

CHAPTER 23

HOUSING CODE

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23.01 **DEFINITIONS**. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) **APPROVED**. (Amd. GO 81-93) Approved by or in accordance with regulations established by the Director of Public Works.

(2) **BASEMENT**. That portion of a building the floor of which is below the outside ground grade level.

(3) **BATH**. Bathtub or shower stall.

(4) **BEDROOM**. A habitable room within a dwelling unit which is used or intended to be used primarily for the purpose of sleeping, but not including any kitchen or dining room.

(5) **DIRECTOR OF PUBLIC WORKS**. (Amd. GO 81-93) The Director of Public Works of the City or an authorized representative.

(6) **DWELLING**. Any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

(7) **NON-DWELLING STRUCTURE**. A garage, shed, or other similar storage or convenience building attached to or detached from a dwelling and used primarily for recreation and the storage of vehicles, lawn and garden appliances, and other household tools or equipment. A non-dwelling structure shall not be used for living or sleeping by human occupants.

(8) **DWELLING UNIT**. Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

(9) **EXTERMINATION**. The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, and by poisoning, spraying, fumigating, trapping, or any other approved pest elimination methods.

(10) **FAMILY**. (Rep. & Rec. GO 15-93) Any member or individual related by blood, adoption, marriage, and/or no more than two persons not so related, living together on the premises as a single housekeeping unit.

(11) **HABITABLE ROOM**. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, stairways, and rooms used for play or recreational purposes.

(12) **INFESTATION**. The presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.

(13) **KITCHEN**. A habitable room used or intended to be used for cooking or the preparation of meals.

(14) **LIVING ROOM.** A habitable room within a dwelling unit which is used or intended to be used primarily for general living purposes.

(15) **OCCUPANT.** Any person, including an owner or operator, living, sleeping, or cooking in or having actual possession of a dwelling or rooming unit.

(16) **OPERATOR.** Any person who has charge, care, or control of a building or part thereof in which dwelling or rooming units are let.

(17) **OWNER.** Any person who alone or jointly or severally with others has legal title or equitable title to any dwelling or dwelling or rooming unit or who has charge, care, or control of any dwelling or dwelling or rooming unit as executor, administrator, trustee, or guardian of the estate of the owner.

(18) **PLUMBING.** All of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, vent pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, domestic hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

(19) **PREMISES.** Premises means a platted lot or part thereof, an unplatted lot, or parcel of land or a plot of land, either occupied or unoccupied by any dwelling or structure.

(20) **ROOMER.** An occupant of a rooming house who is not a member of the family of the operator of that rooming house, or an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.

(21) **ROOMING HOUSE.** (Rep. & Rec. GO 31-04) A building or structure, other than a hotel licensed by the State, where three or more persons are lodged for compensation. A rooming house may be considered a dormitory as defined and regulated within this Code.

(22) **ROOMING UNIT.** Any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping but not for cooking or eating meals.

(23) **SUPPLIED.** Paid for, furnished by, or provided by or under the control of the owner or operator.

(24) **CITY BUILDING CODE.** Chapter 15, Green Bay Municipal Code.

(25) **CITY PLUMBING CODE.** Chapter 16, Green Bay Municipal Code.

(26) **CITY ELECTRICAL CODE.** Chapter 17, Green Bay Municipal Code.

(27) **CITY HEATING CODE.** Chapter 19, Green Bay Municipal Code.

(28) **STATE BUILDING CODE.** Chapters IND. 50 through 57 and 60 through 64, Wis. Admin. Code.

(29) **STATE HEATING, VENTILATING, AND AIR CONDITIONING CODE.** Chapter IND. 64, Wis. Admin. Code.

(30) STATE PLUMBING CODE. Chapters 81, 82, 83, 84, 85, and 86, Wis. Admin. Code.

(31) MEANING OF CERTAIN WORDS. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this chapter; they shall be construed as though they were followed by the words "or any part thereof."

(32) BOARDING OR LODGING HOUSE. (Rep. & Rec. GO 31-04) A building or structure, other than a hotel licensed by the State, where lodging and meals for three or more persons are served for compensation. A boarding or lodging house may be considered a dormitory as defined and regulated within this Code.

(33) SHELTER FACILITY. (Rep. & Rec. GO 31-04) A temporary place of lodging for homeless individuals or homeless families. A shelter facility may be considered a dormitory as defined and regulated within this Code.

(34) HOMELESS INDIVIDUAL. (Cr. GO 20-94) (a) An individual who lacks a fixed, regular, and adequate night time residence (without regard to whether the individual is a member of the family); and

(b) An individual whose primary night time residence is a supervised public or privately operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, and transitional housing.

