

Chapter 16.08

HOUSING CODE

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16.08.010 Interpretation. The general provisions of Sections 16.08.020 through 16.08.050 shall apply in the interpretation and enforcement of the ordinance codified in this chapter.

- 16.08.020 Declaration of Findings and Necessity.** The City Council recognizes the following:
- A. There exists and may in the future exist, within the city, premises, dwellings, dwellings units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use or occupancy affect or are likely to affect adversely the public health, including the physical, mental, and social well-being of persons and families, safety and general welfare.
 - B. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum housing standards is required.
 - C. The preservation of the existing rental housing stock is of tremendous importance. Rental housing provides needed, affordable housing for many and is a valuable asset that must be preserved and maintained for its citizens.
 - D. Substandard and deficient owner-occupied and rental housing units jeopardize the health, safety, and welfare of their occupants and the public. Substandard housing conditions pose a particularly acute risk to vulnerable populations including young children, seniors, and people with chronic illnesses, and, when at critical levels, are unsafe and unfit for human occupancy.
 - E. Reliance on only a complaint-based enforcement program is inadequate to ensure that rental housing properties are safely and adequately maintained. Inspection authorities often do not receive complaints about rental units with the worst violations of health and safety codes. Tenants may lack information about how to seek assistance, fear eviction or other forms of retaliation for reporting violations, or may face language or education barriers preventing them from using complaint-based programs.
 - F. Deteriorating and substandard buildings and dwelling units also threaten the physical, social, and economic stability of nearby properties, surrounding neighborhoods, and the community as a whole. The City encourages property owners to take preventative maintenance actions as a more cost effective approach than deferred maintenance, and to prevent substandard and deficient housing. Housing codes that include targeted inspection programs increase timely maintenance and, in partnership with private

property owners, prevent or eliminate blight, thereby furthering safe, healthy, and vibrant neighborhoods while preserving or increasing property values in what is most people's largest investment, their homes.

G. Accordingly, it is the intent of the City Council to enact the provisions of this chapter to establish safe housing standards and a regularly scheduled inspection program to secure city-wide compliance of properties with these minimum standards. Adoption and the application of this chapter by the City and property owners will reduce blight and help to ensure that all persons who live in Eau Claire are provided decent, safe and sanitary housing.

16.08.030 Purpose. The purpose of the ordinance codified in this chapter is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control incidence of communicable diseases, to regulate privately and publicly-owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is further declared that the purpose of the ordinance codified in this chapter is to insure that the quality of housing is adequate for protection of public health, safety, and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners and occupants of dwellings, and provisions for the administration and enforcement.

16.08.040 Short title. This chapter shall be known and may be cited as the Housing Maintenance and Occupancy Code of the city of Eau Claire, Wisconsin.

16.08.050 Applicability. The provisions of this code shall apply to all buildings used or designed for human habitation. Nothing in this Chapter shall limit or prohibit the authority of City officers or employees from enforcing any other provision of this Code or any state or federal law under their jurisdiction. None of the inspection provisions shall prohibit, condition, or otherwise limit any inspection conducted under any other provision of this Code or other applicable law.

16.08.060 Definitions.

1. "Abandoned dwelling" means a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of 12 consecutive months.

2. "Accessory structure" means a structure subordinate to the main or principal structure and located on the same lot, the use of which is customarily incidental to the main building such as garage or shed.

3. "Approved" means approved by the local or state authority having such administrative authority.

4. "Asbestos" is the term used for a group of naturally occurring minerals that separate into fibers which are mined and milled for commercial use including chrysotile, amosite, crocidolite; or, in fibrous form, tremolite asbestos, anthophyllite asbestos, or actinolite asbestos.

5. "Asbestos-containing material" means any material or product containing more than one percent asbestos.

6. "Backdrafting" means improper venting of combustion appliances that causes combustion by-products or other gases to enter the indoor environment rather than to exhaust outdoors.

7. "Balusters" means pillars or columns in a series supporting a rail or guard.

8. "Basement" means that portion of a building below the first floor or ground floor with its entire floor below grade.

9. "Bathroom" means an enclosed space containing one or more bathtubs or showers, or both, or which may contain toilets, lavatories, or fixtures serving similar purposes.

10. "Biological agent" means but is not be limited to mold, infestation, human and animal waste, wastewater, sewage, rotting material, and accumulation of trash that may harbor viruses, parasites, fungi, and/or bacteria.

11. "Building" means any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.

12. "Bulk storage container" means a metal trash container that is more than 40 inches (102 cm) in height, has a capacity of more than two cubic yards (1.5 m³), and is equipped with fittings for hydraulic and/or mechanical emptying, unloading, and/or removal.

13. "Carbon monoxide alarm" means an electronic device that measures the level of carbon monoxide gas in the air and is equipped with a sensor that activates an audible alarm when an amount of carbon monoxide above the device's threshold level accumulates in the area in which the alarm is located.

14. "Chemical agent" means chemicals that have the potential to cause adverse health effects.

15. "Chimney" means a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one or more flues, to remove products of combustion from solid, liquid, or gaseous fuel.

16. "Class ABC fire extinguisher" means a fire extinguisher capable of putting out (1) fires in ordinary combustible materials, such as wood, cloth, paper, rubber, and many plastics (Class A); (2) fires in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases (Class B); and (3) fires that involve energized electrical equipment (Class C).

17. "Cleanable" means moisture-resistant, free from cracks, pitting, chips, or tears, and designed to be cleaned frequently.

18. "Commercial Building Code" means the state code, chapters SPS 360-366 and any amendments, revisions, or renumbering of the state Commercial Building Code, which applies to all buildings larger than two family dwellings.

19. "Common areas" means areas within multifamily housing that are designated for use by all occupants, owners, tenants, or users of a building or building complex, including but not limited to corridors, hallways, lobbies, parking areas, laundry rooms, recreational spaces, pools, and exterior property.

20. "Common path of egress travel" means the portion of exit access which occupants are required to traverse before two separate and distinct paths of egress travel to two exits are available.

21. "Department" means the Eau Claire City-County Health Department or designee.

22. "Deterioration" means the condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use of, or lack of maintenance.

23. "Dilapidated" describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.

24. "Dormitory" means a room in any dwelling used for sleeping purposes by four or more unrelated persons.

25. "Dwelling" means any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.

26. "Dwelling unit" means 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.

27. "Egress" means the path available for a person to leave a building.

28. "Electrical system" means a system that makes electricity available in a building and distributes it through outlets and lighting fixtures for occupant use.

29. "Emergency escape and rescue opening" means an operable window, door, or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

30. "Extermination" means 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; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

31. "Flue" means a conduit made of non-combustible heat-resisting material that is used to remove the products of combustion from solid, liquid, or gaseous fuel.

32. "Flat roof deck" means to have a pitch of not more than 2.5 inches in 12 inches with a minimum area of 14 square feet and a minimum dimension of not less than 3 feet.

33. "Formaldehyde" means the colorless, flammable carcinogenic chemical, an organic compound with the formula HCHO, which is used in the manufacture of building materials (e.g., pressed wood products) and household products. Federal limits for formaldehyde emissions from building materials (hardwood plywood, medium-density fiberboard, and particleboard) were established in 15 U.S.C. 2697(b) (2).

34. "Friable asbestos" means asbestos-containing material which can be crumbled, pulverized, or reduced to powder by hand pressure. Common types of friable asbestos-containing material include pipe insulation and sprayed or tiled on insulation materials.

