

# Chapter 4

## Minimum Housing and Property

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### **Sec. 15-4-1 Title.**

This Chapter shall be known as the Minimum Housing and Property Maintenance Code for the City of Onalaska.

### **Sec. 15-4-2 Intent and Purpose.**

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, spiritual and monetary values.
- (b) It is recognized that there may now be, or may in the future be, residential and nonresidential buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

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**Sec. 15-4-3 Definitions.**

The following definitions shall be applicable in this Chapter:

- (a) **Dwellings.** Any building which is wholly or partly used or intended to be used for living or sleeping purposes by human occupants.
- (b) **Dwelling Unit.** Any room or group of rooms located with a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (c) **Habitable Room.** A room or enclosed floor space used or intended for living, sleeping, cooking or eating purposes.
- (d) **Multiple Dwelling.** One consisting of more than two (2) dwelling units.
- (e) **Rooming House/Rooming Unit.** Rooming house shall mean any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let to three (3) or more persons who are not related to the owner or operator. Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for preparation of food.
- (f) **Temporary Housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable.
- (g) **Occupant.** Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit.
- (h) **Operator.** Any person or group who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.
- (i) **Owner.** Any person who, alone or jointly or severally with others, shall have legal title of any dwelling, dwelling unit, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling or dwelling unit, as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, personal representative, trustee or guardian of the estate of the owner.
- (j) **Infestation.** The presence, within or around a dwelling, of any insects, rodents or other pests.
- (k) **Extermination.** The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing materials that serve as food source or by other authorized elimination methods approved by the Health Officer.
- (l) **Supplied.** Paid for, furnished or provided by or under the control of the owner or operator.
- (m) **Basement.** A portion of a building partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of adjoining ground.
- (n) **Cellar.** A portion of a building partly or wholly underground, with half or more than half of its clear floor-to-ceiling height below the average grade of adjoining ground.
- (o) **Hot Water.** An adequate supply kept at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
- (p) **Ordinary Minimum Winter Conditions.** The temperature fifteen (15) degrees Fahrenheit above the lowest recorded temperature for the previous ten (10) year period.

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**Sec. 15-4-4 Minimum Standards, Plumbing, Plumbing Fixtures,  
Rubbish, Garbage and Access Requirements.**

- (a) Each dwelling unit shall contain a kitchen sink with hot and cold running water, maintained in good sanitary working condition, and properly connected to a sewer system.
- (b) Each dwelling unit shall contain, within a room which affords privacy, a flush water closet and lavatory basin with hot and cold running water, maintained in good working condition, and properly connected to a sewer system.
- (c) Each dwelling unit shall contain, within a room which affords privacy, a bathtub or shower with hot and cold running water, and properly connected to a sewer system.
- (d) Every toilet and bathroom shall have at least fourteen (14) square feet of floor space. This minimum figure may be adjusted upward by the Health Officer if additional or above standard size fixtures are to be installed.
- (e) Each dwelling or other building used for human habitation or other buildings where human beings are in need of sewer and water facilities which is located upon or adjacent to any street in and along which sewer and water pipes have been laid or which has reasonable access to sewer or water mains shall be connected with the sewer and water systems; except that when a private well is in compliance with the Wisconsin Well Code, is adequate and safe, this supply may be continued in operation until such time as it is in need of repair. If the owner fails to comply with a notice in writing served upon him or his agent or tenant requiring him to connect with the public sewer or water within thirty (30) days, the Board of Health may cause a connection to be made and necessary fixtures to be installed and the cost shall be assessed as a special tax against the property. The owner may file, within thirty (30) days, a claim of inability to pay the amount in one (1) sum, and ask that the levy be made in five (5) equal installments with interest at eleven and one-half percent (11 1/2%).
- (f) The owners of all premises used for human habitation which are not located upon or adjacent to any street in and along which sewer and water pipes have been laid or which have no reasonable access to sewer or water mains must provide a septic tank-seepage pit system therefor, constructed and maintained in accordance with the requirements of this Code. All other privy vaults, cesspools and dry wells shall be removed or abated and the use thereof discontinued.
- (g) Every dwelling unit shall be supplied with adequate rubbish storage facilities.
- (h) Every dwelling unit shall have adequate garbage disposal facilities or garbage containers.
- (i) Each dwelling unit shall have a safe, unobstructed means of egress to safe and open space on ground level.

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**Sec. 15-4-5 Minimum Electrical Standards for Dwelling Units.**

(a) Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room or furnace room must contain at least one (1) approved ceiling or wall-type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot-candles at floor level at the center of the room. Switched outlet receptacles may be substituted for ceiling or wall fixtures.

