

**CHAPTER 27
FAIR HOUSING AND
PROPERTY MAINTENANCE**

[Cr. 91-39, Eff. 12-19-91; Title Am. 21-005, Eff. 4-16-21]

27.01	Title	27-1
27.02	Declaration of Policy and Finding	27-1
27.03	Rules and Definitions	27-2
27.04	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service.....	27-5
27.05	Safe and Sanitary Maintenance of Property	27-9
27.051	Planned Natural Landscaping.....	27-12
	[Cr. 16-15, Eff. 06-17-16]	
27.06	Fixing the Responsibility of Owners, Operators, and Occupants	27-13
27.07	Designation of Unfit Buildings or Structures and Legal Procedures of Repair or Razing	27-14
27.08	Administration and Enforcement	27-15
27.09	[Repealed 96-41, Eff. 10-21-96]	27-16
27.10	Severability	27-16
27.11	Abrogation and Greater Restrictions	27-16
27.12	Interpretation	27-16

27.01 DECLARATION OF POLICY AND FINDINGS. The Village Board finds that:

(2) Wisconsin law prohibits discrimination in housing on the basis of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry and it is the duty of the Village government to assist in the prevention or removal of discrimination in housing within the Village.

(3) There may now be, or may in the future be, residential and nonresidential buildings, structures, yards or vacant areas 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 property maintenance standards is necessary to preserve and promote the private and public interest of the community.

[Am. 21-005, Eff. 4-16-21]

27.02 FAIR HOUSING.

(1) **STATE STATUTES ADOPTED.** Section 106.50 of the Wisconsin Statutes prohibiting discrimination in housing is adopted by herein by reference.

(2) **ENFORCEMENT.** The officials and employees of the Village of DeForest shall assist in the orderly prevention and removal of all discrimination in housing within the Village by implementing the authority and enforcement procedures set forth in §106.50, Wis. Stats, as amended. The Village Clerk shall maintain forms for complaints to be filed under §106.50, Wis. Stats., as amended, and shall assist any person alleging a violation thereof in the Village to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement. [Am. 21-005, Eff. 4-16-21]

27.03 RULES AND DEFINITIONS.

(1) **RULES:** In the construction of this chapter, 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

(a) Adequate. "Adequate" shall mean adequate as determined by the Administrative Officer under the regulations of this chapter or adequate as determined by an authority designated by law or this chapter. "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 Administrative Officer under the regulations of this chapter or approved by an authority designated by law or this chapter.

(d) Attractive Appearance. "Attractive appearance" refers to the exterior appearance of buildings, structures, stairs, porches, and similar appurtenances and the improvement, planting and landscaping of yards and vacant areas. The determination of "attractive" used herein shall be as determined by the Administrative Officer under the regulations of this chapter or as determined by an authority designated by law or this chapter.

(e) Basement. "Basement" means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling.

(f) Boarding House: See Lodging House and Lodging Room.

(g) Building. "Building" means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, education, high hazard, industrial, institutional, mercantile, residential, or storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this CODE 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 the DeForest Municipal Code or by the DeForest Area Fire Chief.

(i) Compliance Inspection. An inspection performed in conjunction with a lawful order of the Chairperson of the DeForest Planning and Zoning Commission, Village Administrator or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

(j) Cooperative Living Arrangement. A "cooperative living arrangement" shall mean a collective number of individuals connected by membership in a cooperative, who equally share ownership, occupancy and control of a dwelling and who live, cook and share expenses as a bona fide single housekeeping unit. For the purposes of determining the applicability of the Village of DeForest Municipal Code relating to construction and maintenance of buildings, a building occupied by a cooperative living arrangement shall be construed to be a lodging house and shall meet all the requirements of same, except where an exception is explicitly provided in the ordinances.

(k) Dwelling. "Dwelling" is a place of abode, a residence or house for use by one (1) or more persons, excluding hotels or motels.

(l) 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.

(m) 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.

(n) 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 and not more than four (4) roomers, except that the term family shall not, in R1, R2, R2A, R3, and R4 residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

(o) Friable Material. "Friable material" shall mean any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

(p) 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 code.

(q) Habitable Space. "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living or dining purposes.

(r) 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, and not having more than four and one-half percent (4 1/2%) absorption by test.

(s) Infestation. "Infestation" means the sustained presence of household pests, vermin or rodents.

(t) Living Room. "Living room" shall mean a room used primarily for living, dining or cooking purposes.

(u) Lodging House. "Lodging house" is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.

