the structure or part of structure requiring repair or correction, and the State of Wisconsin Building Codes has provisions which are applicable to such structure or part of a structure, the repair or correction shall be ordered to be made to comply with the applicable provisions of the State Building Code.

21.102.4 Existing remedies – The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

21.102.5 Workmanship – Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

21.102.6 Historic Buildings – The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

CITY OF SOUTH MILWAUKEE

21-4

21.102.7

21.102.7 Requirements not covered by code – Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

21.104 ENFORCEMENT

21.104.1 General - This code shall be enforced by the City Building Inspector, Public Health Administrator or Board of Health designee, and in his/her absence by the City Engineer or his/her designee. References in this code to the “code official” shall be read to mean the City Building Inspector and in his/her absence, by the City Engineer or his/her designee. In addition, the City Fire Inspector is designated as a “code official” for the enforcement of all fire safety related conditions. Unless otherwise stated, it is the responsibility of the owner of the structure, land or premises to make the structure, land or premises comply with the provisions of this code.

21.104.2 Rule making authority – The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

21.104.3 Inspections – The code officials shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

21.104.4 Right of entry – The code official is authorized to enter the structure or premises at reasonable times to inspect with the consent of the person in charge of the premises, i.e. tenant, owner or agent of owner. The code official may enter buildings which are open to the public during the hours the building is normally open to the public without any specific consent. If the person in charge of the premises refuses to permit the inspection, the code official may obtain an inspection warrant permitting inspection.

21.104.5 Identification – The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

21.104.6 Notices and orders – The code official shall issue all necessary notices or orders to ensure compliance with this code.

CITY OF SOUTH MILWAUKEE

21-5

21.104.7

21.104.7 Violations of this chapter shall be punishable by a forfeiture of up to \$1,000 per day for each day the violation continues. Where the owner fails to make repairs ordered by the Building Inspector or his designee the City Attorney is authorized, in appropriate cases as he/she shall determine, to file and action for the appointment of a receiver to take charge of the premises, make necessary repairs, collect rents to offset the cost of repairs and/or sell the premises at sheriff's sale or take such other action as the Court may approve. 2/16/11, 2018

21.104.8 Coordination of inspections – Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provisions of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

21.105.1 Modifications – Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reasons makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of the code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

21.105.2 Alternative materials, methods and equipment – The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

21.105.3 Required testing – Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

21.105.3.1 Test methods – Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

21.105.3.2 Testing agency – All tests shall be performed by an approved agency.

21.105.3.3 Test reports – Reports of tests shall be retained by the code official for the period required for retention of public records.

21.105.3.4 Material and equipment reuse – Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

21.107.1 NOTICE AND ORDERS

Whenever the Public Health Administrator or Board of Health designee, Building Inspector, and/or Fire Inspector shall, upon inspection of any premises within the City, find that conditions of the premises constitute a violation of the Code, the Health Code or Fire Code, the code official shall order the owner and/or occupant of the premises to correct said conditions and/or to remove and dispose of any unsafe, unsanitary, hazardous and blighting articles or material. Enforcement of the provisions of this property Maintenance Code shall be primarily the responsibility of the Building Inspector and in his/her absence, by a City Employee authorized by the Common Council.

21.107.2 Form – Orders issued to address or correct violations of this shall be issued in accordance with all of the following:

- a. Be in writing.
- b. Include a description of the real estate sufficient for identification.
- c. Include a statement of the violation or violations and why the notice is being sent.
- d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- e. Inform the property owner of the right to appeal.

CITY OF SOUTH MILWAUKEE

21-7

21.107.2

1.1.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- a. Sent by first class mail addressed to the last known address and posting a copy in a conspicuous place in or about the structure affected by such notice. Wisconsin Statute Section 62.17 (2)

1.1.1 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 21.110.4.

