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CHAPTER 15 BUILDING CODE

SECTION 15.01 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Abandoned Dwelling.** A dwelling which is not occupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired or created for the sole purpose of defeating the abandonment of a dwelling.
- (b) **Accessory Structure.** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (c) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (d) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (e) **Blighted Area.** Any area in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (f) **Building.** 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.
- (g) **Department.** The State of Wisconsin Department of Commerce.
- (h) **Deterioration.** The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (i) **Dilapidated.** Describes a building, structure or part thereof which is in a state or ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- (j) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (k) **Dwelling.** Any building, structure or portion thereof which is occupied as, or designed for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

- (l) **Family.** One (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (m) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (n) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (o) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker and complies with the requirements of Section 224.72 of the Wisconsin Statutes.
- (p) **Nuisance.** Any public nuisance know at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or the Village of Arlington Code of Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, or safety of the public; or
 - (2) In any other way render the public insecure in life or in the use of property.
- (q) **Occupant.** Any person living, sleeping or having actual possession of a building or dwelling.
- (r) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.
- (s) **Owner.** Any person who, alone or jointly or severally with others:
 - (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, 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 were the owner.
 - (3) Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (t) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

- (u) **Premises.** 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.
- (v) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.
- (w) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (x) **Refuse.** All putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- (y) **Rubbish.** Nonputrescible solid wastes (excluding ashes) consisting of either.
 - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood; or
 - (2) Noncombustible wastes such as tin cans, glass or crockery.
- (z) **Uniform Dwelling Code.** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:
 - Wis. Adm. Code Chapter COMM 20 - Administrative and Enforcement
 - Wis. Adm. Code Chapter COMM 21- Construction Standards
 - Wis. Adm. Code Chapter COMM 22 - Energy Conservation Standards
 - Wis. Adm. Code Chapter COMM 23 - Heating, Ventilating and Air Conditioning
 - Wis. Adm. Code Chapter COMM 24 - Electrical Standards
 - Wis. Adm. Code Chapter COMM 25 - Plumbing Standards

SECTION 15.02 Building Code Established.

- (a) **Title.** Section 15.02 through 15.19 of this Chapter shall be known as the “Building Code of the Village of Arlington: and may be referred to in this Chapter as “the Code”.
- (b) **Purpose.** The Code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Village of Arlington shall conform to all the requirements of this

Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village of Arlington and amendments thereto and in no way supersede or nullify such laws.

SECTION 15.03 State Uniform Dwelling Code Adopted.

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in COMM Chapters 20 through 25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Village of Arlington.
- (b) **Existing Buildings.** The Uniform Dwelling Code is to apply to buildings and conditions where:
 - (1) An existing building is to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village of Arlington Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15.05 shall also apply.
 - (4) Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
 - (5) Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Method of Enforcement.**
 - (1) **Certified Inspector to Enforce.** The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building

Inspector shall be certified for inspection purposes by the Department in each of the categories specified under COMM 20.10, Wis. Adm. Code.

- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village of Arlington Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours (including normal business hours) enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating.

SECTION 15.04 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters COMM 20-25 and COMM 61-66, Wis. Adm. Code are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of the Chapters incorporated herein are intended to be made a part of this Code.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chapters. COMM 25, 81, 82, 83, 84 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village of Arlington. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
 - (1) Wis. Adm. Code COMM 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, Rules of Electrical Code, Volume 2, Ch. COMM 16, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector the provisions of the Uniform Dwelling Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

SECTION 15.05 Building Permits and Inspection.

- (a) **Permit Required.**
 - (1) No building of any kind shall be moved within or into the Village of Arlington and no new building or structure, or any part thereof, shall

hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village of Arlington, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector or his designee.

- (2) Alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - (3) When any of the structural members of any building or structure have deteriorated by any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a nuisance to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with. The amount and extent of deterioration of any existing building or structure shall be determined by the Building inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- (c) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (consistent with Village of Arlington requirements), grade of lot and of the Street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the Office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of

Commerce. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of COMM 21 of the Wis. Admin. Code.

(d) **Site Plan Approval.**

(1) All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission to determine whether the proposed application meets all the requirements of this Chapter.

(2) **Administration.**

a. The Building Inspector shall make a preliminary review of the application and plans and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Plan Commission to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.

b. Upon placement of forms for construction of a foundation or footings of a new principal structure in which the location of said foundation or footings lie within two (2) feet of the required set backs or at the request of the building inspector, a registered land surveyor shall prepare a site plan or survey of the property to verify that the location of the structure on the property complies with all applicable set back requirements. This survey or site plan shall be provided to the building inspector no later than the foundation inspection. Failure to provide said survey shall result in a suspension of the building permit. Failure to comply with applicable set back requirements shall result in issuance of an order of correction by the building inspector.

