

5. Minimum Housing Ordinance

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5.01 Title.

- (1) This Ordinance shall be known as the Minimum Housing Ordinance.

5.02 Intent and Purpose.

- (1) This Ordinance is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Town of Medina and environs. This includes, among others, physical, aesthetic, and monetary values.
- (2) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.
- (3) This ordinance does not cover buildings, structures or land being used exclusively for agricultural purposes.

5.03 Rules and Definitions.

- (1) **Rules.** In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
 - a) Words used in the present tense shall include the future.
 - b) Words used in the singular number shall include the plural number, and the plural the singular.
 - c) The word "shall" is mandatory and not discretionary.
 - d) The word "may" is permissive.
 - e) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (2) **Definitions.** The following definitions shall be applicable in this Ordinance:
 - a) **Adequate** — "Adequate" shall mean adequate as determined by the Building Inspector, or his/her designee, under the regulations of this Ordinance or adequate as determined by an authority designated by law or this Ordinance. "Adequately" shall mean the same as adequate.
 - b) **Apartment**— "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
 - c) **Approved**— "Approved" shall mean approved by the Building Inspector, or his/her designee, under the regulations of this Ordinance or approved by an authority designated by law or this Ordinance.
 - d) **Attractive Appearance** — "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the Town and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
 - e) **Basement** — "Basement" shall mean 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.
 - f) **Boarding House** — See "Lodging House" and "Lodging Room."
 - g) **Building** — "Building" means a combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Ordinance, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
 - h) **Capacity in Persons** — The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Ordinance.

- i) **Cellar** — "Cellar" shall mean a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to ceiling height below the average grade of the adjoining ground.
- j) **Dwelling** — "Dwelling" is a place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- k) **Dwelling Unit** — "Dwelling Unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- l) **Extermination** — "Extermination" shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
- m) **Family**— A "family" is an individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants.
- n) **Good Working Condition** — "Good working condition" shall mean capable of performing the task for which it was designed and, in the manner, intended by this Ordinance.
- o) **Habitable Space** — "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- p) **Impervious to Water** — "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- q) **Infestation** — "Infestation" means the sustained presence of household pests, vermin, or rodents.
- r) **Living Room** — "Living room" shall mean a room used primarily for living, dining, or cooking purposes.
- s) **Lodging House** — "Lodging house" is a dwelling containing lodging rooms that will accommodate three (3) or more persons not members of a family.
- t) **Lodging Room** — "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.
- u) **Mixed Occupancy** — "Mixed occupancy" shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- v) **Occupant** — "Occupant" means one who occupies or has actual possession of usable space.
- w) **Operator** — "Operator" shall mean any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- x) **Owner** — The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Town, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the

representative, officer, agent, or other person having the ownership, control, custody, or management of any building.

- y) **Person** — A "person" shall mean and include any individual, firm, corporation, association, or partnership.
- z) **Properly** — "Properly" shall mean as deemed proper by the Building Inspector, or his/her designee, under the regulations of this Ordinance or deemed proper by an authority designated by law or this Ordinance.
- 1a) **Provided** — "Provided" shall mean furnished, supplied, paid for or under control of the owner.
- 1b) **Residential Building** — A "residential building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:
 - a. Single-family dwelling.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Lodging houses.
 - e. Fraternity and sorority houses.

(For the purpose of this Ordinance, any building containing any of the above uses together with other uses shall be considered a residential building.)
- 1c) **Rooming House** — See "Lodging House" and "Lodging Room."
- 1d) **Sleeping Room** — A "sleeping room" shall mean a room used for sleeping purposes.
- 1e) **Structure** — "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- 1f) **Supplied** — "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

5.04 Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service.

- (1) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage and other refuse, safe means of egress, provision of light, air, heat, and electrical service.
- (2) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

- a) **Basic Plumbing Requirements.** Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold-water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in the State Plumbing Code.
- b) **Water Heating Facilities.** Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
- c) **Refuse Disposal.** The owner of every residential building shall be responsible for proper garbage and refuse disposal, the type and location of which is approved by the Town.
- d) **Egress.** Every dwelling unit and lodging room shall have direct access to at least one (1) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street, except as provided in Section 5.06(4). Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum size of three (3) feet by four (4) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in the Wisconsin Administrative Code. Existing variances to the height limitations specified above may be approved by the Town Board, provided the platforms or stairs are maintained in a sound structural condition.
- e) **Plumbing.** Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each eight (8) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Town Board for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- f) **Windows and Ventilation.**
 1. Every living and sleeping room shall have available for natural light and ventilation in accordance with the applicable Wisconsin Administrative Code.

2. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. (where double pane windows exist.
3. In all non-owner-occupied dwelling units, where heat is not paid for by the landlord, all exterior doors and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15, but not later than November 15, annually, where double pane windows exist
4. Habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.

g) ***Electrical.***

1. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit.
2. Every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
3. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords, temporary wiring, and exposed abandoned wiring shall be removed.

h) ***Heating.***

1. All habitable rooms shall be provided with a permanently connected heating system in accordance with the applicable Wisconsin Administrative Code.
2. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit

shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind- chill factor. The outdoor temperature for the Town shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.

3. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

i) ***Lighting.***

1. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
2. Every residential building that will accommodate transients, four (4) or more families, or thirty (30) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" or "OUT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

- j) ***Cooking Areas Restricted.*** The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.

- k) ***Emergency Repairs.*** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall always be revised periodically to maintain accurate information.

5.05 Safe and Sanitary Maintenance of Property.

- (1) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Town and provide a suitable environment for increasing physical and monetary values.

- (2) **Maintenance Requirements.** Every owner or operator shall improve and maintain all

property under his/her control to comply with the following minimum requirements:

- a) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
 - b) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this ordinance. Where weed cutting is required, the Town shall arrange for said weed cutting and process the charge therefor as a special charge against the benefitted property excluding CRP Land.
 - c) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation.
 - d) **Fences, Walks, Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings.
 - e) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - f) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items.
- (3) **General Requirements.**
- a) Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

- b) Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to ensure that it safely and properly removes the products of combustion from the building.
 - c) Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.
- (4) ***Windows and Doors.***
- a) Every window, exterior door, interior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
 - b) Each main entrance door into a non-owner-occupied dwelling unit shall contain an approved door viewer, except where a window in the door, or a window immediately adjacent to the doorway, provides a clear view of the entrance.
 - c) All doors into each dwelling unit shall be equipped with door hinges so arranged as to be inside the dwelling unit or with approved locking pin hinges.
 - d) All doors into each dwelling unit shall have a keyed deadbolt lock with a minimum one (1) inch throw, which is openable with a key on the exterior side of the door and a knob on the interior side of the door. The strike plate shall be held in place by two and one-half (2-1/2) inch screws. Patio doors shall have an approved secondary locking device [i.e., locking pins or two by four's (2 x 4's) of proper length].
 - e) All basement, first, and second story windows and all other windows accessible by balconies, fire escapes, trees, or other existing means shall be provided with sash fasteners.
 - f) All double-hung and sliding windows and doors below the second story and all other double-hung and sliding windows accessible by balconies, fire escapes, trees or other existing means shall be equipped with approved window ventilating sash fasteners to allow each window to be located at one (1) to five (5) inches open. Such window ventilating bolts or locks shall be movable to permit the window to be fully opened from the inside of the dwelling unit.
 - g) Alternative locking devices to equally resist illegal entry may be substituted with the approval of the Town Board.
- (5) ***Stairs.***
- a) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance.

All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.

- (6) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- a) **Bathrooms.** Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (7) **Supplied Facilities.**
- a) Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
- b) The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
- c) It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (8) **Equipment Removal Restricted.** No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Ordinance to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
- (9) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building. However, abandoned fuel oil tanks may remain in the building providing:
- a) All fuel oil is removed from the tank.
- b) The tank fill piping is removed, and the tank openings plugged with pipe fittings.
- c) The oil supply line is removed, and the opening is plugged with pipe fittings.
- d) The tank vent remains connected and terminates outside the building at least two (2) feet above grade.

- (10) **Removal of Debris.**

- a) No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Town, except at approved disposal sites.
- b) No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his/her land for a period of more than ten (10) days.