21.107.5 Owners to record current address with register of deeds – Pursuant to the provisions of Sec. 62.17 Wis. Stats., the owner of each structure and/or parcel of real estate located in the City of South Milwaukee is required to record his/her/its current address with the Milwaukee County Register of Deeds and a copy of such notice with the City of South Milwaukee Assessor’s office. Filing a correct address on a transfer tax return shall be deemed compliant with this provision. Any change must be filed within 10 days of the date of the change. This subsection does not apply to owner-occupied one and two family dwellings. Wisconsin Statute Section 62.17(1)

21.107.6 Transfer of ownership – It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging a receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation within the time period for compliance established by the order. Wisconsin Statute Sec. 62.17(4)

21.108 UNSAFE STRUCTURES AND EQUIPMENT

21.108.1 General – When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

21.108.1.1 Unsafe structures – An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

21.108.1.2 Unsafe equipment – Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

21.108.1.3 Structure unfit for human occupancy – A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

21.108.1 Unlawful structure – An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

21.108.2 Closing of vacant structures – If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a special charge against the property and if unpaid shall become a lien upon such real estate and may be collected by any other legal resource.

CITY OF SOUTH MILWAUKEE

21-9

21.108.3

21.108.3 Notice – Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner of the person or persons responsible for the structure or equipment in accordance with Section 21.107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 21.107.2

21.108.4 Placarding – Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

21.108.5 Prohibited occupancy – Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate a placarded equipment shall be liable for the penalties provided by this code.

21.108.6 Removal of placard – The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

21.109 EMERGENCY MEASURES

21.109.1 Imminent danger - When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors of the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

CITY OF SOUTH MILWAUKEE

21-10

21.109.2

21.109.2 Temporary safeguards – Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

21.109.3 Closing streets – When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

21.109.4 Emergency repairs – For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

21.109.5 Costs of emergency repairs – Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

21.109.6 Hearing – Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Board of Appeals, be afforded a hearing as described in this code.

21.110 DEMOLITION

- 1.1.3 FAILURE TO COMPLY. Upon failure to timely comply with an order issued by a code official, or the Board of Appeals, which requires that any building, premise, structure or property be cleaned or repaired, or conditioned abated or improved in accordance with this chapter, in cases of hardship due to indigence, or absence of the responsible party, the Building Inspector or his/her designee may cause such cleaning, repair, abatement or removal of the offending structure of substance upon approval by the Common Council. Such approval shall not exceed five percent (5%) of the equalized improved value. Such cleaning, repair or removal shall be deemed as special benefit to such premises and the costs for the same shall be charged against the owners of the property. If the costs of the same are not paid within sixty (60) days, it shall be levied as a special charge against the premises as authorized by Sections 66.0405 and 66.60(16) of the Wisconsin Statutes.

CITY OF SOUTH MILWAUKEE

21-11

21.110.3a

21.110.3a RAZE ORDERS – If a building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair, the code official may order the owner of the building to raze the building of, if the building can be made safe by reasonable repairs, the code official may order the appropriate repairs as provided in Sec. 21.107.

21.110.3b Unreasonable to repair – If the building inspector determines that the cost of repairs of a building described in Sec. 21.110.3a would exceed 50% of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the Department of Revenue of the State of Wisconsin for the City of South Milwaukee, the repairs are deemed unreasonable.

21.110.3c Razing Building that is a Public Nuisance – A building that as a result of vandalism or any other reason, has deteriorated or is dilapidated or blighted to the extent that windows, doors or other openings, plumbing or heating fixtures, or facilities of appurtenances of the building are damaged, destroyed or removed so that the building offends the aesthetic character of the immediate neighborhood and produces blight or deterioration is a public nuisance.

21.110.3d Service of Raze Order – A raze order shall be served in the manner required by Wisconsin Statutes on the parties required by Wisconsin Statutes.

21.110.3e Failure to Comply with Raze Order – Failure to comply with a raze order shall be pursued by an action in the Circuit Court of Milwaukee County. See Sec. 66.0413(1) and 66.0413(2) Wisconsin Statutes.

1.1.4 PENALTY FOR VIOLATIONS.

1.1.5 Failure to Comply with Order – Any person, firm or corporation who fails to comply with the order of a code official and/or the Board of Appeals, if an appeal is taken, shall be subject to a forfeiture of not less than \$25.00 and not more than \$500.00 per day for each day the condition ordered corrected continues uncorrected after the expiration of the time period stated in the order, together with the costs of the action.