(3) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:

a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of

residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

- c. The adequacy of the proposed water supply, drainage facilities and sanitation and waste disposal.
 - d. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of properties nor impair the intent of purposes of this Section.
- (4) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal official regarding the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.
- (5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Village Clerk within ten (10) days of the denial.
- (e) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board.
- (f) **Utilities Required.**
- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of utility hookup is presented to the Building Inspector.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (g) **Waiver; Minor Repairs.**
- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for

alterations, repairs or moving, provided the cost of such work does not exceed two thousand dollars (\$2,000.00).

- (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than five hundred dollars (\$500.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (h) **Approval of Plans.**
- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village of Arlington and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect except with the written consent of the Building Inspector.
 - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (i) **Inspection of Work.** The contractor shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon completion of the foundation forms or before the foundation is laid and again before any interior covering is applied. After completion he shall make a final inspection of all new buildings and alterations.
- (j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.
- (k) **Revocation of Permits.**
- (1) The Building Inspector may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions set forth in the permit.

- d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical permit or certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this Chapter. However, such work as the Building Inspector may order as a condition precedent the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (l) **Report of Violations.** Village of Arlington officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
 - (m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

SECTION 15.06 Electrical Permits and Inspections.

- (a) **State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code.
- (b) **Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.

- (c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall at once inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until such certificate has been issued.

SECTION 15.07 Plumbing Permits and Inspections.

- (a) **Definition.** For the purpose of this Chapter, “plumbing” is defined as set forth in Sec. 145.01(10) Wis. Stats.
- (b) **Applications and Permits.**
 - (1) **Application.** No plumbing shall be installed in the Village of Arlington without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the Village of Arlington before such building may be connected to the Village of Arlington sewer or water system. Such application shall be approved by the Building Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner as his home.
 - (2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish a bond when Street excavations are involved, pursuant to Chapter 6 of this Code of Ordinances.
- (c) **Inspectors.** The plumber in charge shall notify the Building Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his examination and inspection. When, in the opinion of the Building Inspector, a test in addition to the provisions of COMM 82.21, Wis. Adm. Code, is necessary, he may require a water or air test on all or part of the installation.

SECTION 15.08 New Methods and Materials.

- (a) **Use.** All materials, methods of construction and devices designed for use in buildings or structures covered by this Chapter and not specifically mentioned in or permitted by this Chapter shall not be so used until approved in writing by the State Department of Commerce, for use in buildings or structures covered by this Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) **Installation.** Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer’s

specifications and any rules or condition of use established by the State Department of Commerce, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce.

SECTION 15.09 Unsafe Buildings.

- (a) **Raze Order.** Whenever the Building Inspector finds building or part thereof within the Village of Arlington to be, in his judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.
- (b) **Alterations Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated by any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a nuisance to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

SECTION 15.10 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Arlington. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

SECTION 15.11 Garages.

Private garages shall be built in accordance with the general construction standards established in the Uniform Dwelling Code and this Chapter.

SECTION 15.12 Regulation and Permit for Razing Buildings.

- (a) **Permit Required.** No building within the Village of Arlington shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and

shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

- (b) **Removal.** All debris must be hauled away at the end of each week for the work that was done that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

SECTION 15.13 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement

shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627 Wis. Stats.

SECTION 15.14 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village of Arlington and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village of Arlington to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) If the Building Inspector or his designated agent suspect illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

SECTION 15.15 Duplex and Multi-Service Connections.

- (a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one (1) unit without disturbing the second unit.
- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing the other units.
- (c) Each unit of a duplex or multiple unit structure shall have a separate sewer lateral to connect each unit of the structure to the sewer main.

SECTION 15.16 Regulations for Moving Buildings.