(v) Lodging Room. "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

(w) 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.

(x) Occupant. "Occupant" means one who occupies or has actual possession of usable space.

(y) 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.

(z) Owner. The term "owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the country, the village, any sewer district, drainage district, the University of Wisconsin and any associated corporation or organization, and any other public or quasi-public corporation having a legal or equitable 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. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

(aa) Person. A "person" shall mean and include any individual, firm, corporation, association or partnership.

(bb) Properly. "Properly" shall mean as deemed proper by the Administrative Officer under the regulations of this chapter or deemed proper by an authority designated by law of this chapter.

(cc) Provided. "Provided" shall mean furnished, supplied, paid for or under control of the owner.

(dd) 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:

1. Single-family detached dwellings.
2. Two-family detached dwellings.
3. Multiple-family dwellings (including apartment hotels).
4. Lodging houses.
5. Fraternity and sorority houses.

For the purpose of this chapter, any building containing any of the above uses together with other uses shall be considered a residential building.

(ee) Room. A "room" is a partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

(ff) Rooming House. See Lodging House and Lodging Room.

(gg) Sleeping Room. A "sleeping room" shall mean a room used for sleeping purposes.

(hh) 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.

(ii) Supplied. "Supplied" shall mean paid for, furnished, provided by or under control of, the owner or operator.

27.04 MINIMUM STANDARDS FOR BASIC EQUIPMENT, LIGHTING, VENTILATION, HEATING AND ELECTRICAL SERVICE.

(1) The purpose of this subsection 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, recyclables, and other refuse, safe means of egress, provision of light, air, heat and electrical service.

(2) No person shall occupy as an 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) 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 municipal water and sewer system. The flush water closet and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Wis. Admin. Code sec. Comm. 82.40.

(b) Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working conditions, 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 ten (110) degrees Fahrenheit.

(c) The owner of every residential building shall be responsible for supplying such building with garbage, recycling and refuse storage as required in Chapter 22, "Village of DeForest Solid Waste Ordinance," Village of DeForest Municipal Code.

(d) Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street. 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 area of fourteen (14) square feet within a minimum dimension of three (3) feet.

All stairways and platforms shall be protected with handrails and guardrails as specified in Wis. Admin. Code secs. Comm. 21.04(3) or Comm. 51.161 and Comm. 51.162 as dictated by the type of occupancy in the building. Existing variances to the height limitations specified above may be approved by the DeForest Planning and Zoning Commission and the Village Board provided platforms or stairs are maintained in a sound structural condition.

(e) Each lodging house shall provide at least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to an approved municipal water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein including members of the operator's family wherever they share use of said facilities, except that the required number of bathtubs or showers may be reduced by the Building Board of Examiners and Appeals 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) Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Comm. 21.05 or Comm. 57.13 as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with Comm. Codes may remain in use with the granting of a variance by the Planning and Zoning Commission and the Village Board.

Exhaust ventilation shall be installed in all toilet rooms except those having only one (1) fixture (water closet or one urinal) and 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. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.

All doors and windows shall be protected with insect screens equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, annually during May before June 1 and maintained until storm windows are installed in autumn.

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 no later than November 15 annually.

(g) Electrical. 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 condition, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electric Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purpose 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 amp/capacity of the smallest wire size in the circuit.

1. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area (air conditioners, ranges, space heaters and motor drive equipment 1/8 hp. or over excluded).
2. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at center of room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for ceiling or wall fixture in dining room.)
3. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves.)

Living Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

Dining Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

Kitchen - 1 per 8 ft. or fraction of counter top and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work

areas require one for each 8 ft. or less of length. Separate outlets shall be provided for refrigerators.

Dining Areas in Kitchen - 1 per 75 sq. ft. or major fraction.

Bedroom - 1 per 75 sq. ft. or major fraction (minimum of 2).

Laundry - 1 (when laundry equipment is present.)

Bathrooms and Lavatories - 1 (may be part of wall fixture if 72.0 inches or less from floor).

Other Habitable Rooms - minimum of 2.

Fixed appliances exceeding 1/8 hp. or 300 watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring shall be removed immediately upon the direction of the Building Inspector or DeForest Area Fire Chief, or DeForest Area Chief of Prevention/Inspection, DeForest Windsor Fire Department.

4. Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted.
5. Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least two and one-half (2 1/2) foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full-time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2 1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.
6. When the service in existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be:

100 amp for first two (2) dwelling units in a building.
50 amp for each additional unit.

Where electric heat and air conditioner over 20 amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electric Code.

