

Village of Almena, WI
Tuesday, July 30, 2024

Chapter 230. Rental Housing

[HISTORY: Adopted by the Village Board of the Village of Almena 8-14-2007 (Ch. 18 of the former Village Code). Amendments noted where applicable.]

§ 230-1. Purpose and scope.

The purpose of this Rental Housing Code (this "chapter") is to insure that residential rental properties conform to minimum safety, health and maintenance standards. This chapter shall include all single-family and multifamily residential rental properties within the Village of Almena.

§ 230-2. Definitions.

A. Definitions. The following definitions apply in the interpretation and enforcement of this chapter:

BASEMENT

A space of full story height below the first floor which is not designed or used primarily for year around living accommodations. Space, partly below grade, which is designed and finished as habitable space is not defined as basement space.

BUILDING INSPECTOR

The person, or his authorized representative, who is minimally certified to conduct construction inspections based on the standards in Chs. SPS 320 through 325, Wis. Adm. Code, the Uniform Dwelling Code, and who is designated to have the title by appointment of the "Village President" and the confirmation of the Village Board.

CELLAR

A portion of a building located partly or wholly underground and having 2/3 or more of its clear floor-to-ceiling height below the average grade of the grounds. (See definition of "basement" for reference.)

DWELLING

Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT

Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION

The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials which may serve as their food, by poisoning, spraying, fumigating, trapping or by other recognized and legal pest elimination methods approved by the Health Officer.

GARBAGE

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

HABITABLE ROOM

A room or other enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or corridors, closets and storage space.

HEALTH OFFICER

The person, or his/her authorized representative, who is designated by appointment of the Village President and the confirmation of the Village Board.

INFESTATION

The presence within or around a dwelling of any insects, rodents or other pests.

LANDLORD

The building owner or his authorized agent, or the person authorized to rent or lease the building.

MULTIPLE DWELLING

Any dwelling containing two or more dwelling units.

OCCUPANT or TENANT

Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

OPERATOR

Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are offered for rent.

ORDINARY MINIMUM WINTER CONDITIONS

The temperature which is 15° F. above the lowest recorded temperature for the previous ten-year period.

OWNER

(1) Any person who, alone or jointly, or severally with others:

- (a) Has legal or equitable title to any dwelling unit, with or without accompanying actual possession thereof, provided that whenever the dwelling or dwelling unit is subject to conditional sales contract, lease with option to purchase, or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of a specified sum; "owner" shall mean the person who shall have such a contractual right, as well as the person who is holding the legal title; or
- (b) Shall have charge, care or control of any dwelling or dwelling unit as executor, executrix, trustee, receiver or guardian of the owner as defined in Subsection (1)(a) above. Any such person thus representing the actual owner shall be bound to comply with this chapter to the same extent as if he/she were the owner. Any person acting as the agent of the owner shall not be construed to be the owner within the terms of this chapter, but shall be bound to notify the owner, by means of a registered letter addressed to the owner at his last known address, of any order or notice issued by the Building Inspector relating to the property of the owner.

PERSON

Any individual, firm, corporation, association or partnership.

PLUMBING

All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal equipment, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, floor drains, laundry traps, drinking fountains, gutters, downspouts, area drains, lines, sanitary and storm sewer systems; also subsoil drainage and any other supplied fixtures together with all connection to water, sewer or gas lines.

RENTAL PROPERTY

Property which is rented or leased to any person other than the owner or members of his immediate family.

ROOMING UNIT

Any room or group of rooms forming a single habitat unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH

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

SUPPLIED

Anything paid for, furnished or provided by or under the control of the owner or operator.

- B. Clarification. 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."

§ 230-3. Inspection and licensing of rental units.

