

**CHAPTER 14, SUBCHAPTER 3  
FLORENCE COUNTY ZONING ORDINANCE**

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# **CHAPTER 14 SUBCHAPTER 3 FLORENCE COUNTY CODE OF ORDINANCES**

## **1.00 MINIMUM HOUSING CODE STANDARDS**

### **1.01 AUTHORITY**

These regulations are adopted under the authority granted by Sections 59.53 (22) and 66.1201 through 66.1211 of the Wisconsin Statutes.

### **1.02 TITLE AND SCOPE**

This code shall be known and may be cited and referred to as the Minimum Housing Code Standards for Florence County. This code establishes minimum standards governing the condition and maintenance of dwellings; establishes minimum standards governing utilities and facilities and other conditions essential to make dwellings safe, sanitary and fit for human habitation; fixes certain responsibilities and duties of owners, operators and occupants of dwellings and dwelling units; authorizes the inspection of dwellings and the condemnation of dwellings unfit for human habitation; and provides penalties for violations.

### **1.03 APPLICATION**

The provisions of this Chapter (code) shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation; thereafter, this section shall apply to all construction and maintenance requirements of new dwellings within Florence County, except that this Chapter shall remain in full force and effect to maintain and enforce the standards set forth herein, as governed by the date of construction of any dwelling or dwelling unit. If any of the provisions of this Ordinance are in conflict with the Uniform Dwelling Code, or the Wisconsin Commercial Building Code, the Uniform Dwelling Code or the Wisconsin Commercial Building Code shall take precedence.

### **1.04 INTERPRETATION**

The provisions of the chapter shall be held to be the minimum requirements to protect the health, safety, morals and welfare of the people of Florence County. However, wherever this Ordinance imposes greater requirements than imposed by other provisions of law, this ordinance shall govern.

## 1.05 DEFINITIONS

Certain words or terms in this Ordinance are defined for the purpose hereof as follows: words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural number the singular; the words "dwelling," "dwelling unit" or "premises" include the words "or any part thereof."

- (1) **Approved:** Shall mean approved by the Building Inspector.
- (2) **Basement:** A portion of a building located partly or wholly underground and having one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (3) **Building Inspector:** Shall mean the Building Inspector for Florence County.
- (4) **Dwelling:** Any building or structure, or part thereof, which is used or intended to be used for human habitation.
- (5) **Dwelling Unit:** A 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 and cooking.
- (6) **Extermination:** The control or elimination of insects, rodents or other pests by eliminating their harborage places, by removing or marking inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping, by blocking their access to a dwelling, or by any other recognized and legal pest elimination method.
- (7) **Family:** One or more persons related by blood, marriage or adoption, or group of not more than five persons not so related, maintaining a common household in a dwelling unit.
- (8) **First Story:** That story of a dwelling at or next above the average grade of adjoining ground.
- (9) **Garbage:** The animal and/or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (10) **Half-Basement or Lower Level:** A portion of a building located partly underground but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (11) **Habitable Room:** A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or hall corridors, closets and storage spaces.
- (12) **Infestation:** The presence, within or around a dwelling, or in or near waste disposal containers, of any insects, rodents or other pests.
- (13) **Multi-Family Dwelling:** Any dwelling containing more than two dwelling units.

- (14) **Non-Plumbing Sanitation System:** Shall mean sanitation systems and devices within the scope of Wisconsin Administrative Code, SPS 91, which are alternatives to water carried waste plumbing fixtures and drain systems; but not limited to, incinerating toilets, composting toilets and privies.
- (15) **Occupant:** Any person living, sleeping, cooking or eating in or having possession or use of a dwelling unit.
- (16) **Operator:** Any legally responsible person who has charge, care or control of a building or part thereof in which dwelling units are leased or let.
- (17) **Owner:** Any legally responsible person who, alone or jointly or severally with others:
  - (a) Has legal title to any dwelling with or without actual possession thereof.
  - (b) Has charge, care or control of any dwelling as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this Ordinance to the same extent as if he were the owner.
- (18) **Person:** Shall include any individual, firm, corporation, association or partnership.
- (19) **Plumbing:** Water pipes, mechanical garbage disposal units, waste pipes, water closets, sinks, installed dishwashers and clothes washing machines, lavatories, bathtubs, shower baths, catch basins, drains, vents and other similar supplied fixtures, including all connections to water or sewer lines.
- (20) **Rooming Unit:** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (21) **Rooming House:** Any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator.
- (22) **Rubbish:** Combustible or noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery or dust.
- (23) **Supplied:** Paid for, arranged, furnished, or provided by or under control of the owner or operator.