(h) Heating. All habitable rooms, kitchens and bathrooms shall be provided with permanently connected heating system. This 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, kitchens and bathrooms. The only exception to this provision is that 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) Illumination. 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 having three (3) or more apartments and/or lodging houses. The illumination shall be provided during the period commencing one (1) hour before sunset and ending one (1) hour after sunrise.

Every residential building that will accommodate three (3) or more families, twenty (20) persons or contains more than (4) lodging rooms shall have signs at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The signs shall be red illuminated translucent exit signs bearing the word EXIT in plain letters not less than five inches (5") in height.

(j) 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) 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 be revised periodically to maintain accurate information at all times.

27.05 SAFE AND SANITARY MAINTENANCE OF PROPERTY.

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

(2) Every owner or operator shall improve and maintain all property under his/her control to comply with the following minimum requirements:

(a) 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) All exterior property areas shall be kept free from noxious weeds as required under sec. 12.07 of this Code.

[Am. 16-15, Eff. 06-17-16]

(c) 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, and animal feces. All animal feces shall be removed within twenty-four (24) hours.

(d) 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 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) Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Grass shall be maintained to a height not to exceed twelve inches (12") in length. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and Village. The Village, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special assessment/charge due against the property.

[Am. 16-15, Eff. 06-17-16]

(g) 1. 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 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.

2. Every foundation, exterior wall, floor and roof shall be reasonably weather tight, watertight and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

3. 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.

(h) Every window, exterior door, interior door and basement hatchway shall be reasonably weather tight, watertight and rodent proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.

(i) 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, steps, porches and every appurtenance thereto shall comply with the requirements specified in Wis. Admin. Code secs. Comm. 20.04 or Comm. 51.16, 51.161, 51.162 and 51.164 as dictated by the type of occupancy in the building.

(j) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.

(k) 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 clean and sanitary condition.

(l) 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.

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 rental agreement shall keep such cooking stove and/or refrigerator in good mechanical condition.

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.

(m) No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or lodging room let or occupied by him/her 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.

(n) Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building.

(o) The DeForest Area Fire Chief of Prevention/ Inspections or the DeForest Area Fire Chief shall have the authority under this chapter to enter and commence a structural fire inspection. Any violations found should be remedied by the owner of the property. If the owner does not comply, penalties may be assessed under this chapter. This is to be considered a separate offense and in addition to any State Code violations.

(p) All unpaved driveways and parking areas shall be maintained in a dust-free condition and shall be graded so that no potholes exist. No stone or other materials may be deposited in the street.

(q) Removal of Debris.

1. 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 Village of DeForest except at approved disposal sites.

2. 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 land for a period of more than ten (10) days.

(3) All vacant lands within the Village shall be leveled off to permit the mowing of weeds and the removal of other debris, including, but not limited to stones, bottles, wire, and other debris that will interfere with mowing operations. All lands in the Village of DeForest shall be kept in compliance with sec. 12.07 of this Code.

[Am. 16-15, Eff. 6-17-17]

27.051 PLANNED NATURAL LANDSCAPING.

[Cr. 16-15, Eff. 06-17-17]

(1) Definitions.

(a) “Native plants” means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), and forbs (flowering broadleaf plants) native to or naturalized to Wisconsin. Native plants do not include noxious weeds and turf grasses.

(b) “Ornamental Grasses and Groundcovers” means grasses and groundcovers not indigenous to Wisconsin, but does not include turf grass and noxious weeds.

(c) “Planned natural landscaping” means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is subject to the restrictions set forth under sec. 12.07 of this Code, except that the twelve inch (12”) height restriction shall not apply to grasses that qualify as native plants. Planned natural landscaping does not include gardens.

(d) “Rain garden” means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.

(e) “Turf grass” means any grasses commonly used in regularly cut lawns or play areas, including bluegrass, fescue or rye grass blends.

(2) Planned natural landscaping permitted. Planned natural landscaping is permitted in lieu of a lawn subject to the following:

(a) All turf grass must be removed and replaced by native plants, ornamental grasses and groundcovers, trees and shrubs actively planted by human or mechanical means.

(b) No planned natural landscaping is permitted within ten feet (10’) of any sidewalk or lot line. This restriction does not apply to lot lines:

- i. That abut a public park;
- ii. That abut a prairie area or other natural area; or
- iii. In which a sight-tight fence runs along the lot line.

(c) All planned natural landscaping must be actively maintained and kept free of weeds and turf grass.