35. "Grade" is the level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
36. "Guard" means a building component or a system of building components located near the open sides of elevated walking surfaces or adjacent to a window that minimizes the possibility of a fall from the walking surface or window to the lower level.
37. "Guest" means any person who shares a dwelling unit in a non- permanent status for not more than thirty days.
38. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, or dining purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, utility rooms, foyers, or communicating corridors, stairways, closets, and storage spaces, as well as workshops and hobby and recreation areas in parts of the structure below ground level or in attics.
39. "Handrail" means a horizontal or sloping rail intended for grasping by the hand for guidance or support.
40. "Harborage" means any conditions or place where pests can obtain water or food, nest, or obtain shelter.
41. "Housing inspector" means a City or Department sanitarian, building inspector, fire inspector, or other employee or agent authorized and assigned to conduct inspections under this chapter.
42. "Heating system" means facilities that, for the purpose of maintaining thermal comfort during cold weather, heat air or water through a furnace or heat pump and distribute such heat through vents, ducts, pipes, or radiators, or hardwired electrical heaters. Neither a cooking appliance nor a portable, unvented fuel-burning space heater is a heating system.
43. "Housing advisory board" is the board appointed to act on appeals regarding this code.
44. "Human health hazard" means any substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.
45. "Imminent lead hazard" means a lead hazard that, if allowed to continue, will place a person at immediate risk of lead exposure and lead poisoning.
46. "Infestation" means the recurrent presence of any life stages of a pest that presents a hazard to humans, property, or the environment.
47. "Unsanitary condition" is a condition constituting a danger or hazard to the health of a person or persons occupying or frequenting a building or premises, or to the general public.
48. "Insects" means all species of classes of Arachnida and Insecta (Hexapoda) of the phylum Arthropoda and includes but is not limited to flies, mosquitoes, bed bugs, crickets, cockroaches, moths, bees, wasps, hornets, fleas, lice, beetles, weevils, gnats, ants, termites, mites, ticks, spiders, and scorpions.
49. "Integrated pest management" means a systematic strategy for managing pests that consists of prevention, exclusion, monitoring, and suppression of pests. Methods to manage pests include eliminating their harborage places; removing or making inaccessible their food and water sources; routine inspection and monitoring; identification of evidence found; treatment that is scaled to and designed for the infestation; using the least-toxic pesticide for the identified pest; and follow-up inspection until the infestation is gone.
50. "Interim control of lead hazards" means any set of measures designed to temporarily reduce human exposure or likely exposure to a lead hazard, including specialized cleaning, repair, maintenance, painting, temporary containment and ongoing monitoring of lead hazards or potential lead hazards.
51. "Kitchen" means any room containing any or all of the following equipment, or area of a room within three feet of such equipment: Sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.
52. "Ldn (day-night equivalent sound level)" means a weighted average sound level measured over a 24-hour period with adjustments anticipating reduced levels during evening and night hours to factor occupants' extra sensitivity to noise during those time periods.
53. "LAeq" means an average sound level measured over a specified period.
54. "Lead-based paint" means paint or any other surface coating material containing more than 0.06% lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint or more than 0.7 mg/cm² by X-ray fluorescent spectroscopy in the dried film of applied paint.
55. "Lead-contaminated dust" means surface dust in dwellings that contain an area or mass concentration of lead in levels exceeding current federal or state standards or guidelines.

56. "Lead-contaminated soil" means bare soil that contains lead at or above 400µg/g (micrograms per gram) and could be a lead hazard to one or more persons.

57. "Lead hazard" means any substance, surface or object that contains lead and that, due to its condition, location, or nature, may contribute to the lead poisoning or lead exposure of a person.

58. "Lead hazard abatement" means any set of measures designed to permanently eliminate a lead hazard, including all of the following:

a. The removal of lead-based paint and lead- contaminated dust, the permanent containment or encapsulation of lead based paint, the replacement of surfaces or fixtures painted with lead-based paint, and the removal or covering of lead-contaminated soil.

b. All preparation, clean-up, disposal and associated post-abatement clearance testing activities.

59. "Lead hazard reduction" means actions designed to reduce human exposure to lead hazards, including lead hazard abatement and interim control activities involving lead-based paint or lead-contaminated dust or soil or clearance activities that determine whether an environment contains a lead hazard.

60. "Let" means to lease or grant the use and possession of real property whether or not for compensation.

61. "Long-lasting battery" means a battery having a life of ten or more years.

62. "Methamphetamine" means the synthetic drug with more rapid and lasting effects than amphetamine, sometimes used or manufactured illegally as a stimulant.

63. "Mold" means a growth that a fungus produces on damp or decaying organic matter or on living organisms.

64. "Multiple dwelling/Multifamily housing" means any dwelling containing more than two dwelling units.

65. "Non-friable asbestos" means two categories of asbestos-containing materials that cannot be crumbled to powder by hand pressure.

a. Category I is pliable (not brittle), breaks by tearing rather than fracturing, and does not release asbestos fibers upon breaking. Common types are resilient floor covering and asphalt roofing products.

b. Category II is any material, excluding category I, containing asbestos that is brittle (not pliable), breaks by fracturing rather than tearing, and does release some asbestos fiber upon breaking. Common types are rigid exterior siding and boards known as transite.

66. "Occupant" means any person, over one year of age, living, sleeping, cooking or eating in, or actually having possession of a dwelling unit, except that in dwelling units a guest will not be considered an occupant.

67. "Ordinary maximum summer conditions" means a temperature of 92° F.

68. "Ordinary minimum winter conditions" means a temperature of -21° F.

69. "Owner" means any person who, alone or jointly or severally with others:

a. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

b. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, operator, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

70. "Person" means any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency, or any other legal entity recognized by law..

71. "Plumbing" means and includes all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

72. "Potable water" means water that complies with the maximum contaminant limits of the United States Environmental Protection Agency (EPA) or any federal agency given similar regulatory oversight as the EPA after the approval of this ordinance and the regulatory limits set by the Wisconsin Department of Natural Resources or any state agency given similar regulatory oversight after the approval of this ordinance.

73. "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.

74. "Privacy" means the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

75. "Radon" means the odorless, tasteless, and invisible gas found in both outdoor air and indoor air that is a form of ionizing radiation produced by the decay of uranium in soil and water.

76. "Recyclable materials" means disposable products composed of glass, metal, paper, plastic, and similar content that can be processed to produce a new supply of the same material or be reused in the production of other materials.

77. "Resident" means a resident of the jurisdiction.

78. "Residential Building Code" means the state Uniform Dwelling Code, SPS 320-325, and any amendments, revisions, or renumbering of the state Uniform Dwelling Code, which applies to one and two family dwellings only.

79. "Residential dwelling unit" means a structure or part of a structure, home, residence, or living unit by a single person or family, or any grounds, or other facilities or area occupied for the use of a resident. Residential dwelling unit does not include facilities that are inspected, owned, licensed or certified by the State of Wisconsin including rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, community based residential facilities, university -owned student dormitories, or adult homes, and properties owned or operated by the Eau Claire Housing Authority.

80. "Residential rental dwelling unit" means a structure or part of a structure, home, residence, or living unit by a single person or family, or any grounds, or other facilities or area occupied for the use of a residential tenant and includes, but without limitation, apartment units and buildings, mobile homes and single and two-family dwellings.

Residential Rental Dwelling Unit does not include:

a. Facilities that are inspected, owned, licensed or certified by the State of Wisconsin including rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, community based residential facilities, university-owned student dormitories, or adult homes, and properties owned or operated by the Eau Claire Housing Authority,

b. Units for transient lodging, including hotels, motels, inns, tourist homes, or on-campus housing accommodations owned, operated, or managed by an institution of higher education or secondary school for occupancy by its students.

c. Rental units otherwise exempted from inspection by state, federal, or local law.

d. Rental units regularly inspected under the Federal Section 8 housing program.

81. "Riser" means the vertical surface that connects one tread of a step or stair to the next.

82. "Rodent" means any member of the order Rodentia.

83. "Room" is a space within an enclosed building, and set aside from other rooms or space by a permanent partition or partitions.

84. "Safe and healthy" means the condition of being free from danger and chemical, biological, and physical agents that may cause injury, disease, or death; and fit for human occupancy.

85. "Smoke" means emissions from a lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted biomass-burning substances such as but not limited to tobacco, marijuana, and incense.

86. "Smoke detector" means a device that is equipped to activate an audible alarm when it detects the presence of combustion products in air.