- A. License required. No person shall rent or lease a dwelling, or any part thereof, to another for residential occupancy without a rental license being issued by the Village Board.
- B. Eligibility. An owner or manager of a rental property is eligible to obtain a rental license upon satisfaction of the following provisions:
- (1) Completion of an application form provided by the Village.
 - (2) Payment of license application and inspection fees as provided in Subsection **E** below.
 - (3) No outstanding orders or notices of violations under § **230-4** exist.
 - (4) An inspection of the property has been conducted by the Building Inspector as required under Subsection **D** below.
- C. License term and expiration. The expiration date for rental licenses will be December 31st of the third or sixth year following inspection, whichever is applicable, as hereinafter described. Rental units having violations and requiring reinspection during the preceding license term shall be reinspected prior to the expiration of three years. Rental units not having violations during the preceding license term shall be reinspected prior to the expiration of six years. Thereafter every rental unit in compliance with this chapter shall be issued a new license effective January 1st of the year following expiration for a period of three years or six years, whichever is applicable to the unit. Not less than 30 days prior to such expiration, the Village Clerk shall notify each current licensee by regular mail to the assessment roll address that the Rental License will expire on December 31st and may be renewed upon compliance with this chapter.
[Amended 9-13-2011]
- D. Inspections required for licensing.

- (1) Initial inspections. Every property initially rented or leased to another after June 30, 2006, shall be initially inspected by the Building Inspector and found to be in compliance with this chapter prior to issuance of a rental license or occupancy by a tenant.
- (2) Inspections required for license renewal. Every rental license in effect prior to December 31 of a year in which all Village rental licenses expire (2006, 2009, etc.) shall be inspected for compliance with this section prior to August 31 of the year in which such expiration will occur. Properties found to be out of compliance during such renewal inspections(s) shall be brought into compliance prior to issuance of a new license effective January 1 of the following year. The license of a property initially licensed during the year when all licenses are to expire shall expire on December 31 with all other licenses. However, no more than one prelicensing inspection shall be required during the same year, unless the Building Inspector has any reason to believe that the property may now be out of compliance with this section.
- (3) Interim inspections to assure compliance during license period. The need for additional or interim inspections will be left to the discretion of the Building Inspector, except that properties receiving written complaint by a tenant or non-tenant complainant shall be inspected as soon as reasonably possible after receipt of a written complaint to the Building Inspector within 10 days of receipt or immediately if danger to the health, safety, and welfare to the tenant seems imminent.
- (4) Notification of inspections. The Building Inspector will notify each current licensee, by regular mail to the assessment roll address at least seven business days prior to a regular inspection, or as close thereof as possible prior to an initial or interim inspection. In the event that interim inspections may be required due to an item and/or items designated as critical being found during a routine inspection or inspection requested by a tenant or determined by the Building Inspector to be needed, and if a follow-up inspection is required to ensure compliance with this chapter, then no additional mid-term inspection fee will be charged except as provided in Subsection **E** below.

E. License fees. Fees required to obtain a rental license include:

- (1) Application fees. The fee for processing rental license applications will be as set from time to time by the Village Board per dwelling unit for the term of the license or any part thereof.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) Inspection fees.
 - (a) For inspections needed for initial license and renewals. In addition to the application fee, an inspection fee will be charged in the amount as set from time to time by the Village Board per dwelling unit for the term of the license or any part thereof.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (b) For interim inspections to assure continued compliance during the license period. No fee will be charged for interim inspections required during the license period with the following exceptions:
 - [1] Initial inspection fees for properties licensed after commencement of the Village's normal license period shall be charged pursuant to Subsection **E(2)(a)**;
 - [2] A fee as set from time to time by the Village Board will be charged to the landlord for each interim inspection in excess of three during a rental license period, but such charge shall not apply if the inspection finds the unit to be in compliance with this section;
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - [3] In the event the same tenant or the same non-tenant complainant requests inspections of the same rental unit in excess of three times during a rental license period, all of which are found to be invalid or in compliance, then a fee as set from time to time by the Village Board will be charged to such complainant for processing the fourth or greater invalid complaint(s).

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- F. In the event any subsection, clause, phrase or portion of this section is for any reason held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this section. It is the legislative intent of the Village Board that this section would have been adopted if such illegal provision has not been included or any illegal application had not been made.
- G. All ordinances or part of ordinances and resolutions in conflict herewith are hereby repealed. This section shall take effect from and after its passage and publication.

§ 230-4. Enforcement; service of notices and orders; hearings.