## **1.06 COMPLIANCE WITH REQUIREMENTS**

No person shall occupy or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this chapter. EXCEPTION: Section 1.06, 1.07 and 1.08 does not apply to seasonal/rustic residence used only for part-time occupancy during certain periods of the year, containing no interior plumbing and heated with solid fuel or solar.

## **1.07 REQUIREMENTS FOR SANITATION**

### **A. Sink, Flush Water Closet, Lavatory Basin and Bathtub or Shower in Dwellings.**

- (1) Every dwelling unit shall contain:
  - (a) A kitchen sink in good working condition, properly connected to an approved water and sewer system.
  - (b) A room or rooms affording privacy and equipped with a flush water closet, lavatory basin, and bathtub or shower in good working condition, properly connected to an approved water and sewer system.
  - (c) Access to at least one bathroom or water closet compartment shall be provided without requiring passage through a sleeping room, bathroom or water closet compartment of another dwelling unit.
  - (d) Every water closet compartment and bathroom shall be floored with a surface which is reasonably impervious to water and which can be easily kept in a clean and sanitary condition.
  - (e) Every bathroom and water closet compartment shall be provided with an approved mechanical ventilation system affording adequate ventilation and maintained in good working condition at all times.

### **B. Piped Hot and Cold Running Water**

- (1) Every kitchen sink, lavatory basin and bathtub or shower required under this Ordinance shall be connected and supplied with hot and cold running water.
- (2) Every dwelling shall have supplied water-heating facilities which are properly installed and connected to water lines maintained in safe and good working condition and of a sufficient capacity to supply an adequate amount of water at every required kitchen sink, lavatory basin, bathtub or shower at a temperature capable of not less than 120 degrees Fahrenheit.

## **1.08 REQUIREMENTS FOR LIGHT, VENTILATION AND HEATING**

### **A. Window Area and Ventilation**

- (1) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area in every sleeping room shall be in accordance with the Wisconsin Administrative Code.
- (2) Every habitable room shall have at least one window which can easily be opened or such other device as will adequately ventilate the room. The total open-able window area in every habitable room shall meet the requirements of the Wisconsin Administrative code.
- (3) When flies or other pests are prevalent, all open-able windows as required by subsection (2) of this section shall be effectively screened and screen doors shall be self-closing. Screens and screen doors shall be maintained in good condition.
- (4) Every basement window used for ventilation, and every other opening to a building which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

**B. Electrical System.** The electrical system installed shall meet the National Electrical Code (NEC) and the Wisconsin Administrative Code.

**C. Heating Facilities.** Every dwelling shall have heating facilities which are properly installed and vented, are maintained in safe operating condition, and are capable of heating all habitable rooms, bathrooms and water compartments in each dwelling unit therein to a temperature in accordance with the Wisconsin Administrative Code.

## **1.09 REQUIREMENTS FOR FLOOR SPACE AND GENERAL OCCUPANCY**

**A.** No dwelling unit shall be occupied by more than one family.

### **B. Floor Space**

- (1) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant, in addition to the floor area included in water closet compartments, bathrooms, halls or passageways.
- (2) Every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for one occupant or 50 square feet of floor space for each occupant if more than one.

**C. Access to Sleeping Rooms.** No dwelling unit shall be so located or arranged that access thereto requires passage through a habitable room of another dwelling unit.