87. "Space heater" means a self-contained heating appliance of either the circulating type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.

88. "Trash container" means a container with a tightfitting lid that is constructed of metal or other durable material that is impervious to rodents, insects, and handling stress; and is capable of being filled, emptied, and cleaned without creating unsanitary conditions.

89. "Tread" means the horizontal surface of a step or stair.

90. "Vacant dwelling" means a dwelling which is unoccupied for a temporary period of time, less than 12 consecutive months and is intended by the owner to be occupied in the future, provided that such occupancy is bona fide and not to be acquired for the sole purpose of defeating the vacancy of the dwelling.

91. "Ventilation system" means the natural or mechanical process of supplying or removing conditioned or unconditioned air to or from a space.

92. "Waterproof" means impervious to water.

93. "Watertight" means closely sealed, fastened, or fitted so that no water enters or passes through the surface.

94. "Weathertight" means secure against penetration by air, wind, rain, snow, and other weather conditions.

16.08.070 Duties of Owners and Occupants. A. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is sanitary and fit for human occupancy.

B. The owner has the duty to ensure that the structure, dwelling, dwelling unit, common areas, and premises are maintained in a safe and healthy condition, in compliance with this Chapter, the Code, and other applicable requirements.

C. The owner shall ensure the collection of trash and recyclables and provide and maintain trash containers, bulk storage containers, recycling containers, and areas where the containers are stored.

D. The owner shall maintain the building and premises to keep pests from entering the building and dwelling units, inspect and monitor for pests, and eliminate pest infestation in accordance with integrated pest management methods.

E. The owner shall not cause or allow any water, sewage, electrical, or gas service, facility, or equipment required for safe and healthy occupancy to be removed, shut off, or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary while repairs or alterations are being performed, or during temporary emergencies requiring discontinuance of service. This provision does not apply where the occupant has contractual control over the service and shall not be interpreted as preventing a utility company from discontinuing service for reasons allowed by law.

1. If contractually assigned, no occupant shall cause or allow any water, sewage, electrical, or gas service, facility, or equipment required for safe and healthy occupancy to be removed, shut off, or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary while repairs or alterations are being performed, or during temporary emergencies requiring discontinuance of service.

F. The occupant shall report unsafe or unhealthy conditions to the owner. The owner shall investigate occupant reports of unsafe or unhealthy conditions and, if necessary, make needed repairs in a timely manner.

G. The occupant shall properly use and operate the dwelling unit and owner-supplied fixtures and facilities controlled by the occupant in order to maintain a safe, clean and healthy environment within the dwelling unit, and report unsafe or unhealthy conditions, including breakdowns, leaks, and other problems requiring repair to the owner in a timely manner.

H. The occupant shall place trash and recyclables in the appropriate containers.

I. The occupant shall work with the owner to ensure pest-free conditions in accordance with integrated pest management.

J. If the occupant's action leads to pooling of water or another excessive moisture problem inside the dwelling unit, the occupant shall clean up and dry out the area in a timely manner.

K. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens, storm windows or storm doors, except the owner shall be responsible where he or she has agreed to supply such services, or where the dwelling unit is above the first floor.

L. 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 whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

16.08.080 Structures, Facilities, Plumbing, and Space Requirements. A. Structure. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, trim, accessory structure, fence, door, window, and window glass shall be safe to use and capable of supporting the intended design loads and load effects and shall be in good condition.

B. Facilities. Every plumbing fixture and pipe, chimney, flue, smoke pipe, and every other facility, piece of equipment, or utility shall be installed in conformance with applicable statutes, ordinances, and regulations.

1. Mechanical, utility, and heating equipment shall be separated from habitable rooms.

C. Plumbing System. Every plumbing fixture, stack, vent, water, waste, and sewer pipe shall be properly installed, maintained in a safe and functional order, and kept free from obstructions, leaks, and defects.

1. An approved potable water supply system shall provide an adequate amount of safe running water under pressure to all fixtures simultaneously.

2. All potable water supply piping and fittings for each plumbing fixture shall be installed in such a manner that backflow or back siphonage cannot occur. Backflow connections shall not be permitted between the piping system carrying potable water and any piping system or plumbing equipment carrying nonpotable water or water-borne waste. All drinking fountains provided in any building or on any premises shall comply with the requirements of the Eau Claire plumbing code.

3. An adequate supply of heated running water under pressure shall be supplied to sinks, bathtubs, showers, and laundry facilities. A minimum temperature of 110°F (43°C) and a maximum temperature of 120°F (49°C) shall be provided at the point of use of the fixture. The temperature of water discharged from a tankless water heater shall not exceed 140°F (60°C).

4. Every waste pipe shall be connected to a public sewer system or an approved private sewage disposal system. The drainage system shall have a cleanout.

5. A private water supply shall be tested annually to ensure that water does not have biological contaminants.

D. Kitchen. Every dwelling unit shall have a kitchen equipped with the following:

1. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.

2. A counter for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets shall have tight-fitting doors and no gaps between any surfaces. The counter, countertop edges, cabinets, and shelves shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable.

3. A range for cooking food. The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition.

a. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than 30 inches (762 mm) from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.

b. Ventilation for the range shall be provided in accordance with Section 16.08.110(C).

c. If the lease does not provide for a range for cooking food, adequate connections for the occupant's installation and operation of a range shall be provided.

4. A refrigerator with a freezer. The refrigerator shall be in good working condition, of sufficient size to store occupants' food that requires refrigeration, and capable of maintaining a temperature less than 41° F (6° C) but more than 32° F (0° C). The freezer section shall be capable of maintaining a temperature below 0° F (-18° C).

a. If the lease does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.

5. A kitchen floor in good condition with a sealed, water-resistant, nonabsorbent, and cleanable surface.

E. Bathroom. Every dwelling unit shall have a private bathroom equipped with the following:

1. A toilet in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system.

2. A sink in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe.

3. A bathtub or shower in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. The bottoms of bathtubs and shower floors shall have permanent or removable nonslip surfaces.

4. Cleanable nonabsorbent water-resistant material on floor surfaces and extending on bathroom walls at least 48 inches (122 cm) above a bathtub and 72 inches (183 cm) above the floor of a shower stall. Such materials on walls and floors shall form a watertight joint with each other and with the bathtub or shower.

5. Ventilation for the bathroom provided in accordance with Section 16.08.110(C).

6. If present, grab bars shall be firmly anchored to the wall adjacent to each bathtub, shower, and toilet in accordance with the Americans with Disabilities Act Design Guidelines.

F. The dwelling shall provide privacy and adequate space for sleeping and living.

1. A bathroom or toilet room shall not be the only passageway to the exterior of the dwelling.

2. The ceiling height of any habitable room shall be at least 84 inches (213 cm). In a habitable room with a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least 84 inches (213 cm). If any part of a room has a ceiling height lower than 60 inches (152 cm), its floor area shall not be considered in computing the floor area of the room.

3. In a one or two family dwelling, a habitable room shall be provided with natural light by windows in accordance with 16.08.100, and ventilation in accordance with Section 16.08.110(C). In such a room, the ceiling and any ducts, pipes, and other obstructions shall be at least 84 inches (213 cm) above the floor throughout the room, and walls and floors shall be waterproof and free of dampness.

G. Floors and floor coverings shall be attached at each threshold, maintained in safe and healthy condition, capable of being cleaned, and free of bulges and buckling. Carpets shall have no tears, folds, or bumps.

H. The structure and facilities shall be maintained so that the noise level in the interior of the dwelling unit caused by exterior sources is below 45 dB Ldn (day-night equivalent sound level).

16.08.090 Safety and Personal Security. A. Egress. In accordance with local codes, dwelling units shall have at least two doors to be used as means of egress that serve as emergency escape and rescue openings. Each egress shall lead outside or to a common corridor without passing through another dwelling unit. In multifamily dwellings, one exit per unit will be allowed where the occupant load does not exceed 10 persons, and the common path of egress travel does not exceed 75 feet of travel distance.