(35) HOMELESS FAMILY. (Cr. GO 20-94) A group of one or more related individuals who are homeless individuals.

(36) DORMITORY. (Cr. GO 31-04) A communal type living arrangement of four or more persons not related by blood, adoption, or marriage who share common sleeping areas, kitchen, bath, or restroom facilities. This definition includes, but is not limited to, shelter facilities, educational facility housing, rooming houses, boarding or lodging houses, community living arrangements, community based residential facilities, and migrant housing.

PURPOSE AND SCOPE

23.02 **PURPOSE**. It is hereby found and declared that buildings or other structures, either occupied or unoccupied, which because of faulty design or construction, failure to be kept in a proper state of repair, lack of proper sanitary facilities or adequate lighting or ventilation, inability to properly heat, improper management, or any combination of these factors, so that they have become or are becoming dilapidated, neglected, overcrowded with occupants, or unsanitary, jeopardize and are detrimental to the health, safety, morals, or welfare of the people of the City. If it is further found and declared that the elimination of such buildings or structures or the prevention of the occurrence of such conditions in the future is in the best interests of the citizens of this City and that the accomplishments of this end will be fostered and encouraged by the enactment and enforcement of this chapter.

23.03 **COMPLIANCE WITH OTHER CODES**. The provisions of this chapter shall not abrogate the responsibility of every person to comply with the provisions of the State Building Code and the Building, Zoning, Plumbing, Heating, and Electrical Codes of the City.

ADMINISTRATION AND ENFORCEMENT

23.10 **DIRECTOR OF PUBLIC WORKS TO ENFORCE.** (Amd. GO 81-93) The Director of Public Works is responsible for the enforcement of this chapter; however, it is declared that the intent of this chapter can be most effectively carried out by the cooperation of all City Departments concerned; and all such Departments shall cooperate with the Director of Public Works in the enforcement of this chapter.

23.11 **INSPECTIONS.**

(1) (Amd. GO 81-93) **TO BE MADE BY DIRECTOR OF PUBLIC WORKS.** The Director of Public Works shall make inspections to determine the condition of dwelling units, rooming units, and premises located within the City and may enter any building during reasonable hours in the discharge of the duties; and any person who interferes with the Director of Public Works in the discharge of the duties shall be in violation of this chapter. The Director of Public Works shall have proper identification and shall show same when making such inspections.

(2) **ACCESS OF OWNER OR OPERATOR.** Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or operator thereof, or an agent or employee, access to any part of such dwelling, dwelling unit, or rooming unit or its premises at all reasonable times for the purpose of maintenance or making such repairs or alterations as are necessary to effect compliance with this chapter or with any lawful rule or regulation adopted, or any lawful notice or order issued, pursuant to the provisions of this chapter.

23.12 **SERVICE OF NOTICES AND HEARINGS.** (Amd. GO 81-93)

Whenever the Director of Public Works determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any of the provisions of this chapter or of any rule or regulation adopted pursuant thereto, shall be given notice of such violation or alleged violation to the person or persons responsible therefor as provided in §66.435(4)(a), Wis. Stats. The provisions of §§66.435(4)(a) and (b), Wis. Stats., pertaining to the service of notices, petition for hearing and review by the Circuit Court, are adopted by reference and made a part of this chapter as if set out in full. In carrying out the provisions of §66.435(4)(a), Wis. Stats., the Protection and Welfare Committee is designated the Board established to hear original appeals under this section.

23.13 **EMERGENCY ORDERS.** (Amd. GO 81-93) Whenever the Director of Public Works finds that an emergency exists which requires immediate action to protect the public health, the Director of Public Works may, without notice of hearing and in accordance with the provisions of §66.435(4)(a), Wis. Stats., issue an order reciting the existence of such an emergency and requiring that such action be taken as the Director of Public Works deems necessary to meet the emergency. Such order shall be effective immediately. Notwithstanding any other provision of this chapter, every notice served by the Director of Public Works in accordance with the provisions of §§23.20(7), 23.23(1)(k), 23.23(2)(b), 23.23(2)(c), and 23.34(10), Green Bay Municipal Code, shall be regarded as an order.

23.14 **CONDEMNATION OF DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION.**

(1) **WHEN CONDEMNATION REQUIRED.** (Amd. GO 81-93) Any dwelling unit which the Director of Public Works finds to have any of the following defects shall be condemned as unfit for human habitation, occupancy, or use:

(a) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin-infested that it creates a hazard to the health or welfare of the occupants or the public.

(b) One which lacks illumination, ventilation, or sanitary facilities adequate to protect the health or welfare of the occupants or the general public.