27.06 FIXING THE RESPONSIBILITY OF OWNERS, OPERATORS, AND OCCUPANTS.

(1) The purpose of this subsection is to fix the responsibility of owners, operators and occupants of residential buildings.

(2) The responsibility of owners, operators, and occupants of residential buildings 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/she occupies and controls. Every occupant of a residential building shall dispose of all his/her refuse, recycling and garbage in the containers required by the DeForest Municipal Code.

(c) Every owner of a residential building shall be responsible for hanging, installing, and maintaining of all screens and double or storm doors and windows whenever the same are required under the provisions of the DeForest Municipal Code.

(d) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.

(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 the DeForest Municipal Codes, the Village of DeForest Building Inspector and/or the DeForest Fire Inspector.

(g) Every owner of a rental unit 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.

27.07 DESIGNATION OF UNFIT BUILDINGS OR STRUCTURES AND LEGAL PROCEDURES OF REPAIR OR RAZING.

(1) The purpose of this section is to provide for the designation and repair or razing of those buildings or structures which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment, facilities, light, ventilation, and heating so as to constitute a menace to the occupants or to the public.

(2) Any building or structure which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and so placarded by the Building Inspector. Legal notice shall be served upon the owner and on the operator of any building:

(a) Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety, or general welfare of the occupants or of the public.

(c) Which, because of its general condition, location, or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.

(3) Any building or structure or part thereof designated and placarded by the Building Inspector as unfit for human habitation and in need of repairs or razing shall be vacated within a reasonable time as ordered by the Building Inspector.

(4) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.

(5) No person shall deface or remove the placard from any building or structure or part thereof which has been condemned as unfit for human habitation and placarded as such.

(6) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector, would be unreasonable to repair shall be razed or removed upon legal written service of the order of the Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this chapter.

(7) (a) Any building which has been vacant for more than thirty (30) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.

(b) The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.

(c) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

27.08 ADMINISTRATION AND ENFORCEMENT.

(1) The purpose of this section is to provide for the administration and enforcement of this chapter.

(2) The office of the Village of DeForest Building Inspector is hereby created to enforce this chapter. The Building Inspector shall be under the supervision of the Village of DeForest President and the Village of DeForest Planning and Zoning Chairperson. Therefore, for purposes of enforcement of this chapter, he/she shall have the same powers as the officer referred to in the Wisconsin State Statutes as the Building Inspector.

(3) The duties of the Building Inspector, Village Board President and the Chairperson of the DeForest Planning and Zoning Commission shall be as follows:

(a) Provide and maintain a public information bureau relative to all matters arising out of this chapter.

(b) Maintain permanent and current records of all matters arising out of this chapter.

(c) Conduct a systematic inspection of buildings, structures and land to determine compliance with the terms of this chapter, all state laws, Village Ordinances and lawful orders relating to the alteration, repair, maintenance, safety and use of existing buildings and permanent building equipment and take such action as necessary to secure such compliance, including: the withholding of building permits, imposition of forfeitures and injunctive action. They shall have full power to pass upon any question arising under the provisions of the housing, building, plumbing, electrical and heating codes and zoning procedures, subject to conditions contained herein.

(d) Initiate, direct, and review from time to time a study of the provisions of this chapter and make recommendations to the Village Board by the 1st of May each year on such matters that will improve this chapter or its systematic enforcement.

(e) Coordinate such inspection and code compliance programs with inspections or improvement programs of other neighborhood groups whose purpose is neighborhood improvement.

(4) (a) Any person who shall violate any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50.00 and not more than \$500.00 for each violation. Each day a violation continues or occurs shall constitute a separate offense.

[Am. 22-20, Eff. 8-17-22]

(b) Except as otherwise provided by law, any action to collect a forfeiture for a violation of this chapter may be commenced by the issuance of a citation pursuant to §§66.0113 and 800.02, *Wis. Stats.*. Any citations so issued shall be in the form of the Wisconsin Uniform Municipal Citation.

(c) Citations for violations of this chapter may be issued as provided in sec. 1.10 of this Code.

[Am. 14-13, Eff. 04-15-14]

(d) The issuance of a citation under this section shall not preclude the Village or any individual from commencing any action against a violator under any other authority of law.

[Repl. & Recr. 96-41, Eff. 10-21-96]

27.09 [Repealed 96-41, Eff. 10-21-96]

27.10 SEVERABILITY. If any provision of this chapter is invalid or unconstitutional or if the application of this chapter to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect with the invalid or unconstitutional provisions or applications.

27.11 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, chapter or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

27.12 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirement or interpretation shall control.