1. Egress routes shall be unobstructed. Doors along egress routes shall be openable from the inside without the use of a key or tool.

2. In multifamily dwellings, when not equipped throughout with an automatic sprinkler system, any bedroom located below the fourth floor, including basements where applicable, shall be provided with an exterior window openable from the inside that can be used as a means of emergency egress.

3. Egress doors shall have minimum dimensions of 76 inches (193 cm) by 32 inches (81 cm). Egress windows shall have minimum dimensions of 24 inches (61 cm) by 20 inches (51 cm).

a. Where the second floor is the lowest floor level in a dwelling unit, a flat roof deck or platform will be permitted as a minimum for a secondary exit. The platform shall be provided with at least a 36-inch high, but no more than a 46-inch high guardrail above the platform floor. If the platform is serving more than one dwelling unit, except in a duplex situation, the guardrail shall be at least 42 inches above the platform floor. Existing guardrails on platforms shall be structurally sound, safe and constructed with at least 2 uniformly spaced intermediate rails. Guardrails shall be constructed to prevent the through-passage of a sphere with a diameter of 4 inches or larger. The platform, depending on the dwelling unit it serves, shall comply with regulations contained in Chapters SPS 320 through 325 or SPS 360-366, Wisconsin Administrative Code, and any amendments, revisions, or renumbering of same. The floor of the platform or roof edge may not exceed an elevation of 15 feet above the grade below.

4. If a habitable room partly or totally below grade is intended for sleeping purposes, at least one exterior window shall be openable from the inside and accessible for easy and ready use as an emergency exit. The window shall have the following minimum dimensions: for multifamily dwellings, a net clear opening of 5.7 ft² (0.53 m²); 24 inches (61 cm) from the top of the sill to the bottom of head of the window frame; a width of 20 inches (51 cm); and an opening height of not more than 44 inches (112 cm) from the floor. For single and two family houses, the window shall have a clear opening in either direction of 20 inches by 24 inches and a height of 46 inches or less from the floor to the window opening.

a. If the window opening sill height is below ground elevation, the horizontal dimension (width times projection) of the window well shall be at least nine ft² (0.84 m²) and the horizontal projection shall extend at least 36 inches (91 cm) from the exterior side of the window.

b. If the egress window well is deeper than 44 inches (112 cm) for multifamily dwellings and 46 inches (117 cm) for one and two family dwellings, below ground elevation, there shall be steps or a ladder permanently attached to serve as an emergency exit to ground elevation. The distance between steps or rungs shall be not more than 18 inches (46 cm), their width shall be at least 12 inches (31 cm), and their projection from the wall shall be between 3 and 6 inches (7.6 and 15 cm).

c. In multifamily dwellings, a door leading directly from the room to the outside that provides an exit at grade level shall fulfill this requirement. In one and two family dwellings, a door in an adjacent room which is used as a common space, like a living room with a walkout, would satisfy the requirements or the second exit provided there was also a stairway leading to the first floor.

B. Locks/Security. Means of egress (i.e., windows and/or doors) from dwellings shall have locks.

1. Following each change in tenancy, reasonable precautions shall be taken to control means of entry to minimize prior tenant access. If keys are provided, they shall be provided to each person named on the lease.

2. Dwelling unit entry doors shall be equipped with a dead bolt lock with a minimum throw of one inch (2.54 cm) and that is capable of being opened from the interior side without a key.

3. Exterior doors on multifamily buildings with a common entry that leads into a foyer or hallway shall have a self-closing mechanism and shall be equipped with a locking device capable of being opened from the interior side without a key. Manually operated flush bolts or surface bolts are not permitted.

4. Exterior windows that are capable of being opened and are potential means of entry shall be equipped with a lock on the interior side.

5. Hasp-type or hasp-like locks are prohibited on bedroom doors.

C. Smoke Alarm. Every dwelling unit shall have a functioning smoke alarm, installed per the manufacturer's listing, outside each sleeping area in the immediate vicinity of the bedrooms, in each additional room used for sleeping purposes, and on every level except crawlspaces and uninhabitable attics. In dwellings or dwelling units with split levels that have no door between adjacent levels, the smoke alarm installed on the upper level shall suffice for the adjacent lower level. In the event a smoke alarm sounds, the cause of the alarm condition shall be identified and corrected.

1. In multifamily housing, a tamper-proof smoke detection system (interconnected with a central fire alarm system) or stand-alone smoke alarms in good working condition shall be installed on each level including basements, in heating system and storage rooms, in garages, and in other common areas.

2. Battery-operated smoke alarms and the battery backup for hardwired smoke alarms shall be powered with long-lasting batteries.

D. Fire extinguishers shall be rated Class ABC and shall be readily accessible.

1. In multifamily housing, there shall be fire extinguishers in common areas on each floor and in areas where flammable or combustible liquids are stored, used, or dispensed. The fire extinguishers shall be located in conspicuous, unobstructed locations that are not obscured from view.

E. Carbon Monoxide Alarm. Every dwelling unit with a fuel fired appliance or an attached garage where motor vehicles are stored shall have at least one functioning carbon monoxide (CO) alarm on every habitable floor and outside each separate sleeping area, in the immediate vicinity of every bedroom. In the event a CO alarm sounds, the cause of the alarm condition shall be identified and corrected.

1. CO alarms powered by home electrical system shall have battery backup.

F. Every interior and exterior stairway, ramp, deck, porch, and balcony shall be maintained structurally sound, in good repair, properly anchored, and capable of supporting the imposed loads.

1. Treads on exterior stairways shall have nonskid surfaces.

2. Handrails and guardrails are required as follows:

a. Stairs with more than 3 risers shall be provided with at least 1 structurally sound and safe handrail for the full length of the stairs for each open side. Handrails on the open side of the stair shall provide at least one intermediate rail at mid height or equivalent. Handrails on the open side of the stair shall be constructed to prevent the through-passage of a sphere with a diameter of 4 inches or larger and shall comply with Chapters SPS 321 or SPS 360-366, Wisconsin Administrative Code, or any amendments, revisions, or renumbering of same.

b. All openings between floors and open sides of landings, platforms, balconies or porches that are more than 30 inches above grade in multifamily dwellings and 24 inches above grade in one and two family dwellings shall be protected with guardrails.

3. Every interior and exterior stairway shall have uniform risers and treads. In multifamily dwellings, risers shall be no higher than 7¾ inches (19.6 cm) and treads shall be at least 10 inches (25.4 cm) deep, unless the existing space and construction do not allow a reduction in pitch or slope. In one and two family dwellings, risers shall be no higher than 8 inches (20.3 cm) and treads shall be at least 9 inches (22.8 cm) deep.

G. Guards.

1. In multifamily dwellings, every porch, patio, landing, and/or balcony located more than

30 inches (76.2 cm) above an adjacent area shall have a structurally sound guard 42 inches (106.7 cm) high. In individual dwelling units, where a guard on the open side of a stairway also serves as the handrail, the guard must be between 34 inches (86.4 cm) and 38 inches (96.5 cm) measured to the top of the railing measured vertically from the floor. The guard shall be firmly fastened, capable of supporting normally imposed loads, capable of being opened in case of emergency, and in good condition. Balusters shall be able to withstand a normal uniform load of 50 pounds per square foot and shall be placed at intervals that do not allow passage of a sphere greater than four (10.2 cm) inches in diameter. If the balusters do not reach the floor, the narrowest opening between the bottom of the stair guard and the floor shall be a maximum of four inches (10.2 cm).

2. In multifamily dwellings, if the vertical distance from the top of the sill of an exterior window opening to the finished grade or other surface below is greater than 72 inches (183 cm), and the vertical distance from the top of the sill to the floor of the room is less than 24 inches (60.9 cm), the window shall have a fall prevention device compliant with ASTM F2006 or ASTM F2090.

a. The fall prevention device for a window that provides access to a fire escape or is otherwise designated for emergency egress shall be compliant with ASTM F2090.