- A. Notice. Whenever the Building Inspector determines that there are reasonable grounds to believe that violations of this chapter exist, he/she shall give notice of such alleged violation to the person or persons responsible therefor, and to any known agent of such person, as hereinafter provided. Such notice shall:
 - (1) Be put in writing.
 - (2) Include a statement of the grounds for issuance of the violation notice.
 - (3) Allow a reasonable time for the performance of any act which the notice requires.
 - (4) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
 - (5) Be personally served upon the owner or his/her agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him/her personally, or if a copy is left with a responsible person at the residence or office of the person to be served. If personal service cannot be accomplished, substitute service is allowed. Such service shall be deemed to be accomplished if a copy of the notice is sent by registered mail to the last known address of the person to be served and a copy thereof is posted in a conspicuous place in or about the dwelling which is affected by the notice, or is published in the official newspaper of the Village of Almena. Any other method of service authorized or required under the laws of this state shall be sufficient if personal service cannot be accomplished and if substitute service is deemed to be ineffective to give notice. A copy of the notice shall also be served upon the Village of Almena.
- B. Variances allowed. Any person affected by the determination that a violation of this chapter exists may request the issuance of a variance by the Building Inspector. If the Building Inspector determines that the issuance of the variance requested is reasonable and that the failure to issue such a variance would cause undue hardship, the Building Inspector may issue the variance. If such a variance is issued, the Building Inspector shall make a written report to the Village Board stating the violation that exists, the variance that was issued and the reasons for the issuance of the variance. The Village Board may overrule the variance granted only after notice of the intent to do so is given to the person affected.
- C. Hearing. Any person affected by a notice of violation issued by the Building Inspector, the denial of a variance by the Building Inspector, or the overruling of a variance by the Village Board, may request and shall be granted a hearing on the matter before the Village Board, provided such person shall file in the office of the Village Clerk, within 10 days after service of the notice of the violation, denial of the variance, or service of the notice that a variance was overruled, and a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Village Clerk shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of the request therefor. At such hearing, the petitioner shall be given an opportunity to be

heard and to show cause why such notice should not be complied with or why the variance requested should be granted.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- D. Action after hearing. After such hearing, the Village Board shall sustain, modify or withdraw the notice, or grant, deny or modify the variance, depending on its findings as to whether the provisions of this chapter have been complied with. If the Board shall sustain the notice, said notice shall be deemed to be an order. If the Board shall modify such notice, the modification shall be placed in writing and it shall be deemed to be an order. If the Board denies the variance, the variance previously issued by the Building Inspector shall be void. If the Board grants a new variance, it shall be in writing and that document shall be deemed to be the variance that is in effect.
- E. Notice to be an order if not appealed. Any notice served pursuant to Subsection **A** of an alleged violation or of a denial of variance shall automatically become an order if a written petition for a hearing is not filed with the Village Clerk within 10 days after such notice is served.
- F. Record of hearing. The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing and entered as a matter of public record in the offices of the Village of Almena. Such record shall also include a copy of every notice, variance, overruling of a variance, or order issued in connection with the matter.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- G. Appeal to court. Any person aggrieved by the decision of the Village Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.
- H. Emergency orders. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding any other provision of this chapter, such order shall be effective immediately; but upon petition to the Village Board, the person subject to the order shall be afforded a hearing as soon as possible in the manner provided in Subsection **C**. After such hearing, depending on the findings as to whether the provisions of this chapter have been complied with, the Village Board shall continue such order in effect, or modify it or revoke it or issue a variance from this chapter.

§ 230-5. Minimum standards for basic equipment and facilities.

No person shall lease, rent or otherwise let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- A. Smoke alarms. Every dwelling unit under the jurisdiction of this Code shall have approved and working smoke alarms installed in each sleeping area on each floor level and at the head of every open stairway. It shall be the responsibility of the tenant to furnish batteries for the alarms if a battery is necessary to the proper operation of the alarm. It shall also be the responsibility of the tenant to notify the landlord of any nonfunctioning or malfunctioning smoke alarm, if the failure to function properly is caused by reasons other than the installation of a working battery. It shall be the responsibility of the landlord to make effective and timely repairs or replacement of smoke alarms when notified by the tenant. The landlord shall serve written notice upon the tenant of the landlord's and the tenant's responsibility concerning smoke alarms. For the purposes of this section, written notice may consist of a notice that is conspicuously posted within the dwelling unit.
- B. Kitchen sink. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sanitary sewer system in conformity with the Wisconsin Plumbing Code.
- C. Bathroom. Every dwelling unit shall contain a room within its walls, separate from the habitable rooms, which affords privacy to a person within said room and which is equipped with a flush water closet, a lavatory basin and a bathtub or shower and the necessary fixtures and accessories

