

## Chapter 310

### HOUSING STANDARDS

[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as Ch. 11, Subchapter III of the 1985 Code. Amendments where noted where applicable.]

#### GENERAL REFERENCES

Building construction — See Ch. 212.  
Numbering of buildings — See Ch. 220.  
Electrical standards — See Ch. 272.  
Fair housing — See Ch. 280.  
Fire prevention — See Ch. 286.  
Nuisances — See Ch. 388.  
Plumbing standards — See Ch. 413.  
Solid waste — See Ch. 460.  
Wastewater Utility — See Ch. 502.  
Water — See Ch. 505.

#### § 310-1. Title.

This chapter shall be known and may be cited and referred to as the "Housing Code of the Village of Plover."

#### § 310-2. Purpose.

The purpose of this code is to protect the health, safety and welfare of the people of the Village by establishing minimum housing standards and eliminating and preventing the development of slum conditions, determining and establishing the responsibilities of owners and occupants of residential buildings and providing for administrative enforcement and penalties.

#### § 310-3. Applicability.

- A. General. The provisions of this chapter shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies and uses in existing dwellings may be continued if such use or occupancy was legal at the time of adoption of this code, provided that such structures are not substandard and such continued use is not dangerous to life. The decision of the Building Inspector therein shall be subject to appeal to the Board of Zoning Appeals, as herein provided.
- B. Alterations and relocations. Existing dwellings which are altered or enlarged shall be made to conform to this code insofar as new work is concerned and in accordance with the provisions of the Building Code.<sup>1</sup> Existing buildings which are moved or relocated shall be considered new buildings and shall comply with all the requirements of this code.

#### § 310-4. Definitions.

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1. Editor's Note: See Ch. 212, Building Construction.

Certain words or terms in this chapter are defined for the purpose hereof as follows:

**APPROVED** — Approved by the Building Inspector appointed to enforce the provisions of this chapter.<sup>2</sup>

**BASEMENT** — A portion of a building located partly or wholly underground and having 1/2 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**CELLAR** — A portion of a building located partly underground but not having less than 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**DWELLING** — Any building or structure, or part thereof, which is used or intended to be used for living or sleeping.

**DWELLING UNIT** — A room or group of rooms, or part thereof, 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.

**EXTERMINATION** — The control or 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 or trapping; by blocking their access to a dwelling; or by any other recognized and legal pest elimination methods approved by the Building Inspector.

**FIRST STORY** — That story of a dwelling at or next above the average grade of adjoining ground.

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

**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 communicating corridors, closets and storage spaces.

**INFESTATION** — The presence within or around a dwelling, or in or near waste disposal containers, of any insects, rodents or other pests.

**MULTIPLE DWELLING** — Any dwelling containing more than two dwelling units.

**NUISANCE** — Any thing or condition set forth in Chapter 388, Nuisances, of this Code and the following:

- A. Whatever is dangerous to human life or detrimental to health.
- B. Overcrowding a room with occupants.
- C. Insufficient ventilation or illumination.
- D. Unsanitary sewer or inadequate fixtures.
- E. Uncleanliness.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

OCCUPANT — Any person living, sleeping, cooking or eating in or having possession or use of a dwelling unit.

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.

ORDINARY MINIMUM WINTER CONDITIONS — A temperature of 15° F. above the lowest recorded temperature for the previous ten-year period.

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; or
- B. Has charge, care or control of any dwelling as owner or agent of the owner, or as personal representative, 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 chapter to the same extent as if he were the owner.

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.

PREMISES — Includes any part of a dwelling or building and its land.

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.

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.

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.

SUBSTANDARD BUILDING — Any building, or portion thereof, used for human habitation which does not comply with this chapter.

SUPPLIED — Paid for, arranged, furnished or provided by or under control of the owner or operator.

**§ 310-5. Compliance required.**

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.

**§ 310-6. Sanitation.**

- A. Sink, flush water closet, lavatory basin and bathtub or shower in dwellings.

- (1) Every dwelling unit shall contain the following:

- (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.
- (2) No water closet shall be of the flush hopper, frostproof hopper, privy or similar type where a sewer system is available to the property, and where no sewer is available such facilities shall be used only when approved by the Building Inspector.
- B. Access to bathrooms and water closets. Access to each bathroom or water closet compartment shall be provided without requiring passage through a sleeping room, bathroom or water closet compartment of another dwelling unit.
- C. Floors and ventilation of bathrooms and water closets.
  - (1) 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.
  - (2) Every bathroom and water closet compartment shall be provided with windows meeting the requirements for light and ventilation of habitable rooms prescribed in § 310-7 of this chapter or with an approved mechanical or gravity ventilation system affording adequate ventilation and maintained in good working condition at all times.
- D. Piped hot and cold running water.
  - (1) Every kitchen sink, lavatory basin and bathtub or shower required under this chapter 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 waterlines 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 of not less than 120° F.