H. Chemical Storage.

1. Each dwelling unit shall have a cabinet or other storage space that is lockable or not readily accessible to children for the storage of medicine and household chemical agents.

2. Storage space for flammable and combustible liquids shall be available either in a building separate from the dwelling's habitable space or in an adjacent space that is not connected to the dwelling's ventilation system.

16.08.100 Lighting and Electrical Systems. A. *Electrical System.* Every dwelling unit shall have electric service, outlets, and fixtures that are grounded and installed properly, maintained in good and safe working condition, and connected to a source of electric power.

1. Every dwelling unit shall be supplied with a three-wire, 120/240-volt, single-phase electrical service that is not shared with another dwelling unit.

2. Temporary wiring or extension cords shall not be used in place of permanent wiring for more than 90 days.

B. *Outlets.* Every dwelling unit shall be supplied with electrical service, wiring, outlets and fixtures which shall be properly installed and shall be maintained in good and safe working condition. The following requirements shall be applicable to all dwelling units:

1. Every bathroom, bedroom, water closet compartment, kitchen, dining room, living room, laundry room, furnace room, hall, stairway and exterior entrance shall have at least one approved wall or ceiling light fixture capable of providing no less than 5 foot-candles at floor level in the center of the room. A switched outlet may be substituted for a light fixture in bedrooms, living rooms and dining rooms.

2. A minimum number of separate duplex-type receptacle outlets, separated by a reasonable distance, shall be provided as follows:

a. Kitchen and living room--three each room with at least one outlet serving the food preparation area.

b. Bedrooms--one duplex outlet per occupant of the bedroom, with a minimum of two outlets per bedroom.

c. Every bathroom shall have one approved ground fault type duplex outlet.

d. Every habitable room not listed in a. and b. shall have at least two separate duplex convenience outlets; or one such duplex convenience outlet and one supplied ceiling or wall light fixture.

e. All outlets that may be used for electric appliances that are not major electric appliances, and are located within 6 feet of sinks, lavatories, showers or bathtubs, shall be an approved ground fault type.

3. Branch circuits shall be protected by circuit breakers, or by S-type or equivalent safety type, tamper proof fuses not to exceed the amp capacity of the smallest wire in the circuit.

4. No duplex electric convenience outlet shall serve more than two fixtures or appliances.

C. Natural Lighting. Every habitable room shall receive daylight from at least one exterior window or skylight. A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area, measured between stops, for every habitable room shall be eight percent of the floor area of such room. Minimum total area may be replaced with adequate ventilation and artificial lighting with Health Department approval.

1. If a habitable room receives daylight from an adjacent room or area used seasonally, such as a porch, the daylight through this interconnection shall be available year-round.

2. Every bathroom and kitchen shall comply with the daylight requirement for habitable rooms contained in this section, unless the room is equipped with a ventilation system consistent with Section 16.08.110.

D. Artificial Lighting. Each room containing a toilet, sink, bathtub, or shower stall shall contain at least one ceiling- or wall-type electric lighting fixture. Each non-habitable room, including laundry rooms, furnace rooms, and public halls, shall contain at least one ceiling- or wall-type electric lighting fixture. Each habitable room shall contain at least one ceiling- or wall-type electric lighting fixture or a switched outlet.

1. Light switches that control ceiling- or wall-type electric light fixtures shall be located conveniently for safe use.

2. Every public hall, exterior entry door, and stairway in multifamily housing shall be illuminated at all times by ceiling- or wall-type electric lighting fixtures providing a minimum of 1 foot-candle (11 lux) at the walking surface along the means of egress

3. In a building containing one or two dwelling units, every public hall, exterior entry door, and stairway shall be illuminated by ceiling- or wall-type electric lighting fixtures providing 1 foot-candle at the walking surface along the means of egress.

16.08.110 Thermal Comfort, Ventilation, and Energy Efficiency. A. Heating, Ventilation, and Air Conditioning Systems. Facilities for heating, cooling, ventilation, and humidity control shall be maintained in good working condition and operated when necessary for the health and comfort of the occupants and in accordance with the design capacity of the installed equipment. Within 48 hours after equipment has become inoperative due to a mechanical problem or power failure other than a utility outage, an alternative safe source of necessary heating, ventilating, or cooling shall be provided.

B. Heating System. Every dwelling shall have a properly installed heating system in good and safe working condition that is capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms. The heating system, filtration components, distribution components, heating elements, and cooling elements (if provided), shall be sealed, cleaned, maintained, and operated in accordance with manufacturer specifications and shall be inspected annually

1. Venting and Air Supply for Heating Equipment. Furnaces, water heaters, wood stoves, and other devices that employ combustion-burning fuel shall be vented to the outside of the structure in an approved manner that meets manufacturer specifications and is in compliance with applicable codes and standards and shall be supplied with sufficient air to support the continuous complete combustion of fuel and prevent backdrafting.

2. Minimum Heat Temperature. The heating system shall be capable of maintaining a minimum room temperature of 68° F (20° C) in every habitable room, bathroom, and toilet room.

3. Heating Supply. If the dwelling unit is rented, leased, or let on terms either expressed or implied that heat will be supplied, heat shall be provided to maintain a minimum temperature of 68° F (20° C) in habitable rooms, bathrooms, and toilet rooms.

4. Forced-Air Systems. Any dwelling with a forced-air system shall have at least one thermostat within each dwelling unit capable of controlling the heating system, and cooling system if provided, to maintain temperature set point between 55° F (13° C) and 85° F (29° C) at different times of the day. The system shall have a clean air filter installed in accordance with manufacturer specifications at each change in tenancy and at least annually. This filter shall have a minimum efficiency reporting value of eight (MERV-8) unless the system is not equipped to use a MERV-8 filter.

5. Steam and Hot Water Systems. In dwellings with heating equipment utilizing steam or hot water with a temperature of 110° F (43° C) or greater, protective covers/barriers shall be installed on and maintained for exposed surfaces of baseboard units, radiators, and piping between radiators.

6. Wood Stoves. A wood stove manufactured after June, 1988 shall have a manufacturer's label certifying compliance with the emission standard at 40 C.F.R. § 60 part AAA. Clearance of 30 inches (76 cm) shall be maintained between combustible materials and a stove with no heat shield. Where a heat shield is present, the clearance between combustible materials and the stove shall be compliant with manufacturer specification for the heat shield.

7. Any new combustion heating equipment installed in occupied or conditioned spaces shall be power-vented or sealed (direct-vented) combustion equipment.

C. Ventilation. Natural or mechanical ventilation, shall deliver fresh air to every habitable room and bathroom and be capable of removing moisture-laden air and other contaminants generated during cooking, bathing, and showering.

1. Natural ventilation shall be provided to each habitable room by means of operable doors, skylights, or windows. The net area of the operable doors, skylights, or windows shall be 3.5% of the floor area of the habitable room.

2. Every dwelling shall have a ventilation system compliant with ASHRAE Standard 62.2 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) or ASHRAE 62.1 (Ventilation for Acceptable Indoor Air Quality) as applicable to the dwelling.

3. The air exhausted from a bathroom, toilet room, kitchen, clothes dryer, or basement shall not be vented into any other parts of the building's habitable space or an attic; such air shall discharge directly to the outdoors but not near any intake on the building exterior.

a. The exhaust vent from a clothes dryer shall consist of a rigid or corrugated semi-rigid metal duct. The exhaust vent and surrounding areas shall be clear of lint accumulation.

4. Pipes, ducts, conductors, fans, and blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another occupant. Vent pipe openings and any pest-proofing screens that cover them shall be maintained free of debris. Screens are not permitted on dryer exhaust.

D. Air Sealing. Openings into dwellings and dwelling units shall be sealed to limit uncontrolled air movement.

1. Exterior doors, windows and skylights, openings where siding and chimneys meet, utility penetrations, electrical outlets, and other openings shall be weathertight.

a. Pads, door sweeps, weather stripping, and seals shall be used and maintained in good repair to minimize air leaks.