1.1.6 Failure to notify on sale – Any person, firm or corporation who fails to comply with the requirements of Sec. 21.107.5 shall, upon conviction, be required to pay a forfeiture of \$500.00. In addition, any person who fails to comply with the provisions of Sec. 21.107.5 shall continue to be responsible for compliance with the order and/or notice and will not be relieved of responsibility by virtue of the sale or transfer of the premises.

- 1.1.7 Use of building condemned for human occupancy – Any person, firm or corporation who uses a building which has been condemned for human habitation, occupancy or use under this code shall be fined \$50.00 for each week or partial week the use or occupancy continues. Wisconsin State Statute Section 66.0413(1)(br)

21.201 DEFINITIONS

GENERAL

21.201.1 Scope – Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings shown in this chapter.

21.201.2 Interchangeability – Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

21.201.3 Terms defined in other codes – Where terms are not defined in this code and are defined in the *State of Wisconsin Building Code, International Building Code, International Fire code, International Zoning code, International Plumbing Code, International Mechanical Code, ASME A17.1* or the *National Electrical Code (NEC)*, such terms shall have the meanings ascribed to them as in those codes.

21.201.4 Terms not defined - Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

21.202 GENERAL DEFINITIONS

APPROVED Approved by the code official.

BASEMENT That portion of a building which is partly or completely below grade.

BEDROOM Any room or space used or intended to be used for sleeping purposes.

CITY OF SOUTH MILWAUKEE

21-13

21.202

CODE OFFICIAL The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN To adjudge unfit for occupancy.

DWELLING UNIT A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food: by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT DANGER A condition which could cause a serious or life-threatening injury or death at any time.

INFESTATION The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON An individual, corporation, partnership or any other group acting as a unit.

PREMISES A lot, plot or parcel of land including any structures thereon.

ROOMING HOUSE A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE That which is built or constructed or a portion thereof.

TENANT A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any such space.

WORKMANLIKE Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD An open space on the same lot with a structure.

21.301 GENERAL REQUIREMENTS

21.301.1 **Scope** – The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

1.1.2 **Responsibility** – The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

21.302 EXTERIOR PROPERTY AREAS

21.302.1 Sanitation – All exterior property and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of combustible or noncombustible material, debris and refuse. Debris and refuse shall include but not be limited to broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; lumber (new or used), posts, logs, sticks, or other wood; tree branches, brush, yard trimmings, grass clippings and other residues; paper rages, animal waste, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or an unreasonable blighting influence upon the neighborhood or the City in general. No rubbish, building materials or material of any kind shall be permitted to be stored so as to afford a harborage or breeding place of rodents. The provisions of this section shall not apply to materials stored in conjunction with any mercantile, manufacturing or normal residential use, which provide no rodent harborage, and meet applicable fire and zoning restrictions. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

21.302.1a In the event an owner or occupant fails to remove refuse and debris pursuant to an order, the Cit may cause the refuse and debris to be removed and the cost of such removal shall be specially assessed against the property where the debris and refuse was located. Wisconsin State Statutes Section 66.0405

1.1.2 Grass – Lawn areas, where provided, shall be maintained. The growth of grass or weeds in excess of six inches in height not constituting a garden shall be considered a violation of the maintenance provisions of this section. A garden is a limited area devoted to flower, vegetable or fruit plants or bushes. A natural state area may be maintained as a garden provided it is not a lawn area, not in a front-yard setback area and does not contain noxious weeds.

21.302.2a Planting of Grass – Every person shall plant and maintain adequate grass vegetation to control the erosion of soil to adjoining properties from rainfall within one year after occupancy of a building, on all lands he shall own, occupy or control including the parkway upon which lands abut.

