

CHAPTER IX
BUILDING AND PROPERTY MAINTENANCE

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¹ Ordinance No. 18-04 Adopted February 5, 2018

9.01 HEALTH AND SANITATION REGULATIONS. The Town Board, acting as Town Board of Health, in cooperation with the Rock County Health Department, may make reasonable and general rules for the enforcement of the provisions of this ordinance and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinance, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this ordinance.

9.02 ABATEMENT OF HEALTH NUISANCES.

1. Defined. A health nuisance is any source of filth or cause of sickness.
2. Duty to Abate. The Town Board shall abate health nuisances pursuant to [Ch. 823](#), Wis. Stats., which is adopted by reference and made a part of this ordinance.

9.03 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED. No person shall deposit or cause to be deposited in any public street or on any private ground or on any private property not his/her own, any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

9.04 DESTRUCTION OF NOXIOUS WEEDS.

1. The Code Compliance Officer(s) of the Town of Beloit are hereby designated as the Town Weed Commissioner(s) pursuant to [Section 66.0517](#), Wis. Stats.
2. Noxious weeds shall be defined as in [Section 66.0407](#), Wis. Stats., or as amended from time to time by the Wisconsin Department of Natural Resources.
3. The Weed Commissioner shall inspect properties within the Town for noxious weeds and, may issue notices for removal of noxious weeds by mail to the owner/occupants of such lands containing noxious weeds. The owner/occupant shall have five (5) days from the receipt of notice to remove all noxious weeds. After the expiration of this five (5) days, the Department of Public Works will be designated by the Weed Commissioner to do what is necessary to remove all noxious weeds with the expense thereof, including the cost of billing and other necessary administrative costs, to be collected as a special charge on the effected property's tax bill pursuant to [Chapter 74](#), Wis. Stats.

9.05 REGULATION OF NATURAL LAWNS.

1. Natural Lawns Defined. Natural lawn as used in this ordinance shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight inches (8") in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in this ordinance. The growth of a natural lawn in excess of ten inches (10") in height from the ground surface shall be prohibited within the

Town of Beloit corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Town as set forth in this ordinance; exempted from this ordinance are agricultural parcels of over two (2) acres. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

2. Natural Lawn Management Plan Defined.

- a. Natural Lawn Management Plan as used in this ordinance shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight inches (8") in length, a statement of intent and purpose for the lawn, a detailed description of vegetation types, plants and plant succession involved and the specific management and maintenance techniques to be employed.
- b. Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information to the Town. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Town records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner.
- c. Applicants are strictly prohibited from developing a natural lawn on any Town-owned property including street right-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten feet (10') adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
- d. In addition, natural lawns shall not be permitted within ten feet (10') of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the Town Clerk.
- e. Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten foot (10') section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Town Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Town Administrator shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten foot (10') section abutting the neighboring property. The Town Administrator shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten foot (10') section abutting the neighboring property within twenty (20) days of receipt of the written notification from the Town provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Town between November 1 and April 30 shall be required to remove the ten foot (10') section abutting the neighboring property no later than May 20 following receipt of the notification.

3. Application Process.

- a. Property owners interested in applying for permission to establish a natural lawn shall file an application with the Town Clerk. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-Five Dollar (\$25.00) non-refundable filing fee will be assessed by the Town. Upon receiving payment, copies of the completed application shall be mailed by the Town to each of the owners of

the property situated wholly or in part within three hundred feet (300') of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Town receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Town Clerk shall deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred feet (300') of the proposed natural lawn site.

- b. If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the abutting property owners provide written objections, the Town Clerk shall issue permission to install a natural lawn. Such permit shall be valid for two (2) years. Permit renewal shall follow the procedures in this ordinance.
4. Application for Appeal. The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Town Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Town Board shall be final and binding.
 5. Safety Precautions for Natural Grass Areas.
 - a. When, in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within three (3) days upon receiving written direction from the Fire Chief.
 - b. Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan and the appropriate Town open burning permits have been obtained. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby ensuring public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Town as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).
 - c. Revocation of an Approved Natural Lawn Management Plan Permit. The Weed Commissioner shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this ordinance. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Town Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Town Board in an open meeting. The decision rendered by the Town Board shall be final and binding.

6. Public Nuisance Defined-Abatement after Notice.
 - a. The growth of a natural lawn as defined in this ordinance shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Town as set forth in this ordinance. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
 - b. If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Code Compliance Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Town Finance Director/Treasurer shall enter those charges onto the tax roll as a special tax as provided by [Section 66.0809](#), Wis. Stats.
 - c. The failure of the Town Finance Director/Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Town expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this ordinance.