(c) (Amd. GO 81-93) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or welfare of the occupants or the general public. Any dwelling or dwelling unit may be condemned by the Director of Public Works as unfit for human habitation if the owner or occupant fails to comply with any order based on the provisions of this chapter or any rule or regulation adopted pursuant thereto, provided such dwelling or dwelling unit is, in the opinion of the Director of Public Works, unfit for human habitation by reason of such failure to comply.

(2) **PROCEDURE FOR CONDEMNATION.** The condemnation of dwellings and dwelling units as unfit for human habitation, occupancy, or use shall be carried out in accordance with §66.05, Wis. Stats., and the Health Commissioner is designated as the "other designated officer" under such provisions.

23.15 **GENERAL PENALTY.** Any person who shall violate any provision of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code, except that the minimum penalty for each offense shall be \$25.

HOUSING STANDARDS

23.20 **MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating meals therein which does not comply with the following requirements:

(1) **KITCHEN SINK AND LAVATORY.** Every dwelling unit shall contain an approved kitchen sink. Every dwelling unit shall contain a lavatory or wash basin in or adjacent to the toilet room.

(2) **TOILET.** Every dwelling unit shall contain a toilet, which shall be placed in a separate room enclosed with partitions which extend to the ceiling.

(3) **BATH.** Every dwelling unit shall contain a bath, which shall be contained within a toilet room or within a separate room which affords privacy to a person using such facility.

(4) **HOT AND COLD WATER SUPPLY TO BATH AND SINKS.** Every bath, kitchen sink, and lavatory required under this chapter shall be properly connected with both hot and cold water lines.

(5) **WATER HEATING FACILITIES.** Every dwelling shall have supplied water heating facilities which are properly installed and maintained in reasonably good working condition, are properly connected with the hot water lines required under sub. (4), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 120°F. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.

(6) CONNECTION TO WATER AND SEWER SYSTEM. Every kitchen sink, toilet, lavatory basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.

(7) PLUMBING. All plumbing, plumbing equipment, and plumbing fixtures and the installation thereof shall comply with the Plumbing Codes of the City of the State.

(8) GARBAGE AND RUBBISH. Every dwelling and every dwelling unit shall be provided with adequate facilities for the storing of rubbish and garbage. Such facilities shall comply with the provisions of Chapter 9, Green Bay Municipal Code. Every dwelling unit located on premises with two or more additional dwelling units shall have such facilities supplied.

(9) EXITS. Every dwelling unit shall have exits which conform to the exit requirements of the City Building Code or the State Building Code when applicable. Every exit and passageway shall also comply with the following requirements:

- (a) It shall be kept in good repair.
- (b) It shall be unobstructed at all times.

23.21 MINIMUM STANDARDS FOR LIGHT, HEATING, AND VENTILATION.

(1) WINDOW AREA. Every habitable room, toilet room, and bathroom shall have at least one window facing directly to the outdoors. The minimum window area shall be at least 10 percent of the floor area of the room, but not less than 12 sq. ft. The top of at least one such window shall be not less than 6 1/2' above the floor. At least one-half of the window shall be made so as to open the full width unless other means of adequately ventilating such rooms are installed and operating. The outside window in every toilet or bathroom shall have a total area of at least 10 percent of the floor area, but not less than 4 sq. ft.; provided no window or sky light shall be required in adequately ventilated bathrooms or toilet rooms equipped with a ventilation system which is kept in continuous operation.

(2) ELECTRIC OUTLETS. Where there is suitable electric service available from supply lines which are not more than 300' from a dwelling, every kitchen, living room, and rooming unit within such dwelling shall contain at least two separate and remote floor or wall type electric convenience outlets or one such convenience outlet and one supplied ceiling or wall type electric light fixture; and every bedroom, dining room, toilet room, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling type or wall type electric fixture; provided in lieu of one supplied ceiling type or wall type electric fixture a bedroom and dining room may each contain at least two separate and remote floor or wall type electric convenience outlets. Every such outlet and fixture shall be properly installed, maintained in good working condition, and connected to the source of electric power in a proper manner and in accordance with the City Electrical Code.