therefor in good working condition and properly connected to hot and cold water lines and sanitary sewer system in conformity with the Wisconsin Plumbing Code.

- D. Connection of facilities. Every tub or shower required under this chapter and every kitchen, sink, lavatory basin and bath shall be connected with water and sewer lines in conformity with the Wisconsin Plumbing Code.
- E. Garbage disposal facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers as required by Village ordinances.
- F. Egress. Every dwelling unit shall have two safe and unobstructed means of egress, as required by the Wisconsin Uniform Building Code and the ordinances of the Village. Every building which is remodeled into multifamily dwelling units, after the effective date of this chapter shall provide at least two approved exits from each dwelling unit.

§ 230-6. Minimum standards for light, heating and ventilating.

No person shall lease, rent or otherwise let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- A. Window area. Every habitable room shall have at least one window or skylight facing directly to the outdoors with an area equal to at least 8% of the floor area of that room. If no such window or skylight is provided, alternative methods of lighting and ventilating that room will be allowed providing that they meet both the following minimum standards:
 - (1) Provide light equivalent to six footcandles at 30 inches above the floor.
 - (2) Provide ventilation to that room of .35 air changes per hour or have a whole house system of ventilation which provides fresh air at a rate of 15 cubic feet per minute per occupant.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Openable window area in bedrooms. Every habitable bedroom shall have at least one window or skylight which can be easily opened and of sufficient size to allow an average-sized adult egress in an emergency situation.
- C. Bathrooms and water closets. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsection **A(1)**, except that no window or skylight shall be required in bathrooms and water closet compartments equipped with a mechanical ventilating system as required by the Wisconsin Uniform Dwelling Code.
- D. Heating facilities. Every dwelling shall contain heating facilities which are properly installed according to the standards adopted herein, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling located in the Village to the minimum standards required by the Wisconsin Uniform Building Code.
- E. Proper venting required. All gas fired heating units and appliances shall be vented into a chimney or gas vent in accordance with adopted standards in the Wisconsin Uniform Building Code. No gas appliance shall be vented into an unlined masonry chimney.
- F. Lighting. Every hallway and stairway in every multiple or rental dwelling shall be adequately lighted in conformity with the Wisconsin Uniform Building Code.
- G. Basement windows. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

§ 230-7. Safe and sanitary maintenance of dwellings and dwelling units.

No person shall lease, rent or otherwise let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Foundations, floors, ceilings, roofs. Every foundation, floor, wall, ceiling and roof shall be weathertight and rodent-proof, capable of affording privacy, and shall be kept in good repair. Every roof shall be kept in good repair and watertight.
- B. Skylights, exterior doors, basement hatchways, windows. Every window, skylight, exterior door and basement hatchway shall be weathertight, watertight and rodent-proof; and shall be kept in sound working condition and in good repair.
- C. Security of ground-floor windows and doors. All ground-floor windows and doors shall have an approved locking device installed which provides a means of securing the door or window.
- D. Stairs, porches, appurtenances. Every inside and outside stair, every porch and every appurtenance thereto shall be constructed to include hand and/or guard rails as required by the Wisconsin Uniform Dwelling Code and are to be so constructed as to be safe to use and capable of supporting any load that normal use may be caused to be placed upon it and shall be kept in sound condition and in good repair.
- E. Plumbing fixtures, water waste pipes. Every plumbing fixture and water waste pipes shall be constructed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- F. Bathroom and floor surfaces. Every water compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be impervious to water and as to be easily kept in a clean and sanitary condition.
- G. Safe installation required. Every supplied facility, piece of equipment, or utility which is required under this section shall be so constructed or installed so that it will function safely and effectively, and shall be maintained in working condition.
- H. Rented premises to be fit for human occupancy. No owner shall let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

§ 230-8. Occupancy limitations.