5.06 Quantity, Location, and Use of Space In Residential Buildings.

- (1) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (2) **Size of Dwellings and Rooms.**
 - a) ***Detached Single-Family Dwellings.*** Every detached single-family dwelling other than a manufactured home shall have at least five hundred (500) square feet of floor area on the first-floor level.
 - b) ***Size of Rooms.***
 - i. **Apartments.** The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first Occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - ii. **Lodging Rooms.** The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
 - c) ***Excluded Spaces.*** The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
 - d) ***Hallways.*** Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
 - e) ***Cellar Space.*** No cellar space shall be used as a sleeping room.
 - f) ***Basement Use as a Sleeping Area.*** No basement space shall be used for a sleeping room unless:
 - i. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - ii. The total window area in each room is equal to at least the minimum window area as required in the applicable Wisconsin Administrative Code.
 - iii. The total of openable window area in each room is equal to at least the minimum as required in the Wisconsin Administrative Code.

5.07 Fixing the Responsibility of Owners, Operators and Occupants.

- (1) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings and structures.
- (2) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings and structures is as follows:
 - a) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
 - b) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall properly dispose of all his/her refuse and garbage in the containers required by Section 5.04(b)(3).
 - c) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Ordinance.
 - d) Every owner of a residential building shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.
 - e) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 - f) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Ordinance and the occupancy is limited to the maximum permitted thereby.
 - g) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.
 - h) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

5.08 Inspection/Authority.

- (1) The Building Inspector, or his/her designee, is authorized by the Town and empowered to inspect all residential buildings within the Town, for determining whether or not said residential buildings comply with the requirements of this Ordinance. If any owner or occupant denies the

Building Inspector, or his/her designee, entry into any residential building or portion thereof, the Building Inspector, or his/her designee, is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.

- (2) No owner of a residential building may deny the Building Inspector, or his/her designee, or the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

5.09 Designation of Unfit Dwellings and Legal Procedure Therefore.

- (1) The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:
- a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector, or his/her designee:
 - i. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
 - ii. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - iii. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
 - (2) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector, or his/her designee.
 - (3) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Building Inspector, or his/her designee. The Building Inspector, or his/her designee, shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
 - (4) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placards as such, except as herein provided.
 - (5) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Building Inspector, or his/her designee, under the procedure set forth in Section 5.10.

5.10 Enforcement, Service of Notices and Orders and Hearings.

- (1) Whenever the Building Inspector, or his/her designee, determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or of any rule or regulation, adopted pursuant thereto, he shall give notice of such to the person or persons responsible therefor as hereinafter provided. Such notice shall:
- a) Be in writing.
 - b) Include a statement of the reasons why it is being issued.
 - c) Allow a reasonable time for the performance of any act it requires.
 - d) Be served upon the owner or his/her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by mail to his/her last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.
 - e) The above notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto.
- (2) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Ordinance, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.
- (3) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Town Board, or his/her designee, provided that such person shall file, in the office of the Town Board, or his/her designee, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Town Board, or his/her designee, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed.
- Upon application of the petitioner, the Town Board, or his/her designee, may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his/her judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (4) Following such hearing, the Town Board, or his/her designee, shall sustain, modify, or withdraw the notice, depending upon his/her findings as to whether the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the Town Board, or

his/her designee, sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Town Board, or his/her designee, within thirty (30) days after such notice is served. Following a hearing in the case of any notice suspending any permit required for this Ordinance or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Town Board, or his/her designee, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Town Board, or his/her designee, within thirty days (30) days after such notice is served.

- (5) The proceedings at such hearing, including the findings and decision of the Building Inspector, or his/her designee, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector, or his/her designee, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (6) Whenever the Building Inspector, or his/her designee, finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector, or his/her designee, shall be afforded a hearing as soon as possible.
After such hearing, depending upon his/her findings as to whether the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector, or his/her designee, shall continue such order in effect, or modify it, or revoke it.

EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Town Board Approval.

This ordinance was adopted on this _____ day of _____, 20_____

APPROVED BY:

Town Chairman

Town Supervisor

Town Supervisor

Town Supervisor

Town Supervisor

ATTESTED BY:

Town Clerk

Public Notice.

Public Review. A notice was published in The Courier Newspaper on _____, 20_____ and _____, 20_____, was posted on the Town website; townofmedina.org, at _____ and _____, to inform residents that a copy of this Town Ordinance was on file with the Town Clerk for a two week period, _____, 20____ through _____, 20____, during which it was available for inspection.