

Ordinance 1-17-18

**Town of Saratoga
Housing Standards**

1. Title.

This Ordinance shall be known and may be cited and referred to as the "Town of Saratoga Housing Code."

2. Purpose.

The purpose of this code is to protect the health, safety and welfare of the people of the Town by establishing minimum housing standards and eliminating and preventing the development of slum conditions, determining and establishing the responsibilities of owners and occupants of residential buildings and providing for administrative enforcement and penalties.

3. Statutory Authority.

The Town of Saratoga's statutory authority to adopt and enforce standards regarding dwellings and the health, safety, and the welfare of the people of the Town are set forth in Wisconsin Statutes 62, 66, and 823.

3. Applicability.

A. General. The provisions of this ordinance shall apply to all buildings or portions thereof used, designed, or intended to be used, for human habitation. Such occupancies and uses in existing dwellings may be continued if such use or occupancy was legal at the time of adoption of this code, provided that such structures are not substandard and the use is not dangerous to life. The decision of the Building Inspector shall be subject to appeal to the Board of Zoning Appeals, as herein provided. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

B. Alterations and relocations. Existing dwellings which are altered or enlarged shall conform to this code insofar as new work is concerned and in accordance with the provisions of Town of Saratoga Building Code. Existing buildings which are moved or relocated shall be considered new buildings and shall comply with all the requirements of this standard and the Town of Saratoga Building Code..

4. Definitions. Certain words or terms in this ordinance are defined as follows:

APPROVED — Approved by the Building Inspector appointed to enforce the provisions of this ordinance.

BASEMENT — A portion of a building located partly or wholly underground and having 1/2 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR — A portion of a building located partly underground but not having less than 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING — Any building or structure, or part thereof, which is used or intended to be used for human habitation.

DWELLING UNIT — A room or group of rooms, or part thereof, located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping and cooking.

EXTERMINATION — The control or elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; by blocking their access to a dwelling; or by any other recognized and legal pest elimination methods.

FIRST STORY — That story of a dwelling at or next above the average grade of adjoining ground.

FUEL -BURNING APPLIANCE — A device that is installed in a dwelling, which burns fossil fuel or carbon-based fuel, and produces carbon monoxide as a combustion by-product.

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

HABITABLE ROOM — A room or enclosed floor space used or intended to be used for sleeping, living, or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

HOT WATER — “Hot Water” means water at a temperature of 110° F. or more.

INFESTATION — The presence within or around a dwelling, or in or near waste disposal containers, of any insects, rodents or other pests.

MULTIPLE DWELLING — Any dwelling containing more than two dwelling units.

NUISANCE — Is anything listed, defined, or described in the Town of Saratoga ordinance “Defining and Prohibiting Public Nuisances”, which is incorporated by reference. For the purpose of this ordinance, the following conditions shall also be considered a nuisance:

- A. Overcrowding a room with occupants.
- B. Insufficient ventilation or illumination.
- C. Unsanitary sewer or inadequate fixtures.
- D. Uncleanliness
- F. Infestation by insects, rodents, or other pests

OCCUPANT — Any person living, sleeping cooking or eating in or having possession or use of a dwelling unit.

OPERATOR — Any legally responsible person who has charge, care or control of a building, or part thereof, in which dwelling units are leased or let.

ORDINARY MINIMUM WINTER CONDITIONS — A temperature of 15° F. above the lowest recorded temperature for the previous ten-year period.

OWNER — Any legally responsible person who, alone or jointly or severally with others:

- A. Has legal title to any dwelling, with or without actual possession thereof; or
- B. Has charge, care or control of any dwelling as owner or agent of the owner, or as personal representative, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

PLUMBING — “Plumbing” has the meaning specified under s. 145, Stats. All piping, fixtures, appliances equipment, devices, and appurtenances

PREMISES — Includes any part of a dwelling or building and its land.

RAZE a building — demolish and remove the building and to restore the site to a dust-free and erosion-free condition.

RAZE ORDER — The governing body, building inspector or other designated officer of the municipality may order a building to be removed

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

SUBSTANDARD BUILDING — Any building, or portion thereof, used for human habitation which does not comply with this ordinance.

SUPPLIED — Paid for, arranged, furnished or provided by or under control of the owner or operator.

5. Compliance required.

No person shall occupy or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this ordinance.

6. Sanitation.

- A. To fulfill the basic needs of sanitation and personal hygiene, each dwelling connected to a private onsite waste treatment system (POWTS) shall be provided with a least the following plumbing fixtures:

(1) Every dwelling unit shall contain the following:

- (a) one kitchen sink in good working condition, properly connected to an approved water and sewer system.