7. Penalty.
 - a. Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this ordinance shall be subject to the general penalty found in Chapter 1 of these Code of Ordinances.
 - b. In addition to any penalties herein provided, the Town may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this ordinance.

9.06 REGULATION OF LENGTH OF LAWN AND GRASSES.

1. Purpose. This ordinance is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Town of Beloit.

2. Public Nuisance Declared. The Town Board finds that lawns, grasses and noxious weeds on lots or parcels of land within the Town of Beloit which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Town. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 9.05 (1).

3. Nuisances Prohibited. No person, firm or corporation shall permit any public nuisance as defined in Section 9.05 (2) to remain on any premises owned or controlled by him/her within the Town.

4. Inspection. The Code Compliance Officer or his/her designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Section 9.06(2) exists.
5. Abatement of Nuisance. If the Code Compliance Officer shall determine with reasonable certainty that any public nuisance as defined in Section 9.06(2) above exists, the Code Compliance Officer shall immediately cause written notice to be served that the Town proposes to have the lot grass or lawn cut to conform to this Section 9.05. The notice shall be sent to the owner by first class mail at the owner's last known address as shown on the most recent property tax bill for the property affected by the notice.
6. Due Process Hearing. If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within the five (5) days set forth in the Code Compliance Officer's notice. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held at the next Town Board meeting after the date of the owner's request. The property in question will not be mowed by the Town until the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Department of Public Works to mow the property in questions unless the property has been mowed by the owner within forty-eight (48) hours of the Town Boards' decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Code Compliance Officer shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
7. Town's Option to Abate Nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Town may elect to cut said lawn, grass or weeds as follows:
 - a. The written notice required in Section 9.06(5) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - b. The Town shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk who, in turn, shall mail the same to the owner of the subject premises. If the said statement is not paid in full within thirty (30) days thereafter, the Town Finance Director/Treasurer shall enter the charges in the tax roll as a special tax against the lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate or as provided under [Section 66.0809](#), Wis. Stats.

9.07 UNHEALTHY, HAZARDOUS OR UNSIGHTLY MATERIALS ON PUBLIC OR PRIVATE PROPERTY.

1. Inspections.

- a. Whenever the Building Inspector, Code Compliance Inspector, Fire Inspector or other authorized Town official shall, upon inspection of any premises within the Town of Beloit find that there is deposited, placed, stored or remaining on said premise any garbage, junk, rubbish, rubble, trash, abandoned construction materials, grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Town of Beloit in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, construction materials, rotting yard and orchard waste, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things.
 - b. Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Section 9.07 (1)(b).
 - c. Prosecution of violators under this ordinance shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances.
2. Appeal. Any person feeling himself/herself aggrieved by any order of a Town official under this ordinance may, within ten (10) days from the date of receipt of such order, appeal such order to the Town Board.
 3. Exceptions. Nothing contained in this ordinance shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or non-salable merchandise or parts or unsightly materials or things which are:
 - a. Lawfully sited pursuant to pertinent Zoning Code provisions and operated in a manner not constituting a nuisance; or
 - b. Temporarily deposited due to an emergency; or
 - c. Materials during construction; or
 - d. Collected and piled for immediate collection and disposal or by private means.
 4. Nonconforming Uses. It shall not be a defense to the provisions of this ordinance that the owner or occupant of the premises involved has a nonconforming use under the provisions of pertinent Zoning Code provisions, but the provisions of this ordinance shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

9.08 RODENT CONTROL.

1. Definitions. The following definitions shall be applicable in this ordinance:
 - a. Owner or Manager. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this ordinance and shall be bound to comply with the provisions of this ordinance to the same extent as the owner, and notice to any such person of any order or decision of the Building

Inspector or Code Compliance Officer shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

- b. A Rodent-Proof Container. A container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - c. Rodent-Proofing. Closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Town.
 - d. Rodent Harborage. Any place where rodents can live and nest without fear of frequent molestation or disturbance.
 - e. Hardware Cloth. Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
 - f. Rodent. For purposes of this ordinance, "rodent" shall mean rats only.
2. Elimination of Rodent Harborages. Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal or proper piling of the materials.
 3. Elimination of Rodent-Feeding Places. No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
 4. Extermination. Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Town, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all rodent holes or burrows in the ground to be filled with earth or other suitable material.
 5. Rodent-Proofing. It shall be the duty of the owner or manager of any building in the Town of Beloit to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