**§ 310-7. 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 8% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than three feet from the window and extend a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area.

- (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 openable window area in every habitable room shall equal at least 45% of the minimum window area required by this section except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.
- B. Screening.
- (1) When flies or other pests are prevalent, all openable windows, as required by Subsection A above, shall be effectively screened and screen doors shall be self-closing. Screens and screen doors shall be maintained in good condition.
  - (2) Every basement window used for ventilation and every other opening to a building which might provide entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.
- C. Electrical outlets. Every habitable room shall contain at least one floor- or wall-type electric convenience outlet and one ceiling electric lighting fixture or two electric convenience outlets, and every water closet compartment, bathroom or hall, furnace room or laundry room shall contain at least one wall- or ceiling-type electric light fixture. Every electrical outlet and fixture shall be properly installed and maintained in good and safe working condition and connected to an approved source of electric power in a safe, approved manner.
- D. Public hall lighting. Every public hall and stairway in every multiple dwelling shall be lighted to at least five footcandles on the floor and stair at all times.
- E. 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 of at least 70° F. at a distance of three feet above floor level when the outside temperature is -20° F.

**§ 310-8. Floor space and general occupancy.**

- A. 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.
- B. 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.
- C. Ceiling height of habitable rooms. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than 6 1/2 feet of unfinished ceiling height. The floor

area of any part of a room where the ceiling height is less than five feet shall not be considered as part of the required floor area.

- D. Cellar space. No cellar space shall be used as a habitable room or dwelling unit; provided, however, that this subsection shall not prohibit a recreation room in a cellar as long as it is not used for sleeping purposes, and provided that in a one- or two-family home cellar space may be used as a sleeping room by members of the immediate family of a resident owner or tenant, provided that:
- (1) The floors and walls are impervious to leakage of underground and surface runoff water.
  - (2) The ceiling height throughout the unit is at least seven feet.
  - (3) It is separated from heating equipment, incinerators or other equally hazardous equipment by a standard one-hour fire partition.
  - (4) Access can be gained to the unit without going through a furnace room. Such room cannot be used in computing the total floor area for the purpose of determining the maximum permissible occupancy thereof.
- E. Basement dwelling units. No basement space shall be used as a dwelling or rooming unit unless:
- (1) The floor and walls are impervious to leakage or underground and surface water runoff.
  - (2) The total window area between stops in each room is equal to at least 8% of the floor area and is entirely above the grade of the ground adjoining such window area.
  - (3) The total openable window area in each room is equal to 45% of the minimum window area, except where there is supplied a mechanical ventilation system to the outside air capable of completely changing the air in the room every 15 minutes.
  - (4) The ceiling height throughout the unit is at least seven feet.
  - (5) It is separated from heating equipment, incinerators, or other equally hazardous equipment by a standard one-hour fire partition.
  - (6) Access can be gained to the unit without going through a furnace room.
  - (7) Two independent means of egress are provided from every basement containing more than one dwelling unit or one rooming unit.

**§ 310-9. Maintenance of dwellings and dwelling units.**

A. Structural soundness.

- (1) Members. Every foundation, door, outer wall, ceiling and roof shall be kept in good repair.
- (2) Openings. Every window, exterior door and basement hatchway or stairway shall be weathertight, watertight and rodentproof 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. The Building Inspector may require a handrail for each stair if deemed necessary.
  - (4) Handrails. Every stairway of more than three risers must have a handrail of height corresponding to the Department of Commerce requirements and be safely enclosed to handrail height.
- B. Mechanical soundness of plumbing. All plumbing shall be properly installed and maintained in sanitary condition free from defects, leaks and obstructions.
  - C. Exits. Every dwelling unit shall have a safe, unobstructed means of egress leading to safe and open space at ground level, as required by the Wisconsin Statutes and the provisions of this chapter.
  - D. Exterior wood surfaces. All exterior wood surfaces shall be reasonably protected from the elements.
  - E. Effectiveness. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

**§ 310-10. Smoke detectors required.** [Added by Ord. No. 3-89]

- A. One- and two-family units. The owner or every one- and two-family rental dwelling shall install not less than one Underwriters' Laboratories, Inc., approved smoke detector in the basement and on each floor of any such dwelling unit. The lessee of any such dwelling unit shall maintain such smoke detectors in operable condition.
- B. Multifamily dwellings. The requirements for installing and maintaining smoke detectors set forth in Subsection A above shall be required in multifamily dwellings. In addition, the owner of any multifamily dwelling shall install and maintain a smoke alarm in the common hallway on every floor.