- (a) **General Requirements.**
 - (1) No person shall move any building upon any of the public ways of the Village of Arlington without first obtaining a permit from the Building Inspector and upon payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be conducted.
 - (2) A report shall be made by the Village of Arlington employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village of Arlington, shall be paid to the Village Clerk prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.
- (b) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved is satisfied from such investigation that said building is in a sound and stable condition so that such construction will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (c) **Continuous Movement.** The movement of a building shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy

access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector. The Building Inspector shall inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith reimburse the Village for the actual cost of restoring the street, highway, curb and/or gutter to as good repair as they were before the permit was granted. On the failure to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village of Arlington shall hold the person and the sureties on his bond responsible for the payment of same.
- (e) **Bond.**
- (1) Before a permit is issued to move any building over any public way in the Village, the party shall post a bond with the Village of Arlington in a sum to be fixed by the Building Inspector and which shall not be less than ten thousand dollars (\$10,000.00). The bond shall be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village of Arlington for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village of Arlington in connection therewith arising out of the removal of the building for which the permit is issued.
 - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than five hundred thousand dollars (\$500,000.00) and for one (1) accident in a sum not less than one million dollars (\$1,000,000.00), together with property damage insurance in a sum not less than one hundred thousand dollars (\$100,000.00), or such other coverage as deemed necessary.

SECTION 15.17 Fees.

All fees for Building Permits for noncommercial and commercial construction shall be established from time to time by Resolution of the Village Board. A schedule of fees shall be available at the office of the Village Clerk. In the event work is commenced prior to obtaining a building permit, all fees shall be doubled.

SECTION 15.18 Severability.

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SECTION 15.19 Penalties and Violations.

- (a) Any building hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of the Code shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Clerk and Village Attorney who shall, upon the direction of the Village Board, bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of the Code or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in the general penalty provisions of the Code of Ordinances. 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 or other Village of Arlington Official constitute a defense. Compliance with the provisions of the Code may also be enforced by injunctive order by the suit of an owner or owners of any real estate within the jurisdiction of the Code.
- (b)
 - (1) If an inspection reveals a noncompliance with the Code or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted.
 - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day any violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in the Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of the Code or the Uniform Dwelling Code.

- (4) If any construction or work governed by the provisions of the Code or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by Statute or Ordinance, no officer, agent or employee of the Village of Arlington charged with the enforcement of the Code shall render himself 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 the Code. Any suit brought against any officer, agent or employee of the Village of Arlington as a result of any act required or permitted in the discharge of his duties under the Code shall be defended by the legal representative of the Village of Arlington until the final determination of the proceedings therein.

PROPERTY MAINTENANCE

SECTION 15.20 Minimum Property Maintenance Standards.

- (a) **Policy.** There exists in the Village of Arlington structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a nuisance to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village of Arlington.
- (b) **Purpose.** The purpose of Sections 15.20 through 15.28 is to protect public health, safety and welfare by establishing minimum property maintenance standards. These Sections do not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. Sections 15.20 through 15.28 are meant to be remedial and to be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in these Sections shall be deemed to be a public nuisance.

SECTION 15.21 Prohibitions Regarding Litter, Rubbish or Debris.

No owner or occupant shall accumulate or allow the accumulation outside of a building or accessory structure waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other

material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties.

SECTION 15.22 Housing Appearance.

- (a) **Minimum Standards.** No person shall occupy or shall let or hold out to another for occupancy, any dwelling, for the purpose of living therein, or own or be in control of any vacant dwelling which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of these Sections.
- (b) **Foundations, Exterior Walls and Roofs.**
 - (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board of timbers.
 - (2) Structures that require paint or stain shall have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application.
 - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in 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 allow water. All roof drainage systems shall be secured and hung properly.
 - (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
- (c) **Grading and Drainage of Lots.** Every yard, court, vent passageway, driveway, or other portion of the lot on which the building 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 good repair.
- (d) **Accessory Structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated 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.
- (e) **Abandoned Dwellings.** The owner of any abandoned dwelling 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 good repair such that they comply with Subsection (b); and
 - (4) Maintain the yard and accessory structures such that they comply with Subsections (c) and (d).

- (f) **Nuisances.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

SECTION 15.23 Safe, Sanitary and Attractive Maintenance of Commercial Property.

- (a) **Purpose.** It is recognized that there may now or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a nuisance to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest. The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the Village of Arlington and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or occupant of a commercially zoned lot shall improve and maintain all property under his control to comply with the following minimum requirements:
 - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from all buildings and structures.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Public Works Department shall perform said weed cutting and process the charge therefore as a special charge against the benefited property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces.
 - (4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. All walks shall provide all-weather access to buildings or structures.
 - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - (6) **Yard Areas.** Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried

out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.

- (7) **General Requirements.** Every foundation, exterior wall, and roof shall be reasonably weather-tight, watertight, and rodent-proof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weather-tight, watertight, and rodent-proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) **Outside Stairs and Porches.** Every outside stair, porch, and appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code. COMM 202.04
- (10) **Removal of Debris.**
 - a. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - b. All land filling operations shall be leveled off to permit the mowing of the lot between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.
 - c. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village of Arlington except at approved disposal sites.