(3) HEATING FACILITIES. (a) Every dwelling unit shall have supplied heating facilities; and such facilities shall be properly installed, maintained in good working condition, and capable of adequately heating all habitable rooms, bathrooms, and toilet rooms contained therein or intended for use by the occupants thereof to a temperature of at least 70°F, measured 3' above the floor level, when the outside temperature is at or above -15°F. A dwelling unit shall contain a sufficient number of chimney outlets to permit the occupants, through the use of space heaters furnished by the owner, to adequately heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 70°F, measured at

least 3' above the floor level, when the outdoor temperature is at or above -15°F. This provision shall not be interpreted to permit the use of space heaters where such use is prohibited by either the City Building or Heating Code or the State Building and Heating, Ventilating and Air Conditioning Codes when applicable. Every central heating system shall comply with the City Building and Heating Codes and the State Building and Heating, Ventilating and Air Conditioning Codes when applicable. It shall also comply with the following requirements:

1. The central heating unit shall be in good operating condition.
2. Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.
3. Every seal between the sections of a warm air furnace shall be tight, so noxious gases will not escape into heat ducts.

(b) Every space heater shall comply with the City Building and Heating Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes, when applicable, and with all of the following requirements:

1. No space heater burning solid, liquid, or gaseous fuels shall be a portable type.
2. Every space heater burning solid, liquid, or gaseous fuels shall be properly vented.
3. Every coal-burning or oil-burning space heater shall have a fire-resistant panel beneath it.
4. The location of space heaters, the insulation of walls and ceilings close to such heaters, and the construction, installation, and guarding of smoke pipes and well or ceilings through which they go shall be in accordance with the Heating Code of the City.

(4) **LIGHTING OF PUBLIC HALLS AND STAIRWAYS.** Every public hall and public stairway in every dwelling containing four or more dwelling units or accommodating more than 20 persons shall be adequately lighted at all times. Such lighting shall include lights at all intersections of stairways. Instead of continuous lighting, every public hall and public stairway in dwellings containing less than four dwelling units or rooming houses accommodating more than three roomers but less than 20 persons shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed.

(5) **SCREENS.** At least one window in each habitable room, toilet room, and bathroom where windows are required shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16.

(6) **BASEMENT WINDOW SCREENS.** Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

23.22 **MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS.** No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(1) DWELLING UNIT TO BE OCCUPIED BY ONE FAMILY. (Rep. & Rec. GO 15-93) No dwelling unit shall be occupied by more than one family.

(2) MINIMUM FLOOR AREA FOR DWELLING UNIT. Every dwelling unit shall contain at least 150 sq. ft. of floor space for the first occupant thereof and at least 100 additional sq. ft. of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(3) MINIMUM FLOOR AREA FOR SLEEPING PURPOSES. Every room occupied by one person for sleeping purposes shall contain at least 70 sq. ft. of floor space and 490 cu. ft. of air space, and every room occupied by more than one person for sleeping purposes shall contain at least 60 sq. ft. of floor space and 400 cu. ft. of air space for each occupant thereof, provided these requirements shall be reduced by one-half for children under 12 years of age.

(4) ARRANGEMENT OF SLEEPING, BATH, AND TOILET ROOMS. No dwelling or dwelling unit containing two or more sleeping rooms shall be so arranged that access to a bathroom or toilet room intended for use by the occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.

(5) WHEN BASEMENT SPACE MAY BE HABITABLE. No basement space shall be used as a sleeping room or dwelling unit unless such sleeping room or dwelling unit is in conformity with existing City or State Building Codes and complies with the following requirements:

(a) The total window area in each room shall be at least equal to the minimum window area required in §23.21(1), Green Bay Municipal Code.

(b) Such required minimum window area shall be located entirely above the grade of the adjoining ground.

(c) The total openable window area in each room shall be at least equal to the minimum required under §23.21(1), Green Bay Municipal Code, unless there is supplied some other approved ventilating device.

(d) Every habitable room in a basement shall be at least 7'6" high from the floor to the ceiling; and the ceiling shall be at least 4' above the outside ground grade level. The walls and floors shall be damp-proof and waterproof.

(6) OCCUPANTS TO HAVE ACCESS TO SANITARY FACILITIES. Every occupant of every dwelling shall have unrestricted access to a toilet and bath and to a kitchen sink or lavatory located within that dwelling.

(7) CEILING HEIGHT WITH RESPECT TO FLOOR AREA. At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7'; and the floor area of that part of any room where the ceiling height is less than 5' shall not be considered in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

23.23 **MAINTENANCE OF DWELLINGS, DWELLING UNITS, AND ROOMING UNITS.**

(1) **OWNER'S RESPONSIBILITY.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements:

(a) **Maintenance of Foundations, Exterior Walls, Roofs.** Every foundation, exterior wall, and roof shall be weather-tight, water-tight, and inspect-proof, shall be rodent-proof in accordance with the terms of §8.07 (Rat Prevention), Green Bay Municipal Code, and shall be kept in a good state of maintenance and repair. The exterior walls of dwellings, rooming houses, and non-dwelling structures shall be either prefinished material, brick, stone, stucco, exterior plaster, stained or painted wood, water-proof shingles, or other material designed and advertised to be used as permanent exterior siding and capable of being painted, stained, or weatherproofed if not prefinished. Materials designed and advertised for insulation, sub-siding, or structural uses other than exterior walls shall not be allowed as exterior siding.