- 1.1.3 Orders to cut grass to comply with the provisions of Sec. 21.302.3 may be issued by the Building Inspector or the Weed Commissioner or their designees. Any order to cut grass shall require that the grass be mown within 5 days of the date of the order. In the event any owner of lands, fails to mow a lawn area as required by an order issued under this section, the City may proceed to mow the area and shall charge the owner the cost of such mowing at the hourly rate as determined by the Common Council by resolution. Any charge which is made under this section and remains unpaid as of November 1 of each year shall be placed assessed against the property and placed on the tax roll as a special assessment to be collected pursuant to Chapter 74 Wis. Stats.

21.302.2 Grading and drainage – All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

21.302.3 Sidewalks and driveways – All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

21.302.3.1 Curb Lawn – Those unpaved public area abutting private property between the curb and lot line shall be maintained by the abutting property owner as a lawn area. (See Section 23.203(D)) Any person who feels aggrieved by this subsection shall have the right of appeal following the procedure in Section 23.207. The Board of Appeals is authorized to grant a variance of this subsection if in the Boards discretion the physical conditions of the property make compliance with the subsection unreasonable. When the unpaved portion between the lot line and curb has been disturbed due to a public improvement, such lawn area and trees, in any, shall be maintained by such property owner following completion of the final grading by the contractor of said improvement. On those streets in which curbs do not exist, the area which shall be maintained as provided for in this subsection shall be the unpaved public area between the lot line and the shoulder of the roadway.

21.302.4 Weeds – All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other that trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. The provisions of this section do not apply to areas permitted under Sec. 21.302.2.

CITY OF SOUTH MILWAUKEE

21-18

21.302.5

21.302.5 Rodent harborage – All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

21.302.5.1 Firewood – All firewood shall be stored at least 12 inches above ground in a fashion designed to prevent the harborage of rodents.

21.302.6 Exhaust vents - Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

21.302.7 Accessory structures – All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

21.302.7.1 Fences and Retaining Walls – All fences and retaining walls shall be properly maintained in a vertical position and kept in good repair or shall be removed. If paint or other preservatives have been applied to the exterior surface, it shall be repainted, resurfaced, or otherwise treated in a workmanlike manner when its condition constitutes a present danger to adjoining property or to any person, or constitutes an unreasonable blight to the immediately surrounding area, as determined by the City Engineer or Building Inspector.

21.302.7.1(A) FENCES

1. Fences shall not be constructed or supported with railroad ties, plywood, logs, pipes, metal, fiberglass, or other materials not specifically manufactured to be used as fence. Barbed fences, razor fences, and corrugated steel fencing are not permitted in residential, commercial, or business districts. Fences shall be constructed of chain link (cyclone), split rail, wood planking, pvc, or other materials specifically manufactured for use as a fence or approved by the Building Inspector.
2. Fences shall not be constructed in a manner that interferes with surface drainage along an adjoining lot line.
3. Tarps, plywood, or other materials shall not be connected to any fence for screening or other purposes.

CITY OF SOUTH MILWAUKEE

21-19

21.302.7.1(A)

4. Structural members supporting the fence shall be on the interior side.
5. Snow fence, construction fence, or other temporary fences are only permitted with written approval of City Engineer or Building Inspector.
6. See Chapter 15 for height regulations.

21.302.7.1(B) RETAINING WALLS

1. Retaining walls, when present, shall be structurally sound, property maintained, and kept in good repair. No retaining wall shall be constructed or maintained in such a manner as to allow repeated flow of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property. Retaining walls shall be repaired or reconstructed which are leaning, broken, rotten, or otherwise determined by the Building Inspector of City Engineer to have an unreasonable blight on the immediately surrounding area.
2. Retaining walls shall not be constructed or supported in any manner with railroad ties, plywood, logs, pipes, metal, fiberglass, or other materials not specifically manufactured for use as a retaining wall.
3. Retaining walls shall be constructed of textured concrete block, natural stone, manufactured stone block specifically designed for retaining walls, or pressure treated landscape timbers, having a minimum preservation retention level (PRL) of 0.40. Poured concrete walls shall only be permitted with review and approval of the City Engineer.
4. Retaining walls shall be constructed 12 inches minimum from an adjoining lot line to prevent interference with drainage unless otherwise approved by City Engineer.
5. Retaining walls exceeding three feet in height above the adjacent grade shall be professionally designed and submitted for review and approval of the City Engineer.
6. Retaining walls shall be constructed with an adequate foundation of crushed stone or concrete to support the walls and stone backfill to allow for drainage.
7. Structural members supporting a wall shall be on the interior (fill) side of the wall.