2. Openings separating an attached garage from a habitable room, including doors, ceilings, floors, and utility and ductwork penetrations, shall be sealed.

a. Any doorway between a habitable room and a garage shall be equipped with a 20-minute fire-rated door and frame assembly.

b. There shall be no door, window, or other opening from a garage into a room used for sleeping purposes.

3. Heating and air conditioning system ductwork and air handling units located in an attached garage shall be correctly insulated and sealed.

a. There shall be no supply or return vent openings in a garage that connect to air handlers serving habitable spaces.

4. In a multifamily building, walls, ceilings, and floors that separate a dwelling unit from neighboring units, corridors, chases, stairwells, and other openings shall be sealed.

16.08.120 Moisture Control, Solid Waste, and Pest Management. A. Moisture Prevention and Control. Every foundation, roof, roofing component, exterior wall, door, skylight, and window shall be watertight, weathertight, free of persistent dampness or moisture, and in good condition.

1. The building's drainage system, such as footing or foundation drains, gutters, downspouts, rainwater collection containers, or other elements, shall direct water away from the structure.

2. Exterior wood surfaces shall be protected from the elements and decay by paint or other protective treatment or be naturally decay resistant.

3. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water on the premises, within a crawlspace, or within the structure.

4. Interior and exterior surfaces and surface coverings, such as but not limited to carpet, wood, cellulose insulation, and paper, paint, and other wall coverings, including paper-faced gypsum board, shall have no signs of visible mold growth or chronic or persistent excessive dampness or moisture.

5. Building material that is discolored or deteriorated by mold or mildew or causes a moldy or earthy odor shall be cleaned, dried, and repaired. Structurally unsound material shall be removed and replaced.

6. The underlying cause of excessive dampness or moisture, or moldy or earthy odor shall be investigated and corrected.

7. Cold HVAC and plumbing components and systems (e.g., chilled-water pipes and valves, refrigerant piping, and valves) in readily accessible locations shall be sufficiently and continuously insulated to keep the temperature of their surfaces at least 10°F (4°C) above the dew point of the surrounding air.

8. Unless the crawl space is sealed and insulated from the outdoors, the crawl space shall be free of high moisture conditions or be separated from the dwelling by an air seal or other method suitable to the climate and conditions.

9. If installed, humidifiers and dehumidifiers shall be sized, installed, and controlled so they do not overload the air with humidity, which increases the risk of condensation inside air distribution systems and exterior walls and roofing assemblies.

B. Solid Waste. Every dwelling shall have adequate facilities for temporary storage of trash and recyclable materials.

1. There shall be trash containers outside the dwelling for the storage of trash awaiting collection or disposal. The total capacity of these facilities shall be sufficient to store occupants' trash between scheduled collection times, and shall be placed on a cleanable surface constructed to minimize spillage.

2. There shall be containers outside the dwelling for recyclable materials awaiting collection, with capacity sufficient to store occupants' recyclable materials between scheduled collection times.

C. Integrated pest management (IPM) methods shall be used to maintain every dwelling free of infestation, openings that allow pest entry, conditions that harbor pests or provide them with food or water, and visible pest residue or debris.

1. A pest management professional who has an IPM certification or a person trained in IPM shall develop the IPM program for a multifamily building.

2. Every dwelling, premise, accessory structure, and fence shall be maintained in good repair, free of pest infestation, and inspected for pests and building conditions that attract and support pests.

a. There shall be no accumulation of trash, paper, boxes, lumber, scrap metal, food, or other materials that support rodent harborage in or about any dwelling or premises. Stored materials shall be placed in boxes or stacked in stable piles elevated at least six inches (152 mm) above the ground or floor and at least six inches (152 mm) from the walls. Stored materials shall not block any egress routes.

b. There shall be no accumulation of water in or about any dwelling or premises.

3. Every openable window and storm door shall be supplied with adequate 16-gauge screens to prevent the entry of pests.

4. There shall be no holes or open joints in exterior walls, foundations, slabs, floors, or roofs that equal or exceed 1/8th inch (3 mm).

a. The areas surrounding windows, doors, pipes, drains, wires, conduits, vents, and other openings that penetrate exterior walls shall be sealed with low-VOC caulk or closed-cell insulation.

5. Pest infestation and the underlying cause shall be eliminated using control methods consistent with IPM, such as exclusion, sanitation, and least-risk pesticides scaled to and designed for the targeted infestation.

a. Foggers and organic phosphates shall not be used to control or eliminate pests.

16.08.130 Chemical and Radiological Agents. **A. General Requirements.** All chemical and radiological agents in dwellings, premises, and accessory structures, including but not limited to deteriorated lead-based paint, friable asbestos-containing material, formaldehyde, volatile organic compounds, radon, pesticides, and methamphetamine, shall be contained, stored, removed, or mitigated in a safe and healthy manner consistent with federal, state, and local laws and regulations.

B. Lead-Based Paint.

1. Lead levels at or above federal regulatory limits pursuant to 40 C.F.R. § 745.65 or any amendments, revisions, or renumbering of this regulation or state regulatory requirements pursuant to DHS 163 or any amendments, revisions, or renumbering of this section, are deemed hazardous.

2. Painted surfaces shall be maintained intact. Deteriorated paint at a property built before 1978 shall be repaired in accordance with the renovation requirements of DHS 163 or any amendments, revisions, or renumbering of this section, and the underlying cause of the deterioration shall be corrected.

3. All renovation, repair, and painting work that disturb a painted surface in a pre-1978 dwelling shall be performed in accordance with the renovation requirements of DHS 163 or any amendments, revisions, or renumbering of this section, unless the paint has been tested and found not to contain lead-based paint in accordance with DHS 163 or any amendments, revisions, or renumbering of this section.

4. With the exception of paint that is tested and found not to contain lead-based paint in accordance DHS 163, a painted surface shall not be disturbed using methods that involve:

a. open-flame burning or torching or operating a heat gun at temperatures above a maximum of 1,100° F (593° C); or

b. power sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting unless such machines have shrouds or containment systems and a High-Efficiency

Particulate Air (HEPA) vacuum attachment that collects dust and debris at the point of generation. The shroud or containment system shall release no visible dust or air outside the shroud or containment system.

5. Lead-based paint shall not be applied to the interior or exterior surface of any dwelling or dwelling unit.

C. Lead Hazard Inspection and Abatement.

1. The department may conduct an inspection of a dwelling, dwelling unit, accessory structure, premise, surface, substance or object which the department has reason to believe may be a lead hazard or may exceed the allowable lead levels. The department may remove samples or objects necessary for laboratory analysis to determine the presence of a lead hazard in the dwelling or premise.

2. If the department determines that a lead hazard exists on the premises, the department shall do any or all of the following:

a. Cause to be posted in a conspicuous place upon the dwelling or premises a notice of the presence of a lead hazard.

b. Notify the occupant of the dwelling or premises, or that person's representative, that a lead hazard is present on or in the dwelling or premises and may constitute a health hazard.

c. Issue an order to the occupant and/or owner that requires any or all of the following:

i. Interim control of lead hazards.

ii. Lead hazard reduction.

iii. Lead hazard abatement.

iv. Vacating the dwelling or dwelling unit due to the presence of an imminent lead hazard.

v. Abatement of a lead hazard by a state of Wisconsin certified lead worker and lead supervisor, when required by state law.

vi. Clearance testing activities to determine if a lead hazard has been eliminated.

D. Asbestos. Every owner shall maintain in good repair all asbestos-containing material on the premises. All asbestos-containing material shall be maintained non-friable and free from any defects such as holes, cracks, tears, and/or looseness that may allow the release of fibers into the environment.

1. Where asbestos-containing materials are used to insulate pipes and/or boilers, the phrase "caution asbestos" shall be painted or otherwise affixed on the boiler and on at least one of the insulated pipes in letters not less than one inch in height, in contrasting colors with the background material and be easily visible.