(b) **Maintenance of Interior Walls, Floors, Ceilings.** Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, kept in a good state of repair, and so maintained as to permit them to be kept clean and sanitary.

(c) **Rain Water Drains.** Rain water shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings, or floors of any room.

(d) **Windows, Doors, Hatchways.** Every window, exterior door, and basement hatchway shall be weather-tight and shall be kept in a good working condition, well-maintained, and repaired.

(e) **Protection of Exterior Wood Surfaces.** All exterior wood surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion.

(f) **Stairways and Porches.** Every inside and outside stairway, 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 sound condition and in a good state of maintenance and repair.

(g) **Supplied Plumbing Fixtures.** Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition and in accordance with the Plumbing Codes of the City and the State.

(h) **Chimney and Supplied Smoke Pipes.** Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a good state of repair and in accordance with the City Building and Heating Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes when applicable.

(i) **Bathroom and Toilet Room Floors.** Every bathroom and toilet room floor shall be so maintained as to be reasonably impervious to water and as to permit such floor to be kept in a clean and sanitary condition.

(j) **Supplied Facilities.** Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function properly and shall be maintained in good working condition.

(k) Discontinuance of Required Services, Facilities, Equipment, or Utilities. No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this chapter to be removed from, shut off from, or discontinued from any occupied dwelling or dwelling unit let or occupied by said owner or operator, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are being made.

(l) Pest Extermination. Whenever infestation exists in two or more dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, or whenever infestation is caused by failure of the owner to maintain the dwelling in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner.

(m) Cleanliness of Public Areas of Dwellings. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition all communal, shared, or public areas of the dwelling and premises thereof which are used or shared by the occupants of two or more dwelling units.

(n) Vacant Dwelling Units to be Clean and Sanitary Before Being Let for Occupancy. No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit unless it is clean, sanitary, free of infestation, and complies with all provisions of this chapter and all rules and regulations adopted pursuant thereto.

(o) Maintenance of Buildings in Certain Residence Districts. No person shall occupy as owner-occupant or let to another any building or structure in a district zoned First Residence, Second Residence "A", or Second Residence "B" which does not comply with the provisions of §§23.23(1)(a), (c), (d), (e), (f), and (h), Green Bay Municipal Code.

(2) RESPONSIBILITY OF OCCUPANTS. (a) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which is occupied or controlled.

(b) Disposal of Rubbish. Every occupant of a dwelling or dwelling unit shall dispose of all rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Ch. 9, Green Bay Municipal Code.

(c) Disposal of Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all garbage, and any other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers a required by Ch. 9, Green Bay Municipal Code.

(d) Hanging Screens. Except where the owner has agreed to supply such service, every occupant of a dwelling or dwelling unit shall be responsible for hanging all screen whenever the same are required under the provision of this chapter or any rule or regulation adopted pursuant thereto. Screens shall be hung at all times that flies or other insects are present.

(e) Extermination of Pests. 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 dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit occupied whenever dwelling unit is the only one infested; provided

whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof and insect-proof condition, extermination shall be the responsibility of the owner.

(f) Use and Operation of Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied 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.

(g) Destruction, Mutilation, and Defacing of Property. Every occupant of a dwelling unit or rooming unit shall be responsible for the repair or replacement of any part of required residential real estate, required supplied fixtures and equipment, required supplied furnishings, and other required property of an owner when such has been willfully or wantonly damaged, mutilated, or defaced by such occupant.

23.24 **MAINTENANCE OF NON-DWELLING STRUCTURES, FENCES, AND PREMISES.** No owner shall permit any non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:

(1) **MAINTENANCE OF NON-DWELLING STRUCTURES.** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harbor for rats and shall be kept in a reasonably good state of maintenance and repair.

(2) **PROTECTION OF EXTERIOR WOOD SURFACES.** All exterior wood surfaces of all non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.

(3) **MAINTENANCE OF FENCES.** Every fence either shall be kept in a reasonably good state of maintenance and repair or shall be removed.

(4) **GRADING AND DRAINAGE OF PREMISES.** All premises shall be so graded and maintained that no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.