- (b) one water closet
 - (c) one wash basin
 - (d) one bathtub or shower
- (2) No water closet shall be of the flush hopper, frost proof hopper, privy or similar type where a sewer system is available to the property, and where no sewer is available such facilities shall be used only when approved by the Building Inspector.
- B. Floors and ventilation of bathrooms and water closets.
- (1) Rooms with toilets, tubs, or showers. Except for dwellings with no electrical service any room with a toilet, tub or shower shall be provided with exhaust ventilation as per SPS 321.05 of the Wisconsin Uniform Dwelling Code.
 - (2) For Dwellings with no electrical service, any room with a toilet, tub or shower shall be provided with an openable window.
 - (3) Every water closet compartment and bathroom shall have a flooring surface that is reasonably impervious to water and which can be easily kept in a clean and sanitary condition.
- C. Piped hot and cold running water.
- (1) Hot or tempered water shall be supplied to all plumbing fixtures that normally require hot or tempered water for proper use and function.
 - (2) Every dwelling shall have supplied water facilities which are properly installed and connected to waterlines maintained in safe and good working condition and of a sufficient capacity to supply an adequate amount of water at every required kitchen sink, lavatory basin, bathtub or shower.

7. Light, ventilation and heating.

A. Natural Light

- (1) Each habitable room shall be provided with natural light by means of glazed openings. The area of the glazed openings shall be at least 8% of the net floor area except: habitable rooms, other than bedrooms, located in basements or ground floors do not require natural light.

B. Ventilation

- (1) Natural Ventilation shall be provided to each habitable room by means of openable doors, skylights or windows. The net area of the openable doors, skylights or windows shall be at least 3.5% of the net floor area of the room.
- (2) Exhaust ventilation shall terminate outside the building.

- C. Electrical outlets. Every dwelling shall comply with the National Electric Code in regard to the installation of electrical outlets at the time of construction or remodel.
- D. Lighting. Exits and stairways in every dwelling shall be shall be adequately illuminated at all times.
- E. Heating facilities. Every dwelling shall have heating facilities which are properly installed and vented, are maintained in safe operating condition, and are capable of heating all of the dwelling unit therein to a temperature of at least 70° F. at a distance of three feet above floor level when the outside temperature is -20° F.

8. Floor space and general occupancy.

A. Floor space.

- (1) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant in addition to the floor area included in water closet compartments, bathrooms, halls or passageways.
 - (2) Every room occupied for sleeping purposed shall contain at least 70 square feet of floor space for one occupant or 50 square feet of floor space for each occupant if more than one.
 - (3) Every water closet compartment and bathroom shall have a flooring surface that is reasonably impervious to water and which can be easily kept in a clean and sanitary condition.
- B. Access to sleeping rooms. No dwelling unit shall be so located or arranged that access thereto requires passage through a habitable room of another dwelling unit.
 - C. Ceiling height of habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least 7 feet except a room may be less than 7 feet if 50% of the room's floor area has a ceiling height of at least 7 feet. Any area with a ceiling height of less than 5 feet may be ignored in this calculation.
 - D. Basement dwelling units. No basement space shall be used as living space unless it can meet the Uniform Dwelling Code specifications regarding construction, heating and cooling, and electrical.

9. Maintenance of dwellings and dwelling units.

A. Structural soundness.

- (1) All roofs, exterior walls and foundation shall be kept in good repair.
- (2) Openings. Window, doors and other exterior openings shall be weathertight and kept in good repair.
- (3) Stairs and porches. Every inside and outside stairway, hand rails and guards, and elevated areas shall be so constructed as to safely support the designed load and shall be kept in safe condition and good repair at all times.

(4) Handrails. A flight of stairs of more than three risers must be provided with at least one handrail of height corresponding to the Uniform Dwelling Code requirements.

- B. Mechanical soundness of plumbing. All plumbing shall be properly installed and maintained in sanitary condition free from defects, leaks and obstructions.
- C. Exits. Every dwelling unit shall have a safe, unobstructed means of egress leading to safe and open space at ground level, as required by the Uniform Dwelling Code and the provisions of this ordinance.
- D. Exterior wood surfaces. All exterior wood surfaces shall be protected from the elements.

10. Smoke and Carbon Monoxide detectors required.

- A. One- and two-family units. A listed and labeled multiple-station smoke alarm with battery backup shall be in the following locations: outside the “bank” of bedrooms (within 21’ of the centerline of the bedroom door), in each bedroom, on each floor level in a common area.
- B. Multifamily dwellings. The requirements for installing and maintaining smoke detectors set forth in Subsection A above shall be required in multifamily dwellings. In addition, the owner of any multifamily dwelling shall install and maintain a smoke alarm in the common hallway on every floor.
- C. In a dwelling with a fuel-burning appliance is present a carbon monoxide detector shall be located on each level.