SECTION 15.24 Fixing Responsibility of Owners, Operators and Occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

SECTION 15.25 Notice and Remedy.

- (a) **Notice.** Upon determination by the Village Building Inspector of a violation of Sections 15.20 through 15.24, the Village Clerk shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
- (b) **Contents of Notice.** The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the owner or occupant personally or by regular mail addressed, postage paid, to the last known address of such person or persons.
- (c) **Appeal.** The person so notified shall have the right to appeal the decision of the Building Inspector to the Village Board within thirty (30) days of the date of notice.
- (d) **Remedy.** If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Village Building Inspector may file an action in the name of the Village of Arlington, in the Circuit Court for Columbia County, Wisconsin, in accordance with the provision of Chapter 823, Wis. Stats., as amended from time to time.

SECTION 15.26 Cost of Abatement.

In addition to any other remedy available by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village of Arlington shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

SECTION 15.27 Other Methods Not Excluded.

Nothing in Sections 15.20 through 15.26 shall be construed as prohibiting the abatement of public nuisance by the Village of Arlington or its officials in accordance with the laws of the State of Wisconsin or other Village ordinances.

FAIR HOUSING

SECTION 15.28 Statement on Fair Housing.

- (a) **Statement of Purpose.** It is hereby declared to be the policy of the Village of Arlington to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, family status, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

- (b) **State Statutes Adopted.**
- (1) **Adopted by Reference.** The statutory provisions of Sec. 106.50 Wis. Stats., and subsequent amendments thereto, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein.
 - (2) **Implementation.** The officials and employees of the Village of Arlington shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Arlington by implementing the authority and enforcement procedures set forth in Sec. 106.50 Wis. Stats.

SECTION 15.29 Unlawful Practices.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Village of Arlington for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
- (b) Discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;
- (c) Refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
- (d) Refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
- (e) Represent to a person that any housing accommodation is not available for inspection, sale: purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
- (f) Make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination;
- (g) Offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected

- to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;
- (h) Induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
 - (1) The lowering of property values in the area;
 - (2) An increase in criminal or antisocial behavior in the area; or
 - (3) A decline in the quality of schools serving the area.
 - (i) Make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Village of Arlington or the purpose of inducing or attempting to induce any such listing or any of the above transactions;
 - (j) Engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;
 - (k) Retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Section, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Section;
 - (l) Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Section; or to obstruct or prevent any person from complying with the provisions of this Section; or any orders issued thereunder;
 - (m) By canvassing, commit any unlawful practices prohibited by this Section;
 - (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
 - (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given;
 - (p) Deny any qualified person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to

discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

SECTION 15.30 Exemptions.

The provisions of Section 15.29 shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual residing in such house at the time of such sale or who was not the most recent resident such house prior to such sale, the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of Section 15.29 only if such house is sold or rented:
 - (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
 - (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
 - (3) Without the violation of Section 15.29 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

SECTION 15.31 Enforcement.

Any person aggrieved by an unlawful practice prohibited by Section 15.29 may file a complaint with the Village Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with Sections 15.29 through 15.31 shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.

SECTION 15.32 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

(a) Statement of Purpose.

- (1) The Village of Arlington, in complying with the Americans with Disabilities Act (ADA) 42 USC. Sec. 12101, has developed a plan by which access to all Village of Arlington programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Village Board and is available from the Village Clerk who shall also serve as the Village ADA Coordinator.
- (2) Village of Arlington letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."

- (b) **Other Remedies.** The right of a person to a prompt and equitable resolution of any complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of the following grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village of Arlington believes that resolution of the complaint will be more promptly achieved if the Village of Arlington is able to provide a remedy before the complaint is brought to an external organization.

(c) Complaint Procedure.

- (1) Complaints shall be filed with the ADA Coordinator.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a

copy forwarded to the complainant no later than twenty (20) days after its filing.

(6) The Village Clerk shall maintain the files and records of the Village of Arlington relating to the complaints filed.

(d) **Appeals.** If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the Village Board which shall act as the ADA Compliance Committee. The Village Board may establish rules to review the complaint and will issue its written decision within thirty (30) days of receiving the complaint. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Village Board will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community. The decision by the Board shall be final. An open, public meeting of the Village Board shall precede the vote.