E. Asbestos Inspection and Abatement. In every inspection of a dwelling, dwelling unit conducted by the department he or she may inspect for the presence of asbestos-containing material and remove samples necessary for laboratory analysis. Where asbestos-containing material is found to be present in such condition or is being handled in a manner that asbestos fibers are or may be released to the adjacent environment creating a human health hazard, the asbestos-containing material shall be removed or repaired. Removal, repair and disposal of friable or non-friable asbestos shall be done in a manner that does not cause a human health hazard.

1. Plans detailing corrective procedures to comply with health department orders regarding asbestos abatement shall be submitted to the health department prior to initiating the corrective measures. These plans shall include information such as, but not limited to, the following:

a. Information regarding the facility where abatement is to be completed.

b. Name of owner(s) of the facility where abatement is to be completed.

c. Dates of the asbestos abatement project.

d. Description of abatement methods to be used.

e. Description of wetting agents, encapsulants and sealants to be used.

f. Description of negative air system to be used.

g. Description of waste handling procedures.

h. Description of final air clearance sampling and testing methods to be used.

2. Removal, repair and disposal of friable asbestos containing material from any residential dwelling unit shall be performed by a person properly certified by the state of Wisconsin to conduct asbestos abatement, except where an uncertified person is able to demonstrate to the department that he or she possesses acceptable knowledge and resources to safely repair or remove friable asbestos, such person may perform repair or removal within a total of twenty-five lineal feet or ten square feet in area.

3. Air testing with a final clearance level of less than 0.01 fiber per cubic centimeter of air may be required to comply with department orders regarding friable asbestos abatement projects. Air testing shall be done as follows:

- a. By a person qualified to conduct asbestos air testing.
- b. At least one sample per containment area shall be obtained.
- c. Utilizing aggressive air sampling techniques such as with a leaf blower or fan.
- d. Samples shall be analyzed by a qualified laboratory using phase contrast or

other EPA-approved method.

F. Toxic Substances in Manufactured Building Materials.

1. Building materials consisting of hardwood plywood, medium-density fiberboard, and particleboard as defined by 15 U.S.C. 2697(b)(2) or any amendments, revisions, or renumbering of this section shall not be used in maintenance and renovations within dwellings, unless the materials have been certified to meet the formaldehyde emission standards of 15 U.S.C. 2697(b)(2) or any amendments, revisions, or renumbering of this section:

- a. Hardwood plywood with a veneer core, 0.05 parts per million (ppm);
- b. Hardwood plywood with a composite core, 0.05 ppm;
- c. Medium-density fiberboard, 0.09 ppm;
- d. Thin medium-density fiberboard, 0.11 ppm; and
- e. Particleboard, 0.08 ppm.

2. Building materials used in maintenance and renovations, including but not limited to paints, coatings, primers, glues, resins, adhesives, and floor coverings, shall be certified as having no volatile organic chemicals (VOCs) or low VOC emissions, and having no halogenated flame retardants (HFRs).

G. Radon. If tested, radon present at levels at or above the EPA action level of four picocuries radon per liter of air (pCi/L) in the lowest habitable level of the dwelling shall be deemed hazardous.

1. Radon levels shall be determined by an approved testing method.

2. Mitigation of radon levels exceeding four pCi/L shall be performed by a professional certified by a national private-sector radon proficiency program.

H. Pesticides shall only be used in accordance with IPM methods discussed in Section 16.08.120(C).

1. Pesticides shall be applied only in areas and at concentrations which comply with manufacturer specifications. When it is determined by an approved method that a hazardous amount of a pesticide has been applied in a location or at a concentration contrary to manufacturer specifications, the hazard shall be immediately mitigated.

2. Pesticides shall be stored and disposed in accordance with manufacturer specifications.

I. Methamphetamine. A dwelling that has been used for methamphetamine manufacture shall be vacated until deemed safe by an approved testing method.

J. Smoke in Multifamily Housing.

1. Smoking shall be prohibited in all indoor common areas of multifamily buildings.

2. Smoking shall be prohibited in exterior areas less than 25 feet (762 cm) from building entrances, outdoor air intakes, and operable windows to prevent smoke from entering enclosed areas in which smoking is prohibited.

16.08.140 Housing Appearance. A. Foundations, Exterior Walls, and Roofs. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit, which does not comply with the following requirements:

1. Every exterior wall, eave, soffit, trim and similar surface shall be free of deterioration, holes, breaks, and loose or rotting boards or timbers.

2. Structures that require paint or stain, or that have been painted or stained, should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent deterioration of its finished surface on any wall, that wall shall be painted or stained.

3. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in reasonably good repair and free from cracks and defects which make them hazardous or unsightly.

4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured, hung properly, and in reasonably good repair.

5. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in reasonably good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

B. Grading and Drainage of Lots. Every yard, vent passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in reasonably good repair.

C. Accessory Structures. All accessory structures shall be maintained in a state of reasonably good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.

D. Abandoned Dwellings. The owner of any abandoned dwelling or his or her authorized agent shall:

1. Cause all services and utilities to be disconnected from or discontinued to said dwelling;
2. Lock all exterior doors and windows of said dwelling;
3. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in reasonably good repair such that they comply with section 16.08.165 B of this chapter; and
4. Maintain the yard and accessory structures such that they comply with section 16.08.165 C and D of this chapter.

E. Nuisances. The interior and exterior of vacant and abandoned dwellings and their premises shall be maintained in a nuisance-free condition.

16.08.150 Housing Inspectors Inspections and Duties. A. Housing inspectors are authorized and directed to make inspections pursuant to this chapter, applicable provisions of this title, or of applicable state or local rules or regulations adopted under or related thereto. Specifically, but without limitation, housing inspectors shall initiate inspections pursuant to the schedule for inspections in this chapter, in response to a complaint, has been committed, or when there is a valid reason to believe that a violation of this chapter, title, or of applicable state or local rules or regulations adopted under or related thereto has been committed. If violations are found to exist the procedure of enforcement stated in Sections 16.08.200 through 16.08.220 shall apply to such violations.

B. Housing inspectors are authorized to enter and inspect all residential dwellings subject to the provisions of this chapter and applicable law between the hours of 8 a.m. and 5 p.m. (except Sundays and holidays), for purposes authorized in sub A. above. Housing inspectors shall give the occupant not less than 24 hours' notice of the intent to inspect the premises and may then make the inspection only if he or she is given permission to do so. In the absence of such permission, he or she shall obtain a search warrant pursuant to Wis. Stat. 66.0119 before entering the premises.

1. If delay in inspection would pose a serious and imminent threat to human life, health or property, housing inspectors may enter the premises without such permission or notice and with or without a search warrant as the circumstances may prescribe pursuant to ss. 254.59. At any time, the 24 hour notice requirement may be waived by the occupant, or if there is none, the owner.

C. Housing inspectors are hereby authorized to lawfully enter and inspect the premises surrounding residential dwellings subject to this chapter for the purposes authorized in sub. A, above.

D. The owner, occupant or other person in charge of a residential dwelling unit subject to this chapter may agree to an inspection by appointment at a time other than the hours provided by this chapter, which if agreeable, shall authorize housing inspectors to inspect during such time.

16.08.160 Residential Rental Dwelling Unit Registration. A. All properties containing at least one residential rental dwelling unit must be registered annually with the city of Eau Claire by submitting a completed registration form, made available by the Department. The registration form must contain the following:

1. Name of the owner of each residential rental dwelling unit.
2. Name, address, and telephone number of authorized contact person for each residential rental dwelling unit.

B. Initial registration of properties containing at least one rental housing unit is due on or before January 1st, 2018, and annually thereafter on or before March 1st. Changes to the required registration information such as ownership or changes to the authorized contact person for each rental property must be submitted to the city of Eau Claire within 60 days of the change.

C. Residential rental dwelling unit owners must submit a registration fee per property established by the City Council as stated in the City of Eau Claire Fee and Licenses Schedule simultaneous to filing registration.