11. Cleanliness; garbage and trash disposal.

- A. Garbage removal The owner shall make arrangements for prompt removal of garbage and rubbish.
- B. Extermination of pests. The owner shall be responsible for removal of insects, rodents and other pests.

13. Emergency discontinuance of service or utilities.

No owner, operator or occupant shall cause any service, facility, equipment or utility to be removed from or shut off or discontinued in any occupied dwelling unit, except for such temporary emergencies when discontinuance of service is approved by the Town of Saratoga. Upon the discontinuance of gas and electric service for cause by a public utility company or upon discontinuance of any municipal or other service for cause, the Town representative shall be notified and shall thereupon take immediate steps to have the responsible person correct conditions leading to such discontinuance of services. This section shall not be construed to prevent the cessation or discontinuance of any such service upon order of the Town of Saratoga or any other authorized officials.

14. Dangerous dwellings.

- A. Dangerous dwellings razed. All dwellings or parts thereof which have any of the following defects shall be deemed dangerous dwellings and shall be condemned as unfit for human habitation:
- B. 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, order the owner of the building to raze the building or, if the building can be made safe by reasonable repairs, the town or it's representative will order the owner to either make the building safe and sanitary or to raze the building, at the owner's option.
- C. Declaration of nuisance and orders.
 - (1) All dangerous dwellings or parts thereof within the terms of this chapter are hereby declared to be public nuisances and shall be vacated and repaired or demolished in accordance with the provisions of 66, stats.
 - (2) In any case where a dangerous dwelling is 50% or more damaged or decayed or deteriorated from its original structure, or where it cannot be repaired so as to comply with the terms of this chapter, it shall be ordered vacated and demolished in accordance with the provisions of 66, stats.

15. Inspections; right of entry.

- A. The Building Inspector shall make inspections to determine the condition of dwellings, dwelling units and premises located within the Town in order to safeguard the health and safety of the occupants of such dwellings and of the general public. For this purpose and upon showing proper identification, the Building Inspector may enter, examine and survey at any reasonable hour all dwellings, dwelling units and premises, and the owner, occupant or the person in charge thereof shall give the Inspector free access thereto for the purpose of such inspection.
- B. Every occupant of a dwelling shall give the owner thereof or his agent or employee access to any part of such dwelling or its premises at any reasonable hour for the purpose of making any repairs or alterations which are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.
- C. No officer, agent or employee of the Town shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Town as a result of the proper discharge of his duties under this chapter shall be defended by the Town Attorney until final determination of the proceedings therein.

16. Enforcement.

- A. Notice of violation.
 - (1) Whenever the Building Inspector determines that there has been a violation of this ordinance, the Town shall notify the person or persons responsible of

such violation, and order compliance with this ordinance as hereinafter provided.

- (a) Such notice and order shall be in writing on an appropriate form and shall include the following:
 - [1] A list of violations with reference to the section of this ordinance violated and an order as to the remedial action required to effect compliance with this ordinance.
 - [2] Specification of a reasonable time for compliance.
 - [3] Advice concerning the procedure for appeal.
 - (b) Such notice and order shall be served upon the owner, occupant or agent in person; provided, however, that the notice and order shall be deemed to be properly served if such owner, occupant or agent is sent a copy thereof by registered mail to his last known address and a copy is posted in a conspicuous place in or on the dwelling affected.
- (2) Whenever the Building Inspector determines that a dwelling is a dangerous dwelling, as defined in 66, stats, the Building Inspector shall:
- (a) Affix upon the door or entrance to such dwelling a printed placard declaring that such dwelling is unfit for human habitation and is ordered vacated. No person shall deface or remove such placard from any dwelling which has been condemned as unfit for human habitation and placarded as such. The Building Inspector shall remove the placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
 - (b) Serve notice, as provided herein, to the owner and occupant or lessee of any building found by him to be a dangerous dwelling within the standards set forth in 66, stats that:
 - [1] The owner must vacate and repair or demolish said building in accordance with the terms of the notice and this ordinance.
 - [2] The occupant or lessee must vacate said building or, with the consent of the owner, may have it repaired in accordance with the notice and order and remain in possession.

B. Hearings.

- (1) Any person affected by a notice and order issued in connection with the enforcement of this chapter may request and shall be granted a hearing on the matter before the Board of Zoning Appeals, provided that such person shall file in the office of the Building Inspector a written petition requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within 30 days after the date the notice and order are served. Upon receipt of the petition, the Building Inspector shall set a time and place for hearing before the Board of Zoning Appeals and shall give the petitioner written notice thereof. Said hearing shall be held within 30 days after a petition has been filed, and the petitioner shall be given an opportunity

to be heard and to show cause why the notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and to state his case at such hearing shall have the same effect as if no petition were filed.