- (1) **Living Room.** One (1) per seventy-five (75) square feet or major fraction thereof [minimum of two (2)].
- (2) **Dining Room.** One (1) per seventy-five (75) square feet or major fraction thereof [minimum of two (2)] [on twenty (20) amp circuit].
- (3) **Kitchen.** One (1) per eight (8) linear feet or fraction of countertop and preparation area measured at rear (preparation area includes countertop, sink, range top and all other similar area at counter height). Island-type work areas require one (1) for each eight (8) feet or less of length. Separate outlet receptacles shall be provided for refrigerators [on twenty (20) amp circuit].
- (4) **Dining Areas in Kitchen.** One (1) per seventy-five (75) square feet or major fraction thereof [on twenty (20); amp circuit].
- (5) **Bedroom.** One (1) per seventy-five (75) square feet or major fraction thereof [minimum of two (2)].
- (6) **Laundry.** One (1) [on twenty (20) amp circuit]
- (7) **Bathroom and Lavatories.** One (1) [may be part of wall fixture if seventy-two (72) inches or less from floor].
- (8) **Other Habitable Rooms.** [Minimum of two (2).] Fixed appliance exceeding one eighth (1/8) horsepower or three hundred (300) watts rating shall not be connected to general purpose branch circuits. Outlets are to be located to prevent use of extensions cords. All cords, temporary wiring and exposed abandoned wiring shall be removed.

**Sec. 15-4-6 Minimum Standards for Heat, Light and Ventilation.**

- (a) Every habitable room shall have at least one (1) window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room, bathroom and water closet compartment shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight-type window size, except where there is supplied some other device affording adequate ventilation and approved by the Health Officer.
- (b) Every dwelling unit shall have heating facilities, properly installed and maintained in safe and good working condition. All habitable rooms, bathrooms and water closet compartments shall have the capacity to be maintained at a temperature of at

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least sixty-eight (68) degrees Fahrenheit, at a distance of three (3) feet above floor level under ordinary minimum winter conditions.

- (c) Each public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times.
- (d) During that portion of each year when the Health Officer deems it necessary for protection against insects, each outside door shall be supplied with screens and self-closing devices; and each outside window or other outside opening shall be supplied with screens.
- (e) Each basement or cellar window used or intended to be used for ventilation and every other opening to a basement or cellar which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.
- (f) Every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

### **Sec. 15-4-7 Space Requirements.**

- (a) Each dwelling unit shall have at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet of floor space for each additional occupant thereof. Floor space is to be calculated on the basis of total habitable room area.
- (b) In every dwelling unit of two (2) or more rooms, each room occupied for sleeping purposes by one (1) occupant shall have at least seventy (70) square feet of floor space, and each room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- (c) No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room, nor shall room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
- (d) At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as a part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (e) The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level

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above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.

- (f) No cellar space shall be used as a habitable room or dwelling unit.
- (g) No basement space shall be used as a habitable room or dwelling unit unless:
  - (1) The floors and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
  - (2) The total window area in each room is equal to at least minimum window area required for each habitable room;
  - (3) Such required minimum window area is located entirely above grade of the ground adjoining such window area; and
  - (4) The total of openable window area in each room is equal to at least the minimum as required under this Chapter for each habitable room, except where there is supplied some other device affording adequate ventilation and approved by the Health Officer.

**Sec. 15-4-8 Maintenance.**

- (a) Foundations, floors, walls, ceilings and roofs shall be reasonably weather-tight, watertight and rodent-proof, shall be capable of affording privacy and shall be kept in good repair.
- (b) Windows, exterior floors and basement hatchways shall be reasonably weather-tight, watertight and rodent-proof and shall be kept in sound working condition and good repair.
- (c) Inside and outside stairs, porches and appurtenances thereto shall be safe, capable of supporting the loads incidental to normal use and shall be kept in sound condition and good repair.
- (d) Plumbing fixtures and pipes shall be properly installed and maintained in good sanitary, free from defects, leaks and obstructions.
- (e) Water closet compartment floor surfaces and bathroom floor surfaces shall be reasonably impervious to water and easy to clean.
- (f) No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
- (g) Every supplied facilities, piece of equipment or utility which is required under this Chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in a satisfactory working condition.
- (h) Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent shipping, cracking or other deterioration of the exterior

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surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

- (i) Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed, if necessary, and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height not to exceed ten (10) inches in length. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and City. All exterior property areas shall be kept free from noxious weeds as defined by City ordinances.
- (j) Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to building.
- (k) All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation and animal feces. All animal feces shall be removed within twenty-four (24) hours.