ROOMING HOUSE/SHELTER FACILITY REGULATIONS (Amd. GO 21-94)

23.30 **COMPLIANCE REQUIRED.** No person shall operate a rooming house or shelter facility or occupy or let to another for occupancy any rooming unit in any rooming house or shelter facility except in compliance with the requirements of this subchapter and any other applicable section within the Green Bay Municipal Code.

23.31 PERMITS.

(1) **REQUIRED.** No person shall operate a rooming house or shelter facility without a valid rooming house/shelter facility permit issued by the Director of Public Works in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house or shelter facility is contained; provided the provisions of this subsection shall not apply to dormitories associated with and run in connection with licensed educational institutions, hotels, motels, bed and breakfast establishments, and community living arrangements which are licensed by an agency of the State of Wisconsin. "Shelter facilities," as defined in the Green Bay Municipal Code, shall comply with all the rules and regulations herein.

(2) APPLICATION. The operator shall file the application for a rooming house/shelter facility permit and a site plan according to §13.41 or §13.42, Green Bay Municipal Code, in the office of the Director of Public Works on forms prepared by the Director.

(3) ISSUANCE OF PERMIT AND FEES. When all applicable provisions of this subchapter and any rules and regulations adopted pursuant thereto have been complied with by the operator, the Director of Public Works shall issue a rooming house/shelter facility permit upon the payment of the fee, which shall be \$30 plus an additional \$10 for each dwelling unit or rooming unit. Shelter facilities shall be exempt from the fees. All rooming house/shelter facility permits so issued shall expire on July 1 following the date of issuance unless sooner suspended or revoked as herein provided. Occupancy shall not exceed the capacity specified in ILHR 57.04, Wis. Admin. Code, or §23.34(4) herein.

(4) POSTING OF PERMIT. Every rooming house/shelter facility permit issued by the Director of Public Works shall be conspicuously posted by the operator in the rooming house or shelter facility for which it is issued and shall remain so posted at all times unless removed by the order of the Director of Public Works.

(5) NONTRANSFERABILITY OF PERMIT. No rooming house/shelter facility permit issued under this subchapter shall be transferable as to person or place; and every operator shall notify the Director of Public Works in writing within 24 hours after having relinquished the operator of a rooming house or shelter facility and shall file in writing with the Director of Public Works the name and address of the operator to whom the operation of the rooming house or shelter facility was transferred.

(6) RELATIONSHIP OF PERMIT TO OTHER CODES. The issuance of a rooming house/shelter facility permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable ordinances of the City and County, and with the applicable rules of the State Department of Health and the Department of Industry, Labor, and Human Relations.

(7) HEARING WHEN PERMIT IS DENIED. Any person whose application for a permit to operate a rooming house or shelter facility has been denied may request and shall be granted a hearing on the matter before the Protection and Welfare Committee under the procedure provided by §23.12, Green Bay Municipal Code.

(8) SUSPENSION AND REVOCATION OF PERMIT.

(a) When Suspension Required. Whenever, upon inspection of a rooming house or shelter facility, the Director of Public Works finds that conditions or practices exist which are in violation of any provision of this chapter or any other provisions of this municipal code rule or regulation adopted pursuant thereto, or if the operator keeps or maintains a disorderly house, the Director of Public Works shall give written notice to the operator of such rooming house or shelter facility that unless such conditions or practices are corrected within a reasonable period, determined by the Director of Public Works, the operator's rooming house/shelter facility permit will be suspended.

(b) Hearing. Any person who has received notice from the Director of Public Works that the permit is to be suspended unless the existing condition or practices are corrected may request and shall be granted a hearing on the matter before the Protection and Welfare Committee under the procedure provided by §23.12, Green Bay Municipal Code.

(c) Suspension. If no petition for such hearing is filed within 20 days, the permit shall be automatically suspended and the operator shall cease operation of such rooming house or shelter facility.

23.32 **OPERATOR TO CONTROL OCCUPANCY**. No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this subchapter.

23.33 **APPLICABILITY OF OTHER PARTS OF THIS CHAPTER**. No person shall operate a rooming house or shelter facility unless all of the requirements of §§23.21, 23.23(1), except paragraphs (1) and (m), and §23.22(5) and (6), Green Bay Municipal Code, are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this subchapter, "multiple dwelling" or "dwelling" shall be interpreted to mean rooming house or shelter facility and "dwelling unit" shall be interpreted to mean rooming unit. Every dwelling unit located within a rooming house or shelter facility shall comply with all of the requirements for dwelling units as established in accordance with this chapter.

23.34 **ARRANGEMENT, EQUIPPING, MAINTENANCE, AND USE OF FACILITIES**.

(1) **TOILETS AND LAVATORY BASINS**. At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each 10 persons or fraction thereof residing within a rooming house or shelter facility, including members of the operator's family wherever they share the use of such facilities.