No person shall lease, rent or otherwise let to another for occupancy any dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Gross floor area. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. The floor area shall be calculated on the basis for the total area of all habitable rooms.
- B. Sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain a minimum gross floor area of 70 square feet for the first person and an additional 30 square feet for each additional occupant of the sleeping room.
- C. Basement dwelling. No basement or cellar space shall be used as a dwelling unit unless it complies with the minimum requirements of this chapter.

§ 230-9. Hot-water requirements; electrical service, outlets and fixtures; screening.

- A. Water heating facilities. Every dwelling and dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained and capable of heating water to such a temperature as to permit water to flow at every kitchen sink, lavatory basin, bathtub,

shower, and laundry facility or other similar units, in an amount and at a temperature required by the Wisconsin Uniform Dwelling Code.

- B. Electrical outlets. Every habitable room of a dwelling unit shall contain at least two separate and remote outlets, one of which may be a ceiling or wall type electric light fixture. Every bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition, every bathroom and laundry room shall contain at least one electric outlet. Any electrical outlet located in a bath or toilet room shall be an approved GFCI type electrical outlet.
- C. Screen requirements. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall be supplied with screens.

§ 230-10. Minimum property maintenance standards.

It shall be the responsibility of the landlord to ensure that the property meets the following standards. Said responsibility may become the responsibility of the tenant if the structure contains three or less dwelling units and if the landlord requires the tenant to meet these standards in the written lease for occupancy.

- A. Exterior property. All exterior property shall be maintained in a condition free from debris, rubbish, garbage, physical hazards, rodent harborage and infestation.
- B. Noxious weeds. All exterior property areas shall be kept free of noxious weeds.
- C. Protection from elements, appearance. All exterior surfaces of buildings made of materials not inherently resistant to deterioration shall be periodically coated with paint or another suitable preservative which provides adequate resistance to weathering and maintains a neat and attractive appearance.
- D. Snow and ice removal. All outdoor walkways and parking areas shall be kept free from snow, ice or other hazardous weather conditions.
- E. Common areas. All shared and public areas of a building shall be maintained in a safe and sanitary condition.

§ 230-11. Responsibilities of owners and occupants.

- A. Public areas. Every owner of a structure containing more than three dwelling units shall be responsible for maintaining in a clean, safe and sanitary condition the shared or public area of the dwelling and premises thereof.
- B. Duty to keep in clean, safe and sanitary condition. Every occupant of a dwelling or dwelling unit shall keep in a clean, safe and sanitary condition that part of the dwelling or dwelling unit and premises thereof which he or she occupies and controls.
- C. Rubbish disposal. Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in a rubbish container as required by the Village ordinances.
- D. Garbage disposal. Every occupant of a dwelling or dwelling unit shall dispose of all his or her garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage storage containers furnished as required by ordinances of the Village.
- E. Hanging screens. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under this section or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

- F. Infestations. Where rodent or insect infestation exists in two or more dwelling units in a building, or in the shared or public parts of any dwelling containing two or more dwelling units, or in one dwelling unit where caused by the owner's failure to maintain the building in a rodent-proof or reasonably insect-proof condition, the owner shall be responsible for their extermination. If rodents exist in one unit and their presence is not caused by the owner's failure to maintain the building, the tenant shall be responsible for the extermination of the rodents.
- G. Plumbing fixtures. 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.

§ 230-12. Designation of unfit dwellings, procedure of condemnation.

- A. Requirements to condemn. The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:
 - (1) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated by the Building Inspector:
 - (a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health and safety of the occupants or of the public.
 - (b) One which lacks electrical illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or of the public.
 - (c) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- B. Vacating premises. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Building Inspector, shall be vacated within 30 days as ordered by the Health Officer or Building Inspector. If such dwelling is not vacated voluntarily, the Police Department will forcibly vacate the said property.
- C. Reoccupation of premises. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- D. Defacing or removing placards. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Subsection **C** above.
- E. Hearing. Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Village Board, under the procedure set forth in § **230-4**.