**§ 310-11. Cleanliness; garbage and trash disposal.**

- A. Owner or owner-occupant responsibility. 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, as follows:
  - (1) Provisions for garbage and rubbish disposal facilities or containers where the dwelling exceeds two units.
  - (2) Extermination of insects, rodents or other pests, except that 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 ratproof or insectproof condition.

- (3) Provisions of all other facilities, utilities, service or conditions required by this chapter.
- B. Occupant 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 Subsection A above.

**§ 310-12. Rooming houses; hotels.**

No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house except in compliance with the provisions to this chapter.

- A. License required. No person shall operate a rooming house unless he holds a valid rooming house license issued by the Village Clerk upon the approval of the Building Inspector. The annual license fee shall be as provided in the Village Fee Schedule.<sup>3</sup> This license shall be displayed in a conspicuous place within the rooming house at all times. No such license shall be transferable. Every person holding such a license shall give notice, in writing, to the Clerk and the Building Inspector within 24 hours after having sold, transferred, given away or otherwise disposed of ownership interest in or control of such rooming house. Every rooming house license shall expire at the end of one year following its date of issuance unless sooner suspended or revoked as hereinafter provided.<sup>4</sup>
- B. Denial of license; hearing. Any person whose application for a license to operate a rooming house has been denied may request and shall be granted a hearing on the matter under the procedure provided in this chapter.<sup>5</sup>
- C. Violations; suspension of license. Whenever, upon inspection of any rooming house, the Building Inspector finds that conditions or practices exist which are in violation of any provision of this chapter, the Inspector shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Inspector, the operator's rooming house license will be suspended. At the end of such period the Inspector shall reinspect such rooming house, and if he finds that such conditions and practices have not been corrected, he shall give notice in writing to the operator that the latter's license has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any room therein.
- D. Hearing. Any person whose license to operate a rooming house has been suspended, or who has received notice from the Building Inspector that his license is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the Board of Zoning Appeals under the procedure provided in this chapter; provided that if no petition for such hearing is filed

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3. Editor's Note: See Ch. A600, Fees.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

within 10 days following the day on which such license was suspended, such license shall be deemed to have been automatically revoked.

- E. Bathroom requirements. At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Building Inspector and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family whenever they share the use of said facilities, provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 of the required number of water closets. All such facilities shall be so located within the building as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub and shower shall be supplied with hot water at all times.
- F. Towels and bed linen. The operator of every rooming house shall change supplied bed linen and towels therein at least once a week and prior to letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- G. Shades and drapes. Every window of every room used for sleeping shall be supplied with shades, draw drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the room.
- H. Safe means of egress. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and the Village.
- I. Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- J. Applicability to hotels. Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the Wisconsin Statutes or with the lawful regulations of any state board or agency.

**§ 310-13. Emergency discontinuance of service or utilities.**

No owner, operator or occupant shall cause any service, facility, equipment or utility to be removed from or shut off from or discontinued in any occupied dwelling unit let or occupied by him, except for such temporary emergencies when discontinuance of service is approved by the Public Works Department. Upon the discontinuance of gas and electric service for cause by a public utility company or upon discontinuance of any municipal or other service for cause, the Building Inspector shall be notified and shall thereupon take immediate steps to have the responsible person correct conditions leading to such discontinuance of services. This section shall not be construed to prevent the cessation or discontinuance of any such service upon order of the Building Inspector or any other authorized officials.

**§ 310-14. Dangerous dwellings.**

A. Dangerous dwellings enumerated. All dwellings or parts thereof which have any of the following defects shall be deemed dangerous dwellings and shall be condemned as unfit for human habitation:

- (1) Those whose interior or exterior bearing walls or other vertical structural members list, lean or buckle to such an extent as to weaken the structural support they provide.
- (2) Those which, excluding the foundation, show 33% or more of damage or deterioration of the supporting member or members, or 50% or more of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those which have been damaged by fire, wind or other causes so as to no longer provide shelter from the elements and which have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village.
- (5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or vermin-infected or obsolete that they are likely to cause sickness or disease or injury to the health, morals, safety or general welfare of those living therein or of the people at large.
- (6) Those which lack light, air and sanitation facilities as required by this chapter to protect the health, morals, safety or general welfare of persons living therein.
- (7) Those which lack the facilities required by this chapter for egress in case of fire or panic or those which have insufficient stairways, elevators, fire escapes or other means of ingress and egress required herein.
- (8) Those which have parts thereof which are so attached that they may fall and injure occupants or the public or other property.