(2) **BATHS**. At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house or shelter facility, including members of the operator's family wherever they share the use of such facilities.

(3) **LOCATION OF SANITARY FACILITIES**. Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within. All such facilities shall be so located within the rooming house or shelter facility as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling and without going through another dwelling unit or through a rooming unit of another occupant.

(4) **MINIMUM AREA FOR SLEEPING PURPOSES**. The capacity of any room occupied for sleeping purposes shall be as follows:

- (a) 400 cu. ft. for each occupant over 12 years of age; and
- (b) 200 cu. ft. for each occupant 12 years of age or under.

The operator of a shelter facility may allow homeless families on an emergency basis to occupy a sleeping room which does not meet the above minimum sleeping area requirements if the operator makes all reasonable attempts to place the family in another shelter which meets those requirements and so long as the family is placed in a room which complies with these regulations within 72 hours.

(5) NUMBER OF SLEEPING ROOMS. Every sleeping room in every rooming house or shelter facility shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such sleeping room. No two doors shall bear the same number. No number on any door of any sleeping room shall be changed to any other number without first securing the written approval of the Director of Public Works.

(6) PREPARATION OF EATING OF MEALS IN ROOMING UNITS PROHIBITED. No occupant of a sleeping room shall prepare meals or store perishable foods therein. The operator shall post in every sleeping room a sign on which shall be written or printed in letters not less the 3/8" in height the following words: "NO COOKING OR STORING PERISHABLE FOODS PERMITTED IN THIS ROOM;" and such sign shall remain posted at all times.

(7) BED LINENS AND TOWELS. The operator of every rooming house or shelter facility shall effect the change of supplied bed linens and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall maintain all supplied bedding in a reasonably clean and sanitary manner.

(8) SHADES AND DRAPES. Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room.

(9) SANITARY MAINTENANCE. The operator of every rooming house or shelter facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the rooming house or shelter facility, and the entire premises, where the entire structure or building within which the rooming house or shelter facility is contained is leased or occupied by the operator.

(10) STORAGE AND DISPOSAL OF RUBBISH AND GARBAGE. Adequate garbage and rubbish storage containers whose type and location are approved under Ch. 9, Green Bay Municipal Code, shall be supplied by the rooming house or shelter facility operator. The operator shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in the required containers.

(11) HANGING SCREENS, STORM DOORS, AND STORM WINDOWS. The operator of a rooming house or shelter facility shall hang all screen and double storm doors and windows whenever the same are required under this chapter or any rule or regulation adopted pursuant thereto except where the owner has agreed to supply such service. Screens shall be hung no later than June 1 of each year.

(12) EXTERMINATION OF PESTS. The operator of a rooming house or shelter facility shall cause the extermination of any insects, rodents, or other pests therein and on the entire premises where the entire structure or building within which the rooming house or shelter facility is contained is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a rooming house or shelter facility is caused by a failure of the owner to maintain the dwelling within which the rooming house or shelter facility is contained in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

(13) EXITS. Every sleeping room in every rooming house or shelter facility shall have exits which conform to the exit requirements of the City and State Building Codes when applicable. In addition, every exit and passageway shall comply with the following:

- (a) It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.
- (b) It shall be kept in a reasonably good state of repair.
- (c) It shall be unobstructed at all times.

23.35 **REPORTING OF COMMUNICABLE DISEASE BY OPERATOR.** The operator of a rooming house or shelter facility shall report to the Brown County Health Commissioner or any State of Wisconsin health care professional licensed under Chapter 441 (nurses) or Chapter 448 (medical practitioners), Wis. Stats., immediately upon discovery the name of any person living in the rooming house or shelter facility who is suffering from any communicable disease, as listed in HSS 145, Wis. Admin. Code; and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house or shelter facility may be afflicted with any communicable disease.

23.40 **DORMITORY FACILITY REGULATIONS.** (Cr. GO 31-04)

(1) **COMPLIANCE REQUIRED.** No person shall operate a dormitory facility or occupy or let to another for occupancy any rooming unit in any dormitory facility except in compliance with the requirements of this subchapter and any other applicable section within the Green Bay Municipal Code.

(2) **PERMITS.**

(a) **Required.** No person shall operate a dormitory facility without a valid dormitory facility conditional use permit issued by the City of Green Bay in the name of the operator and for the specific dwelling or dwelling unit within which the dormitory facility is contained; provided the provisions of this subsection shall not apply to dormitories associated with and run in connection with hotels, motels, and bed and breakfast establishments which are licensed by an agency of the State of Wisconsin. "Dormitory facilities", as defined in the Green Bay Municipal Code, shall comply with all the rules and regulations herein.