§ 230-13. Violations and penalties.

- A. Type of penalty. Any person who shall violate any provision of this chapter or fails to comply with any order, rule or regulation made hereunder shall be subject to a penalty of not less than \$50 and not more than \$300, plus court costs, and in case of failure to pay such forfeiture, commitment to the county jail for not more than 90 days. Each day of violation shall constitute a separate violation.

- B. Continued violations. When the Building Inspector determines that the same violations are being repeated or continuing without regard to orders, he/she shall refer the landlord to the Village Board for revocation of the Rental License.
- C. License revocation. Should the Village Board revoke a rental license, the dwelling or dwelling units in question must be vacated in 30 days. A new license must be approved by the Village Board prior to reoccupancy.
- D. Termination of utilities. Any rental unit occupied in defiance of a Board order to vacate shall have the water utility terminated until such time as the building is brought into compliance and the order lifted by the Village Board.

§ 230-14. Preexisting conditions; time to comply; new work.

Prior to the adoption of this chapter, there may be dwellings or dwelling units which do not comply with the provisions of this chapter. The Building Inspector shall make an initial inspection of all rental dwellings or dwelling units within the Village to determine if any such violations exist. At such determination, the Building Inspector shall give notice and an order, as outlined in § **230-4**, to the landlord of the dwelling or dwelling unit, to comply with the rules and regulations of this chapter by September 1, 2006. Any new work done on units after the adoption of this chapter must comply with the requirements of the Wisconsin Uniform Dwelling Code, the Wisconsin Plumbing Code and the Wisconsin Building and Heating, Ventilating and Air Conditioning Code, when such codes are applicable to the work being performed.

§ 230-15. Code standards adopted.

The standards contained in the following codes when referenced by this Code are hereby adopted and made part of this chapter by reference as if set forth completely herein:

- A. Code of Ordinances of Village of Almena.
- B. Wisconsin Uniform Dwelling Code.
- C. Wisconsin Administrative Code.
- D. Wisconsin Plumbing Code.
- E. Wisconsin Building and Heating, Ventilating and Air Conditioning Code.

§ 230-16. Liability of landlord for tenant violations.

A. Findings of need for ordinance.

- (1) It is common, in the Village and in other municipalities, for renters to engage in behavior that violates Village ordinances and/or annoys other residents. Often citations issued for such violations or behavior are not paid by the violators or are not adequate to eliminate or reduce the incidences of such behavior and ordinance violations.
- (2) The landlords:
 - (a) Have the ability and duty to screen their tenants to ensure, as much as possible, that tenants are not likely to engage in violations of ordinances; and
 - (b) Have the power to make provisions in their leases which can attempt to control bad behavior by their tenants.

B. Landlords' liability for ordinance violations.

- (1) Every landlord shall be responsible for payment of all citations issued to tenants for violation of Village ordinances, including any restitution.
- (2) Every landlord shall pay such citations and restitution if the tenant fails to do so within the time set forth on the citation or as set by the court having jurisdiction over said citation, whichever is later.
- (3) At the time the citation is issued, the proper landlord shall be notified, in writing, of its issuance, the name and address of the person cited, the violation alleged, the bond amount, any restitution due, and the date of first appearance of the person cited. The landlord shall also receive a reminder notice that he/she will be liable for payment if the violating tenant does not pay.
- (4) Upon disposition in court, the landlord shall be notified in writing of the amount of the penalty and restitution imposed and the date by which such restitution and penalty must be paid by the violating tenant. Said landlord shall be further informed in said notice that he/she shall have 60 days, after the violator's date to pay, to pay said penalty if the violating tenant does not.
- (5) If the tenant does not pay within the time set by the citation, or by the court, whichever is later, the landlord shall receive notice in writing of such failure to pay. Said notice shall specify the date by which, and the place where, the landlord must make payment for such citation, and the amount due.

C. Failure to pay by landlord.

- (1) If a landlord fails to pay as required above, the amount due may be added to the tax roll as a special tax and collected in the usual manner.
- (2) In addition to, or as an alternative, as the Board may elect, any licenses held by the landlord from the Village may be suspended or revoked or renewal thereof may be denied.