## 1.10 REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE OF DWELLING AND DWELLING UNITS

### A. Structural Soundness

- (1) **Members:** Every foundation, door, outer wall, ceiling and roof shall be weathertight, watertight, and rodent-proof, shall be capable of affording privacy, and shall be kept in good repair.
- (2) **Openings:** Every window, exterior door and basement hatchway or stairway shall be lockable, weathertight, watertight, and rodent-proof and shall be kept in good working condition and repair.
- (3) **Stairs and Porches:** Every inside and outside stair and handrail, and every porch and porch rail shall be so constructed as to safely support the maximum load that normal use may require and shall be kept in safe condition and good repair at all times.
- (4) **Mechanical Soundness of Plumbing:** All plumbing shall be properly installed and maintained in sanitary condition free from defects, leaks and obstructions.
- (5) **Exits:** Every dwelling unit shall have a safe, unobstructed means of egress leading to safe open space at ground level, as required by the Wisconsin Administrative Code.
- (6) **Effectiveness:** Every supplied facility, piece of equipment, or utility which is required under this Ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

## 1.11 REQUIREMENTS FOR CLEANLINESS, GARBAGE AND RUBBISH DISPOSAL

### A. Owner or Owner-Occupant Responsibility

- (1) Every owner or owner-occupant shall be responsible for the cleanliness of all parts of a dwelling and premises shared in common by more than one family and for provision of the following utilities and services, except where such responsibility is assumed by an operator or an occupant by agreement.
- (2) Provision of garbage and rubbish disposal facilities or containers in every multi-family dwelling.
- (3) Extermination of insects, rodents or other pests; except where only one dwelling unit is infested the occupant of such infested unit shall be responsible for its extermination, unless the dwelling is not maintained in a reasonably rat proof or insect-proof condition.

B. Occupancy Responsibility

Every occupant of a dwelling unit shall be responsible for keeping the occupied area and premises and all plumbing equipment and facilities in a clean, safe and sanitary condition at all times. Garbage and rubbish shall be disposed of or stored in proper containers in a neat and sanitary manner unless disposed of or stored by the owner or owner-occupant as provided in paragraph (1) above.

**1.12 ENTRY AND INSPECTION OF DWELLINGS**

- A. The Building Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units and premises located within Florence County in order to safeguard the health and safety of the occupants of such dwellings and of the general public. For this purpose and upon showing proper identification, the Building Inspector is authorized to enter, examine and survey at any reasonable hour all dwellings, dwelling units and premises, but the owner, occupant or the person in charge thereof, may give the Building Inspector free access thereto for the purpose of such inspection, or require a warrant to accomplish same.
- B. Every occupant of a dwelling shall give the owner thereof or his agent or employee access to any part of such dwelling or its premises at any reasonable hour for the purpose of making any repairs or alterations which are necessary to effect compliance with the provisions of this Ordinance or any lawful order issued pursuant thereto.
- C. No officer, agent or employee of Florence County shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of Florence County as a result of the proper discharge of his duties under this Ordinance shall be defended by the Florence County Attorney until final determination of the proceedings.

**1.13 ENFORCEMENT: SERVICE OF NOTICES AND ORDERS: HEARINGS**

A. Notices of Violation

- (1) Whenever the Building Inspector determines that there has been a violation of any provision of this Ordinance he shall give notice of such violation to the person or persons responsible and order compliance with the Ordinance as hereinafter provided. Such notice and order shall be in writing on an appropriate form and shall include:
- (2) A list of the violations, with reference to the Section of this Ordinance violated, and an order as to the remedial action required to effect compliance with this Ordinance.
- (3) Specification of a reasonable time for compliance.



(4) Advice concerning the procedure for appeal.

B. Such notice and order shall be served upon the owner, occupant or agent in person; provided, however, that the notice and order shall be deemed to be properly served if such owner, occupant or agent is sent a copy thereof by registered mail to his last known address and a copy is posted in a conspicuous place in or on the dwelling affected.

C. Hearings

(1) Any person affected by a notice and order issued in connection with the enforcement of this Ordinance may request and shall be granted a hearing on the matter before the Board of Appeals, provided such person shall file in the office of the Building Inspector a written petition, with the scheduled fee, requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within thirty days of the date the notice and order are served. Upon receipt of the petitions, the Building Inspector shall set a time and place for a hearing before the Board of Appeals and shall give the petitioner written notice thereof. Said hearing shall be held within thirty days after a petition has been filed, and the petitioner shall be given an opportunity to be heard and to show cause, why the notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and to state his case at such hearing shall have the same effect as if no petition were filed.