CITY OF SOUTH MILWAUKEE

21-20

21.302.7.2

21.302.7.2 Gates - Gates which are required to be self-losing and self-latching in accordance with the State of Wisconsin Building Code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches from the gatepost.

21.302.7.3 Swimming pools- Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

21.302.8 Motor vehicles – Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

21.302.10 Defacement of property – No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

21.303 EXTERIOR STRUCTURE

21.303.1 General – The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

21.303.2 Protective treatment – All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

CITY OF SOUTH MILWAUKEE

21-21

21.303.3

21.303.3 Premises identification – Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches.

21.303.4 Structural members – All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

21.303.5 Foundation walls – All foundation walls shall be maintained plum and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

21.303.6 Exterior walls – All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

21.303.7 Roofs and drainage – The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

21.303.8 Decorative features – All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

21.303.9 Overhang extensions – All overhang extensions including, but not limited to canopies, marquees, signs, metal awning, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

21.303.10 Stairways, decks, porches and balconies – Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

CITY OF SOUTH MILWAUKEE

21-22

21.303.11

21.303.11 Chimneys and towers – All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

21.303.12 Handrails and guards – Every handrail and guard shall be firmly fastened and capable of supporting 200 lb. loads and stairs with more than 3 risers shall have a handrail on at least one side and stairs with more than 5 risers shall have handrails on both sides.

21.303.13 Window, skylight and door frames – Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

21.303.13.1 Glazing – All glazing materials shall be maintained free from cracks and holes.

1.1.3.2 Openable windows. Every Window, other than a fixed window, shall be easily opened and capable of being held in position by window hardware.

1.1.3.3 Boarding of Windows. Windows shall not be boarded over temporarily or permanently without approval of the building inspector, city engineer or his designee.

21.303.14 Insect screens – During the period from May 1st to October 1st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

21.303.14.1 Exception – Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

21.303.15 Doors – All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Sec. 21.702.3.

21.303.16 Basement hatchways – Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

CITY OF SOUTH MILWAUKEE

21-23

21.303.17

21.303.17 Guards for basement windows – Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

21.304 INTERIOR STRUCTURE

21.304.1 General – The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

21.304.2 Structural members – All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

21.304.3 Interior surfaces – All interior surfaces, including windows and doors, shall be maintained in good clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

21.304.4 Stairs and walking surfaces – Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

21.304.5 Handrails and guards – Every handrail and guard shall be firmly fastened and capable of supporting 200 lbs. loads and shall be maintained in good condition.

21.304.6 Interior Doors - Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

21.304.7 Building exits – Every exit from a dwelling unit shall comply with the following requirements:

- a. Exit doors and passageways shall be kept in a reasonably good state of repair and operational.
- b. Exit doors and passageways shall be kept in a reasonably good state of repair and operational.

CITY OF SOUTH MILWAUKEE

21-24

21.304.7

- c. Every dwelling unit shall have at least two exits to the exterior from the first floor. Exits located in the same room shall be counted as one exit.
- d. Dwelling units above the first floor must have code compliant exits per Chapter 16 of the South Milwaukee Municipal Code.

21.305 RUBBISH AND GARBAGE

21.305.1 Accumulation of rubbish or garbage – All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

21.305.2 Disposal of rubbish – Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

21.305.2.1 Rubbish storage facilities - The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. The containers will remain covered when not in use.

21.305.3 Disposal of garbage – Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

21.305.3.1 Garbage facilities – The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

21.305.3.2 Containers – The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

21.306 EXTERMINATION

21.306.1 Infestation – All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

21.306.2 Owner – The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

21.603.3 Single occupant – The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

21.306.4 Multiple occupancy – The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house, or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

1.1.5 Occupant Responsible. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

21.307 VACANT, ABANDONED OR UNDEVELOPED LAND REQUIREMENTS.

21.307.1 Whenever the Public Health Administrator or Board of Health designee, Building Inspector and/or Fire Department, upon inspection of any vacated building within the City of South Milwaukee, finds that the building is in danger of vandalism and/or dilapidation by the weather elements, the Building Inspector shall order the owner thereof to make the building secure against vandalism and/or dilapidation in a workmanlike manner.