16.08.170 Regularly Scheduled Residential Inspection Program. A. As a reasonable and necessary means of realizing the purposes and objectives of this chapter, this regularly scheduled residential inspection program is initiated and made applicable to residential dwelling units within the city of Eau Claire.

B. Inspections.

1. All residential dwelling units that meet the criteria set forth by this section are subject to regularly scheduled, periodic inspection and as needed re-inspection as provided by this chapter.

2. The City of Eau Claire finds and declares the following criteria to be indicators of an elevated risk of health and safety concerns and code violations in all residential dwelling units. The City of Eau Claire finds and declares that a formula which utilizes these factors to determine which properties require a mandatory inspection is consistent with and meets the standards set forth in Wisconsin Statute Section 66.0119 governing the ability to obtain a special inspection warrant:

a. External housing defects identified as part of a periodic neighborhood external housing survey.

b. Number of complaints against a property owner that include verification or observation from Housing inspectors, City or Department staff, or comparable public agencies. Such verification shall be considered reliable for meeting the standards set forth in Wisconsin Statute Section 66.0119.

c. Buildings initially constructed over 40 years prior to the current calendar year.

d. Residential dwellings that contain residential rental units.

e. Any documented cases of retaliation, as defined in 16.08.180, or any documented cases of violations of Wisconsin Landlord-Tenant law by a property owner within the city of Eau Claire or with regard to a property within the City.

3. Violations identified during the residential dwelling unit inspection shall be abated within the time ordered to prevent re-inspections and associated re-inspection fees.

4. Inspection Fee. An owner of any residential dwelling unit inspected or re-inspected under this section shall pay an inspection or re-inspection fee established by the City Council as stated in the City of Eau Claire Fees and Licensing Schedule.

5. Non-exclusivity. None of the inspection provisions in this Chapter shall prohibit, condition, or otherwise limit any inspection conducted pursuant to this code or other applicable law.

6. Notice of Inspection.

a. The housing inspector shall serve written notice of the date and time of any inspection to be conducted under this Chapter, by mailing such notice by first class mail at least 21 calendar days prior to the date of inspection. The housing inspector shall mail the notice to the occupants of each residential dwelling unit, the owner, and the authorized contact person to the addresses provided on the registration application, as described in Section 16.08.160. In the case of multiple owners of the same property, notice to any one of the owners or the authorized contact person shall comply with the notice requirement under this section.

b. Should the tenant, owner, or authorized contact person of the owner of the residential rental dwelling unit refuse admittance to the department the City of Eau Claire staff may proceed to obtain a special inspection warrant pursuant to Wis. Stat. 66. 0119.

16.08.180 Retaliatory Eviction and Other Retaliation Prohibited. A. No person or tenant may be retaliated against for complaining against violations of the City Code of ordinances, City-County Board of Health regulations, or any state or local regulation related to landlord-tenant law or housing conditions.

B. Retaliation shall include, but not be limited to, eviction, inconsistent rent payment increases, failure to perform promised repairs, refusal to renew a lease or other harassment of the tenant committed by the landlord or his or her agents, or threatening any of the preceding. Any such acts shall be presumed to be retaliatory if committed within six months after the tenant has complained to any state or local investigatory or enforcement agency of violations of this chapter or other violations related to landlord-tenant law or housing conditions. In order to overcome the presumption that such acts are retaliatory, the landlord must show by a preponderance of evidence that such acts were based upon good cause.

16.08.185 Authorized Contact Person. Each owner of rental housing property shall designate an Authorized Contact Person with full authority to act on behalf of the owner for all purposes under this Chapter. The owner of the rental housing property may act as authorized contact person. All official notices served on the Authorized Contact Person shall be deemed to have been served on the owner.

16.08.190 Housing Advisory Board. A housing advisory board shall be recommended by the advisory committee on appointments and appointed by the city council. The board shall consist of five members serving terms of three years. The appointed board members shall designate one of themselves as chair. The city council may appoint for a term of three years an alternate member of the board in addition to the five members, who shall act, with full power, only when a member of the board is unable to vote because of interest or when a member is absent. A designated representative of the city manager shall serve as staff liaison to the board. A quorum shall consist of three members present in person at any duly convened meeting. In all cases not less than three members must vote for a proposal for it to carry. All meetings, transactions and records of action of the housing advisory board shall be open to the public. The board shall adopt its rules and regulations for the transaction of business. Meetings shall be held at the call of the chair and at such times as the board may determine. In addition to the powers otherwise granted in this chapter, the board shall have the power of interpretation where ambiguity or doubt may exist in any application of this chapter.

The board, in exercising the power and authority granted by this chapter, shall act on specific appeals and applications only. In exercising its power of interpretation, the board may act upon application, upon written request from the city council, from the department, or upon its own motion. Such action shall not, however, change or have the effect of changing, any rule, regulation, provision, department policy or procedure, or restriction of this chapter, but shall affect only its application to specific cases before the board.

16.08.200 Enforcement--Notices, Orders and Hearings. A. Whenever a housing inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, they shall give notice of such alleged violation to the person or persons responsible. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons why it is being issued;
3. Allow a reasonable time for the performance of any act it requires;
4. Be served upon the owner or his agent or authorized contact person, or the occupant,

as the case may require by any method authorized or required under the laws of this state.

B. Any person who shall fail or neglect to comply with any lawful order of the department issued pursuant to the provisions of this chapter for any residential dwelling unit is subject to re-inspection and shall be assessed a fee established by the City Council and stated in the City of Eau Claire Fees and Licensing Schedule for each compliance re-inspection performed.

1. Any unpaid inspection or re-inspection fees shall be entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate, as provided in s. 66.0627 of the Wisconsin Statutes.

C. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter or any rule or regulation adopted pursuant thereto, may request and, if timely filed along with a filing fee established by the City Council and stated in the City of Eau Claire Fees and Licensing Schedule, shall be granted a hearing on the matter before the housing advisory board pursuant to Section 16.08.190 and the rules of procedure adopted by the board.

D. After such hearing the housing advisory board may sustain, modify or withdraw the notice, depending upon its finding as to whether the provision of this chapter and the rules and regulations adopted have been violated. The board shall be guided by a policy of reasonable compliance in order to promote the public health and may, at its discretion, permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole.

E. The proceedings at such hearing, including the findings and decision of the housing advisory board shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the housing advisory board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

F. The notice, order, and hearing requirements for City of Eau Claire staff found in this chapter are considered directory not mandatory, and substantial compliance with these requirements by City of Eau Claire staff shall be considered compliance with these provisions. Additionally, if it can be demonstrated that an owner of property or the agent for an owner of property has constructive notice or actual knowledge of any required notice or order the City of Eau Claire, the City of Eau Claire will be considered to be in compliance with any requirements related to any required notice or order.

16.08.210 Unfit Dwellings--Condemnation Procedure. The designation of residential dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of

such unfit residential dwellings or dwelling units shall be carried out in compliance with the following requirements:

A. Any residential 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 and placarded by the building inspector, fire inspector or a housing inspector:

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, shall be vacated within a reasonable time as stated on the placard or other order.

C. No residential 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 City. The City shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated or abated to its satisfaction.

D. 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.

E. Any person affected by any notice or order relating to the condemning and 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 housing advisory board, under the procedure set forth in Section 16.08.150.

16.08.220 Violation--Penalty. Any person who violates any provision of this chapter, or any provision of any rules or regulation adopted by the department pursuant to authority granted by this chapter, shall, upon conviction thereof, forfeit not less than \$60.00 or more than \$1,000.00 together with the costs of prosecution, and every day of violation shall constitute a separate offense. On default of payment of such forfeiture, any person so convicted shall be confined in the county jail of Eau Claire County for a term of not less than one day and not more than sixty days.

16.08.230 Prevailing Regulations and Severability. A. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City or existing on the effective date of the ordinance codified herein, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the city existing on the effective date of the ordinance codified herein which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this chapter.

B. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.