- (2) After the hearing, the Board of Zoning Appeals, by a majority vote, shall sustain, modify or withdraw the notice, depending on its findings as to whether the provisions of this chapter have been complied with, and the petitioner and the Building Inspector shall be notified within 10 days, in writing, of such findings.
- (3) The proceedings of the hearing, including the findings and decision of the Board of Zoning Appeals and the reasons therefor, shall be summarized in writing and entered as a matter of public record in the office of the Building Inspector. Such record shall also include a copy of every notice and order issued in connection with the case.

C. Orders to vacate.

- (1) When a notice of violation and order to comply have been served pursuant to this ordinance and, upon re-inspection at the end of the time specified for compliance, and if no petition for a hearing has been filed, it is found that the violation or violations have not been remedied, the Building Inspector may order the dwelling, or parts thereof affected by the continued violations, vacated in accordance with the following procedure:
 - (a) Dwellings shall be vacated within a reasonable time, not to exceed 60 days.
 - (b) Vacated dwellings shall have all outer doors firmly locked and basement, cellar and first-and second-story windows barred or boarded to prevent entry.
 - (c) Vacated dwellings shall not again be used for human habitation until written approval is secured from the Building Inspector.
- (2) If a dwelling or part thereof is not vacated within the time specified in the order to vacate, the Building Inspector shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or part thereof.

D. Emergency order. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the health and safety of the residents or of the public, the Building Inspector may issue an order so stating, and notwithstanding any other provision of this chapter such order shall take effect and shall be complied with immediately. Upon petition to the Board of Zoning Appeals, the petitioner shall be afforded a hearing pursuant to Subsection B above.

E. Vacation and demolition.

- (1) If the owner, occupant or lessee fails to comply with the order of the Building Inspector or the action of the Board of Zoning Appeals after hearing, the Building Inspector shall cause such dwelling or part thereof to be vacated and repaired or demolished as the facts may warrant and shall, with the assistance of the Town Attorney, cause the costs of such repair or demolition to be charged against the land

on which the building existed as a municipal lien or to be recovered in a suit against the owner.

- (3) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous dwelling, as defined herein, is immediately vacated and repaired or demolished, the Building Inspector shall cause its immediate vacation and repair or demolition. The costs of such emergency repair or demolition shall be collected in the same manner as provided in Subsection E (1) above.

17. Duties of Board of Zoning Appeals.

For the purpose of this chapter, the Board of Zoning Appeals shall:

- A. Adopt rules of procedure consistent with this ordinance and keep a record of all proceedings, including the vote of each member on each case heard. No member of the Board shall take part in any hearing or determination in which he has directly or indirectly any personal or financial interest.
- B. Interpret the intent of this ordinance in specific cases where, upon appeal, it clearly appears that, by reason of special conditions, undue hardship would result from literal application of any section of this ordinance. Where such undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section, provided that the dwelling will vary only a reasonable minimum from the literal provision of this ordinance and will comply generally with the spirit and intent of the regulations as to sanitation, safety, and rehabilitation. Any such variance shall be permitted only by a majority vote of two members of the Board.

18. Violations and penalties.

1. First Offense/Penalty:

Any person who shall violate this ordinance, shall, upon conviction thereof, forfeit not less than \$50.00 and no more than \$200.00 together with the cost of prosecution.

2. Second and subsequent Offenses/Penalty:

Any person guilty of violating this ordinance or any part of this ordinance who was previously convicted of violation of the same ordinance shall upon conviction thereof forfeit not less than \$100.00 nor more than \$400.00 for each such offense, together with the costs of prosecution.

3. Each day of violation of this ordinance shall constitute a separate offense.

4. This Ordinance may be enforced by the citation procedure as authorized by Town of Saratogrdinance "Relating to Issuance of Citations for Violations of Town Ordinances", or future amendments.

19. Severability.

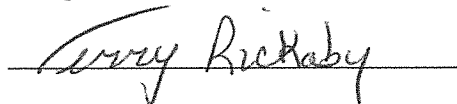
If any section, clause, provision or portion of the ordinance is declared unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.

20. Effective Date

This Ordinance is effective on publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 17th day of January, 2018.



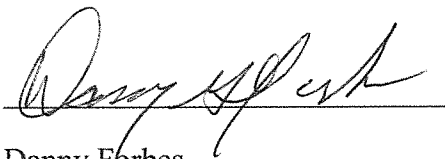
Terry Rickaby
Chairman



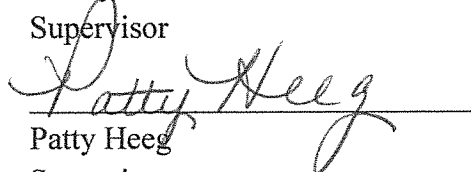
John Frank
Supervisor



Douglas Passineau
Supervisor



Danny Forbes
Supervisor



Patty Heeg
Supervisor



Heidi Kawleski
Clerk