21.307.2 If the owner of a vacated building fails to comply with the provisions of this chapter, the City may proceed to make the building secure against vandalism and/or dilapidation by the weather elements, and charge the cost thereof to the owner.

21.307.3 No vacated building for which the owner has been given an order for compliance with this chapter may be occupied before an Occupancy Permit has been issued by the Building Inspector. Such Occupancy Permit may be issued only upon compliance with all orders and requirements of the City, the payment of required permit fees, the costs of re-inspection and any expenses incurred by the City in the enforcement of this code.

21.307.4 Whenever grass or lawn weeds on vacant properties or unoccupied premises are six inches or more in height within the City of South Milwaukee, the City is empowered to cause such grass or lawn weeds to be cut and the cost therefore shall be placed on the tax rolls as a special charge against the property. On vacant properties of more the five acres, the duty to cut the grass and weeds imposed by the above provision shall apply to those portions of the property lying within 50 feet of the lot line abutting any residential or improved property.

21.400 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

21.401 LIGHT

21.402.1 Habitable spaces – Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of the structure face a window of any room and such obstructions are located less than 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 nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

21.402.1a Lighting fixtures – Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room, and furnace room shall contain at least one electric lighting fixture.

21.402.2 Common halls and stairways – Every common hall and stairway in residential occupancies, other than in one-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

CITY OF SOUTH MILWAUKEE

21-27

21.402.3

21.402.3 Other spaces – All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

21.402.4 Alternative devices – In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

21.402 VENTILATION

21.403.1 Habitable spaces – Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Sec. 21.402.1.

Exception – Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

21.403.2 Bathrooms and toilet rooms – Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 21.403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

21.403.3 Cooking facilities – Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception – Where specifically approved in writing by the code official.

21.403.4 Process ventilation – Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

21.403.5 Clothes dryer exhaust – Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted to the exterior.

21.403 OCCUPANCY LIMITS

21.404.1 Privacy – Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

21.404.2 Minimum room widths – A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counterfronts and appliances or countertops and walls.

21.404.3 Minimum ceiling heights – Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

21.404.3.1 Exceptions:

- a. In one- and two- family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
- b. Basement rooms in one- and two- family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
- c. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

BEDROOM REQUIREMENTS: Every bedroom shall comply with the following requirements:

21.404.4.a Area for sleeping purposes – Every bedroom occupied by one person shall contain at least 75 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

21.404.4.b Access from bedrooms – Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

21.404.4.bb Exception – Units that contain fewer than two bedrooms.

CITY OF SOUTH MILWAUKEE

21-29

21.404.4.c

21.404.4.c Water closet accessibility - Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

21.404.4.d Prohibited occupancy – Kitchens and non-habitable spaces shall not be used for sleeping purposes.

21.404.4.e Other requirements – Bedrooms shall comply with the light, ceiling, height, ventilation, room area, plumbing, water-heating requirements, heating facilities, electrical receptacle requirements, smoke detectors and emergency escape provisions of this code.

21.404.5 Overcrowding – Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

Table 404.5

MINIMUM AREA REQUIREMENTS

| SPACE | MINIMUM AREA IN SQUARE FEET | | |
|-------------------|-------------------------------------|---------------|---------------------|
| | 1-2 Occupants | 3-5 Occupants | 6 or more Occupants |
| Living Room (a b) | No requirements | 120 | 150 |
| Dining Room (a b) | No requirements | 80 | 100 |
| Kitchen (b) | 50 | 50 | 60 |
| Bedrooms | Shall comply with Section 21.404.4a | | |

- a. See Section 21.404.5.2 for combined living room/dining room spaces.
- b. See Section 21.404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

21.404.5.1 Sleeping area – The minimum occupancy area required by 21.404.5 shall not be included in a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 21.404.