**Sec. 15-4-9 Responsibilities.**

- (a) Owners of buildings containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises.
- (b) Occupants of dwellings or dwelling units shall keep in a clean and sanitary condition that part of the building and premises which they occupy and control.
- (c) Occupants of dwellings or dwelling units shall be responsible for hanging all screens and double or storm doors and storm windows whenever the same are required under the provision of this Chapter or any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

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- (d) Occupants of dwellings containing a single dwelling unit shall be responsible for the extermination of insects, rodents or other pests. The occupants of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of the Subsection, whenever infestation is caused by the failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
- (e) Occupants of dwelling units shall keep all plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their use and operation.
- (f) Every owner of any dwelling containing three (3) or more dwelling units shall appoint, in the manner and form the City Inspection Department prescribes, as agent, a person who is eighteen (18) years of age or over and resident of La Crosse County, Wisconsin, and shall vest in the agent full authority and control of the building and premises, described in the appointment document and of the conduct of all business on the premises relative to any and all regulations contained in this Code. The name, address and phone number of said agent shall be posted in the dwelling in a conspicuous place. Such appointment shall be made annually on or before January 1 of each year.

### **Sec. 15-4-10 Designation of Unfit Dwelling.**

- (a) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:
  - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
  - (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
  - (3) 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) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer shall be vacated within a reasonable time as specified by the Health Officer.
- (c) 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 Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- (d) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

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- (e) 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 in the matter before the Health Officer.
- (f) Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this Chapter or any rule or regulation adopted pursuant thereto, he shall give or cause to be given notice of such violation or alleged violation to the person or persons responsible therefor; such notice shall be in writing, including a description of the real estate involved, including a statement of the violations and corrective actions required and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require and may be served by ordinary mail or in the manner provided by the Wisconsin Statutes for the service of a summons. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Section and with rules and regulations adopted pursuant thereto.
- (g) Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this Chapter may request and shall be granted, upon request, a hearing in the matter before the Housing Appeals Board.

### **Sec. 15-4-11 Housing Appeals Board.**

There is hereby created a Housing Appeals Board to consist of three (3) resident freeholders of the City of Onalaska. There shall be in addition one (1) alternate member who shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The members, including the alternate, shall be appointed by the Mayor subject to confirmation by the Common Council. The members who are first appointed shall be designated by the Mayor to serve the following terms: One (1) for one (1) year; one (1) for two (2) years; and one (1) for three (3) years. Thereafter, the term of office shall be for three (3) years. A member or alternate shall hold his office until a successor has been appointed and qualified. The Health Officer shall arrange to provide for clerical assistance as the Board may require.

### **Sec. 15-4-12 Administration.**

- (a) **Hearing Opportunity to Be Heard.** Upon filing a written petition for hearing in connection with any order or notice pursuant to this Chapter or any rule or regulation adopted pursuant thereto, the person affected may request a hearing by filing a written petition on a form provided therefor in the office of the Health Officer. Such petition shall set forth a statement of the grounds therefor and be filed with the Health Officer within twenty (20) days after the day on which the notice or order was served. The petition shall be accompanied by a fee of Ten Dollars (\$10.00). Within ten (10) days after receipt of the petition, the Housing Appeals Board shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be

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heard and show cause why such notice should be modified or withdrawn. The hearing before the Housing Appeals Board shall be commenced not later than thirty (30) days after the date on which the petition was filed, provided that, upon written application of the petitioner to the Housing Appeals Board, it may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period, if, in its judgment, the petitioner has submitted good and sufficient reason for such postponement.

- (b) **Housing Appeals Board to Sustain, Modify or Withdraw Notices.** After such hearing, the Housing Appeals Board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. The Housing Appeals Board may also modify any notice so as to authorize a variance from the provisions of this Chapter when, because of special conditions, a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, provided that the spirit of this Chapter will be observed, public health and welfare secured and substantial justice done. If the Housing Appeals Board sustains or modifies such notice, it shall be deemed to be an order and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time, as determined by the said Housing Appeals Board.
- (c) **Court Review.** The proceedings of any such hearing, including the findings and decision of the Housing Appeals Board, shall be reduced to writing and maintained as a matter of public record in its office. A copy of the written decision of the Housing Appeals Board shall be mailed to the person who filed the petition. Any person or persons jointly or severally aggrieved by the decision of the Housing Appeals Board, or any resident, or any officer, department, board or commission of the municipality may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, provided the petition for the writ is presented to the Court within thirty (30) days after the date on which said Housing Appeals Board's decision was mailed to the person who filed the petition for the hearing. Persons seeking such a writ shall give notice of intention to do so by serving on the Housing Appeals Board a written notice within ten (10) days of the date of mailing of the Housing Appeals Board's decision. The petition to the Court duly verified shall set forth that such decision is illegal in whole or in part and does not comply with the provisions of Subsection (b) and shall specify the grounds thereof.

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**Sec. 15-4-13 Septic Tanks, Seepage Pits, Drain Fields.**

- (a) No person shall construct a septic tank, seepage pit or disposal field within the City without first having obtained a permit from the County Health Department.
- (b) No person shall build, erect or construct any seepage pit, septic tank or cesspool within five (5) feet of the property line or fence of the adjacent lot, or within twenty (20) feet of any building in which people live or work.
- (c) Whenever a seepage pit or septic tank is cleaned, the contents must be disposed of in the facilities at a municipal disposal plant