(b) **Application.** The operator shall file the application for a dormitory facility conditional use permit and a site plan according to the Green Bay Municipal Code in the office of the Director of Planning on forms prepared by the Director.

(c) **Issuance of Permit and Fees.** When all applicable provisions of this subchapter and any rules and regulations adopted pursuant thereto have been complied with by the operator, the Director of Planning shall process the conditional use permit request as regulated in §13.61, Green Bay Municipal Code.

(d) **Non-Transferability of Permit.** No dormitory facility permit issued under this subchapter shall be transferable as to person or place; and every operator shall notify the Director of Planning in writing within 24 hours after having relinquished the operator of a dormitory facility and shall file in writing with the Director of Planning the name and address of the operator to whom the operation of the dormitory facility was transferred.

(e) Relationship of Permit to Other Codes. The issuance of a dormitory facility conditional use permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable ordinances of the City and County, and with the applicable rules of Brown County or the State of Wisconsin.

(3) OPERATOR TO CONTROL OCCUPANCY. No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this subchapter.

(4) APPLICABILITY OF OTHER PARTS OF THIS CHAPTER. No person shall operate a dormitory facility unless all of the requirements of §§23.21, 23.23(1), except paragraphs (1) and (m), and §§23.22(5) and (6), Green Bay Municipal Code, are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this subchapter, “multiple dwelling” or “dwelling” shall be interpreted to mean dormitory facility and “dwelling unit” shall be interpreted to mean rooming unit. Every dwelling unit located within a dormitory facility shall comply with all of the requirements for dwelling units as established in accordance with this chapter.

(5) ARRANGEMENT, EQUIPPING, MAINTENANCE, AND USE OF FACILITIES.

(a) Toilets and Lavatory Basins. At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory, including members of the operator’s family wherever they share the use of such facilities.

(b) Baths. At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory facility, including members of the operator’s family wherever they share the use of such facilities.

(c) Location of Sanitary Facilities. Every toilet, lavatory basin, and bath shall be located within a room, which affords privacy to a person within. All such facilities shall be so located within the dormitory facility as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling and without going through another dwelling unit or through a rooming unit of another occupant.

(d) Minimum Area for Sleeping Purposes. The capacity of any room occupied for sleeping purposes shall be as follows:

1. Sleeping areas of at least 50 sq. ft. per person residing in the dormitory with no more than four individuals per room, except that more than four individuals may be allowed per room if all said individuals are related by blood, marriage, or adoption.

2. Rooms shall consist of enclosed places having walls that extend from the ceiling to the floor and an entry door.

(e) Number of Kitchens/Dining Areas. (Amd. GO 42-04) One kitchen and dining area for every 10 individuals residing in the dormitory facility.

(f) Number of Laundry Facilities. (Amd. GO 42-04) One laundry facility, consisting of a minimum of one clothes washer, one clothes dryer, and a washbasin, for every 10 individuals residing in the dormitory facility.

(g) Number and Size of Common Area/Lounge. (Amd. GO 42-04) One common use area/lounge of at least 600 sq. ft. in size for relaxation and recreation of the occupants for every 10 individuals residing in the dormitory facility.

(h) Sanitary Maintenance. The operator of every dormitory facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the dormitory facility, and the entire premises, where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator.

(i) Storage and Disposal of Rubbish and Garbage. Adequate garbage and rubbish storage containers whose type and location are approved under Ch. 9, Green Bay Municipal Code, shall be supplied by the dormitory facility operator. The operator shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in the required containers.

(j) Extermination of Pests. The operator of a dormitory facility shall cause the extermination of any insects, rodents, or other pests therein and on the entire premises where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a dormitory facility is caused by a failure of the owner to maintain the dwelling within which the dormitory facility is contained in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

(k) Exits. Every sleeping room in every dormitory facility shall have exits which conform to the exit requirements of the City and State Building Codes when applicable. In addition, every exit and passageway shall comply with the following:

1. It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.
2. It shall be kept in a reasonably good state of repair.
3. It shall be unobstructed at all times.

23.50 RESIDENTIAL RENTAL PRACTICES (Cr. GO 38-12)

(1) STATE LAW ADOPTED. Ch. ATCP 134, Wis. Adm. Code, and Section 704.95, Wis. Stats., as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(2) ENFORCEMENT. The Director of Community Development is designated as a city official who may sign and issue citations with respect to this section and may delegate the authority to employees.

(3) PENALTIES. Any person who violates this section shall, for each offense, forfeit not less than \$25 nor more than \$5,000.