CITY OF SOUTH MILWAUKEE

21-30

21.404.5.2

21.404.5.2 Combined Spaces – Combined living room and dining room spaces shall comply with the requirements of 21.404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

21.404.6 Efficiency unit – Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be two.

Food Preparation – All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

21.501 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

21.502.1 Dwelling units – Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

21.502.2 Rooming houses – At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

21.502.4 Employees' facilities – A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

CITY OF SOUTH MILWAUKEE

21-31

21.502.4.1

21.502.4.1 Drinking facilities – Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

21.502 TOILET ROOMS

21.503.1 Privacy – Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

21.503.2 Location – Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall passageway.

21.503.3 Location of employee toilet facilities – Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

21.503 PLUMBING SYSTEMS AND FIXTURES

21.504.1 General – All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

21.504.2 Fixture clearances – Plumbing fixtures shall have adequate clearances for usage and cleaning.

21.504.3 Plumbing system hazards – Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

CITY OF SOUTH MILWAUKEE

21-32

21.504

21.504 WATER SYSTEM

21.505.1 General – Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture, shall be properly connected to the public water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Wisconsin Plumbing Code.

21.505.2 Contamination – The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

21.505.3 Supply – The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

21.505.4 Water heating facilities – Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

21.505 DRAINAGE SYSTEMS

21.506.1 Sanitary – All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

21.506.2 Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

21.507.1 Storm – Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CITY OF SOUTH MILWAUKEE

21-33

21.508.1

21.508.1 Pool – ALL STORM AND SWIMMING POOL WATER TO BE DISCHARGED ON THE PROPERTY WHERE COLLECTED. It is the duty of every owner of improved real property to take all reasonable steps to ensure that storm and swimming pool water collected on such owner's real property is discharged upon the collector's own property or to a storm sewer. This ordinance shall not be construed to impose any obligation to restrict the natural flow of water over the land, but rather, should be construed to require all owners of improved real property to take reasonable steps to ensure that downspouts, sump hoses and pool drains on their property do not create a water nuisance for their neighbors.

21.509 RAIN BARREL SYSTEMS

21.509.1 Type and Size

- a. The rain barrel unit, whether constructed or manufactured, may vary in style, but shall function as a collector of rooftop rain water for reuse purposes and be limited in use for water flowers, gardens, and grass; and
- b. The unit shall have a secure lid; and
- c. The unit's opening shall be protected by double screen; and
- d. The capacity or volume of the unit shall not exceed 55 gallons per barrel; and
- e. The unit shall have an overflow spout/hose affixed to the upper portion of it to allow release of excess water; and
- f. The unit must be maintained in a way so that the barrels are not a nuisance to other property owners (painted or sealed to protect the wood and maintain aesthetics, emptied regularly so as to not allow for mosquito breeding, etc.)

21.509.2 Location

- a. The unit can only be located in back or side yards; and
- b. Located a minimum of 12 feet from any adjacent property structures.
- c. There is a limit of two rain barrels for single or two family dwellings.
- d. There is a limit of four rain barrels for three family and more dwellings, commercial, etc.

21.509.3 General Requirements

- a. The unit's overflow spout/hose shall be directed in a manner as to not obstruct or drain upon a neighboring property; and
- b. The unit may be elevated by a concrete, wood, or brick platform, if required. The platform shall not exceed eight (8") inches to twelve (12") inches in height; and
- c. The unit shall not be connected directly to the gutter. A maximum five (5") inch air gap shall separate the gutter and the unit's lid to provide easy access to clean the screening and to prevent ice damming in the event the unit is not properly winterized.

21.601 MECHANICAL AND ELECTRICAL REQUIREMENTS

21.601.1 Scope – The provisions of Sections 21.601.1 through 21.607.1 shall govern the minimum mechanical and electrical facilities and equipment to be provided.

21.601.2 Responsibility – The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. No person shall occupy or permit another to occupy any premises which does not comply with the requirements of Sections 21.601.1 through 21.607.1.