(2) After the hearing, the Board of Appeals by a majority vote, shall sustain, modify or notice, depending on its findings as to whether the provisions of this Ordinance have been complied with, and the petitioner and the Building Inspector shall be notified within ten days in writing of such findings. The proceedings of the hearing, including the findings and decision of the Board of Appeals and the reasons therefore shall be summarized in writing and entered as a matter of public record in the office of the Building Inspector. Such record shall also include a copy of every notice and order issued in connection with the case.

D. Orders to Vacate

(1) Where a notice of violation and order to comply have been served pursuant to this Ordinance and, upon re-inspection at the end of the time specified for compliance, and if no petition for a hearing has been filed, it is found that the violation or violations have not been remedied, the Building Inspector may order the dwelling, or parts thereof affected by the continued violations, vacated in accordance with the following procedure:

- (a) Dwellings shall be vacated within a reasonable time, not to exceed 60 days.
- (b) Vacated dwellings shall have all outer doors firmly locked and basement, cellar and first and second story windows bared or boarded to prevent entry.
- (c) Vacated dwellings shall not again be used for human habitation until written approval is secured from the Building Inspector.
- (d) If a dwelling or part thereof is not vacated within the time specified in the order of vacation, the Building Inspector shall seek a Court Order in a Court of competent jurisdiction for the vacation of such dwelling or part thereof.

E. Emergency Order

Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the health and safety of the residents or of the public, he may issue an order so stating and notwithstanding any other provision of this Ordinance such order shall take affect and shall be complied with immediately. Upon petition to the Housing Appeals Board, petitioner shall be afforded a hearing pursuant to paragraph C. (1) of this section.

F. Vacation and Demolition

- (1) If the owner, occupant, or lessee fails to comply with the order of the Building Inspector or the action of the Housing Appeals Board after hearing, the Building Inspector shall cause such dwelling or part thereof to be vacated and repaired or demolished as the facts may warrant and shall, with the assistance of the Florence County Attorney, cause the costs of such repair or demolition to be charged against the land on which the building existed as a municipal lien or to be recovered in a suit at law against the owner.
- (2) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous dwelling" as defined herein is immediately vacated and repaired or demolished, the Building Inspector shall cause its immediate vacation and repair or demolition. The costs of such emergency repair or demolition shall be collected in the same manner as provided in paragraph (1) above.

## 1.14 HOUSING APPEALS BOARD

A Housing Appeals Board is hereby created as authorized by this chapter:

- A. **MEMBERSHIP:** The Chairperson of the County Board shall appoint a Housing Appeals Board consisting of three members and two alternate members with the approval of the County Board of Supervisors. Annually, the Chairperson of the County Board shall designate one of the alternate members as the first alternate and the other, the second alternate.
- B. **ELIGIBILITY:** Members of the Housing Appeals Board shall reside in the unincorporated areas of the Florence County and no two members shall reside in the same town.
- C. **TERMS OF OFFICE:** The term of office shall be three years beginning July 1. However, these terms of office shall be staggered such that no more than one members' term of office expires in any one year.
- D. **OFFICERS:** The Housing Appeals Board shall choose its own chairperson, vice-chairperson, and secretary.
  - (1) Adopt rules of procedure not inconsistent with this chapter and keep a record of all proceedings, including the vote of each member on each case heard.
  - (2) No member of the Board shall take part in any hearing or determination in which he has directly or indirectly a personal or financial interest.
  - (3) Two members of the Board in attendance at any meeting shall constitute a quorum.
- E. **REMOVAL:** Members may be removed by the chairperson of the County Board of Supervisors for cause upon written charges. Cause may include excessive absenteeism.

## 1.15 VIOLATIONS

### A. PENALTY PROVISIONS

#### (1) General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (a) **FIRST OFFENSE:** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$250.00, together with the costs of

prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be subject to imprisonment in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days.

- (b) **SECOND OFFENSE:** Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance, shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be subject to imprisonment in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.

## B. CONTINUED VIOLATIONS

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.