B. Declaration of nuisance and orders.

- (1) All dangerous dwellings or parts thereof within the terms of this chapter are hereby declared to be public nuisances and shall be vacated and repaired or demolished in accordance with the provisions of § 310-16 of this chapter.
- (2) In any case where a dangerous dwelling is 50% or more damaged or decayed or deteriorated from its original structure, or where it cannot be repaired so as to comply with the terms of this chapter, it shall be ordered vacated and demolished in accordance with the provisions of § 310-16 of this chapter.

**§ 310-15. Inspections; right of entry.**

A. The Building Inspector shall make inspections to determine the condition of dwellings, dwelling units and premises located within the Village 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 may enter, examine and survey at any reasonable hour all dwellings, dwelling units and premises, and the owner, occupant or the person in charge thereof shall give the Inspector free access thereto for the purpose of such inspection.

- 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 chapter or any lawful order issued pursuant thereto.
- C. No officer, agent or employee of the Village 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 chapter. Any suit brought against any officer, agent or employee of the Village as a result of the proper discharge of his duties under this chapter shall be defended by the Village Attorney until final determination of the proceedings therein.

**§ 310-16. Enforcement.**

A. Notice of violation.

- (1) Whenever the Building Inspector determines that there has been a violation of any provision of this chapter, he shall give notice of such violation to the person or persons responsible therefor and order compliance with this chapter as hereinafter provided.
  - (a) Such notice and order shall be in writing on an appropriate form and shall include the following:
    - [1] A list of violations with reference to the section of this chapter violated and an order as to the remedial action required to effect compliance with this chapter.
    - [2] Specification of a reasonable time for compliance.
    - [3] 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.
- (2) Whenever the Building Inspector determines that a dwelling is a dangerous dwelling, as defined in § 310-14 of this chapter, he shall:
  - (a) Affix upon the door or entrance to such dwelling a printed placard declaring that such dwelling is unfit for human habitation and is ordered vacated. No person shall deface or remove such placard from any dwelling which has been condemned as unfit for human habitation and placarded as such. The Building Inspector shall remove the placard whenever the defect or defects upon which

the condemnation and placarding were based have been eliminated.

- (b) Serve notice, as provided herein, to the owner and occupant or lessee of any building found by him to be a dangerous dwelling within the standards set forth in § 310-14 of this chapter that:
  - [1] The owner must vacate and repair or demolish said building in accordance with the terms of the notice and this chapter.
  - [2] The occupant or lessee must vacate said building or, with the consent of the owner, may have it repaired in accordance with the notice and order and remain in possession.

B. Hearings.

- (1) Any person affected by a notice and order issued in connection with the enforcement of this chapter may request and shall be granted a hearing on the matter before the Board of Zoning Appeals, provided that such person shall file in the office of the Building Inspector a written petition 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 30 days after the date the notice and order are served. Upon receipt of the petition, the Building Inspector shall set a time and place for hearing before the Board of Zoning Appeals and shall give the petitioner written notice thereof. Said hearing shall be held within 30 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 Zoning Appeals, by a majority vote, shall sustain, modify or withdraw the notice, depending on its findings as to whether the provisions of this chapter have been complied with, and the petitioner and the Building Inspector shall be notified within 10 days, in writing, of such findings.
- (3) The proceedings of the hearing, including the findings and decision of the Board of Zoning Appeals and the reasons therefor, 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.

C. Orders to vacate.

- (1) When a notice of violation and order to comply have been served pursuant to this chapter and, upon reinspection 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 barred 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.
  - (2) If a dwelling or part thereof is not vacated within the time specified in the order to vacate, the Building Inspector shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or part thereof.
- D. 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 chapter such order shall take effect and shall be complied with immediately. Upon petition to the Board of Zoning Appeals, the petitioner shall be afforded a hearing pursuant to Subsection B above.
- E. 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 Board of Zoning Appeals 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 Village 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 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 Subsection E(1) above.

#### **§ 310-17. Duties of Board of Zoning Appeals.**

For the purpose of this chapter, the Board of Zoning Appeals shall:

- A. 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. No member of the Board shall take part in any hearing or determination in which he has directly or indirectly any personal or financial interest. Three members of the Board in attendance at any meeting shall constitute a quorum.
- B. Interpret the intent of this chapter in specific cases where, upon appeal, it clearly appears that, by reason of special conditions, undue hardship would result from literal application of any section of this chapter. Where such undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section, provided that the dwelling will vary only a reasonable minimum from the literal provision of this chapter and will comply generally with the spirit and intent of the regulations as to sanitation, safety and rehabilitation. Any such variance shall be permitted only by the concurring vote of at least three members of the Board.

**§ 310-18. Violations and penalties.**

Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 1-4 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.