21.602.1 Facilities required – Heating facilities shall be provided in structures as required by this section.

21.602.2 Residential occupancies – Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 67 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the Wisconsin Uniform dwelling Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

21.602.3 Heat supply – Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 21st to June 21st to maintain a temperature of not less than 65 degrees F in all habitable rooms, bathrooms and toilet rooms.

Exception – When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Wisconsin Uniform Dwelling Code.

21.602.4 Occupiable work spaces – Indoor occupiable work spaces shall be supplied with heat during the period from September 21st to June 21st to maintain a temperature of not less than 67 degrees F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

CITY OF SOUTH MILWAUKEE

21-35

21.603.6

21.602.5 Room temperature measurement – The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

21.603 MECHANICAL REQUIREMENTS

21.603.1 Mechanical appliances – All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

21.603.2 Removal of combustion products – All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

21.603.3 Clearances – All required clearances to combustible materials shall be maintained.

21.603.4 Safety controls – All safety controls for fuel-burning equipment shall be maintained in effective operation.

21.603.5 Combustion air – A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

21.603.6 Energy conservation devices – Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

21.604 ELECTRICAL FACILITIES & EQUIPMENT

21.604.1 Facilities required – Every occupied building shall be provided with an electrical system in compliance with the requirements of this sections and Section 21.605.

21.604.2 Service – The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Wisconsin Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

21.605.1 Installation – All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner in compliance with the South Milwaukee Electrical Code.

21.605.2 Receptacles – Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

21.605.2a Outlet requirements – Electrical outlets shall be operational and correctly wired. The following are minimum outlet requirements. These minimums may be reduced by the Building Inspector when he deems such reduction will not jeopardize the safety of the occupants.

- a. Kitchens: Countertop spaces shall be supplied with a minimum of one outlet for every separate counter surface.
- b. Bathrooms: Bathrooms shall be supplied with a minimum of one outlet.
- c. Bedrooms: A minimum of two outlets per 100 square feet of floor area, excluding closets, is required.
- d. Other habitable rooms: Habitable rooms, except as indicated above, shall have a minimum of two outlets per 150 square feet of floor area.

21.605.3 Lighting fixtures shall be placed to comply with Section 21.402.1.a.

21.606 ELEVATORS, ESCALATORS AND DUMBWAITERS

21.606.1 General – Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

21.606.2 Elevators – In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception – Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

21.607 DUCT SYSTEMS.

Duct Systems shall be maintained free of obstructions and shall be capable of performing the required function.

21.701 FIRE SAFETY REQUIREMENTS

21.701.1 Scope - The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

L

21.701.2 Responsibility – The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

21.702 MEANS OF EGRESS

21.702 Enforcement of Development Agreements – When any development agreement between an owner of property and the City requires the owner or developer to perform certain work or maintenance of the premises, in the event the developer fails to perform the work or maintenance, the City may perform the work or maintenance and such work shall be deemed a special benefit to the property and the cost thereof shall be collected by special charge in the event the owner or developer fails to pay the cost thereof promptly on being invoiced for the cost of the work. Created 4/5/06, 1908

21.702.1 General – A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

21.702.2 Aisles – The required width of aisles shall be unobstructed.

21.702.3 Locked doors – All means of egress doors shall be readily opened from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Wisconsin State Building Code*.

CITY OF SOUTH MILWAUKEE

21-38

21.702.4

21.702.4 Emergency escape openings – Required emergency escape and rescue openings shall be operational from the inside grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the *Wisconsin State Building Code* and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 21.704.

21.702.5 Opening protectives – Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

21.704 Fire Prevention – In addition to any requirements which may be applicable by virtue of Chapter 27 of the Municipal Code, the following requirements must be complied with to prevent the spread of fire:

21.702.1 Smoke detectors: Smoke detectors shall be required in areas used for sleeping. At least one smoke detector, hardwired or battery operated, per level is required.

21.704.2 Fire separation: Common walls of dwelling units and attached garages shall have a fire rating of ¾ hour.

21.704.3 Common doors of dwelling units and attached garages shall have a fire rating of 20 minutes. Structures within ten feet of a dwelling unit must have a one-hour separation rating.

/////