9.09 COMPOSTING REGULATIONS.

1. Purpose. The purpose of this ordinance is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
2. Definitions. "Composting" shall mean the organic waste produced from the growing, trimming and removal of grass, branches [not exceeding one (1) inch in diameter], bushes, shrubs, plants, leaves and garden debris. "Kitchen Waste" shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
3. Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - a. All compost piles shall be enclosed in a free-standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet and shall be no taller than forty-two inches (42").
 - b. All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Town to proceed under Section 9.08.
 - c. All compost bins shall be so maintained as to prevent unpleasant odors.
 - d. No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the Town in general.
 - e. All compost bins shall be located not less than three feet (3') from a property line or principal building or dwelling and three feet (3') from any detached accessory building.
 - f. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed, written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Town Board of Adjustment upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins shall be required as a condition of a variance being granted.
 - g. No compost bin shall be located in any yard except a rear yard, as defined in the Zoning Code. A compost bin may be located in a side yard as defined in the Zoning Code subject to the variance procedure contained in this ordinance and shall be screened from view to the street.
4. Ingredients.
 - a. No compost bin shall contain any of the following:
 - i. Lake or River weeds;
 - ii. Cooked food scraps of any kind or type;
 - iii. Fish, meat or other animal products;
 - iv. Manures;
 - v. Large items that will impede the composting process;
 - vi. Human wastes or diapers.
 - b. Permitted ingredients in a compost bin shall include the following:
 - i. Yard waste;
 - ii. Coffee grounds and used tea leaves;
 - iii. Uncooked plant matter not contaminated by or containing meat, fish and/or dairy products;
 - iv. Commercial compost additives.

5. Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this ordinance.
6. Municipal Exception. Any municipal composting site maintained by the Town shall be exempt from the provisions of this ordinance.

9.10 DISCHARGE OF CLEAR WATERS.

1. Discharge. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, clear water 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.
2. 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 Town of Beloit and to the protection of the property.
3. Groundwater. Where deemed necessary by Town officials, every house shall have a sump pump installed for discharging clear waters from the 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.
4. Storm Water. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for 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.
5. Storm Sewer Lateral. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Town 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.
6. Conducting Tests. If a designated Town agent suspects an illegal clear water discharge as defined by this ordinance or by any other applicable provisions of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she 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 exists. In addition, Town inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.

9.11 OUTSIDE STORAGE OF FIREWOOD.

1. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
2. Firewood should be neatly stacked and may not be stacked closer than three feet (3') to any lot line and not higher than six feet (6') from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this ordinance shall not include hedges and other vegetation.
3. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
4. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
5. Not more than five percent (5%) of the side and rear yard may be used for storage of firewood at any one time.

9.12 FAIR HOUSING.

1. Purpose. It is hereby declared to be the policy of the Town of Beloit 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.
2. State Statutes Adopted.
 - a. The statutory provisions of [Section 106.04](#), Wis. Stats., and subsequent amendments thereto, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein.
 - b. Implementation. The officials and employees of the Town of Beloit shall assist in the orderly prevention and removal of all discrimination in housing within the Town of Beloit by implementing the authority and enforcement procedures set forth in [Section 106.04](#), Wis. Stats.
3. Definitions.
 - a. Dwelling. Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
 - b. Family. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
 - c. Real Property. Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

- d. 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 ordinance.
 - e. Person. Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
 - f. Owner. Lessee, sub-lessee, 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 accommodations.
 - g. Financial Institution. Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
 - h. 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 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.
 - i. Housing Accommodation/Dwelling. Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this ordinance.
 - j. Mortgage Broker. An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
 - k. 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.
4. Unlawful Practices.
- a. In connection with any of the transactions set forth in this ordinance 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 Town for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above to:
 - i. 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; or
 - ii. To 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; or

- iii. To 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; or
- iv. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodations to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- v. To 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; or
- vi. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted 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; or
- vii. To 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; or
- viii. To 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:
 - A. The lowering of property values in the area;
 - B. An increase in criminal or antisocial behavior in the area; or
 - C. A decline in the quality of schools serving the area.
- ix. To 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 Town for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
- x. To 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; or
- xi. To retaliate or discriminate in any manner against a person because he/she has opposed a practice declared unlawfully by this ordinance, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance; or
- xii. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this ordinance; or to obstruct or prevent any person from

complying with the provisions of this ordinance; or any orders issued thereunder;
or

- xiii. By canvassing, to commit any unlawful practices prohibited by this ordinance; or
- xiv. Otherwise to deny to, or withhold any housing accommodation from, a person because of his/her race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age or place of birth; or
- xv. 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; or
- xvi. To 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/her 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.

5. Exemptions. This ordinance 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 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 (3) 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 not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this ordinance 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 this ordinance only if such house is sold or rented:

- i. 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
 - ii. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of [42 USC, Section 3604](#); and
 - iii. Without the violation of Section 9.12(4) of this ordinance; 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.
6. Enforcement. Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the Town 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 Town 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 this ordinance shall cause the Town Board to forward the complaint and findings to appropriate state and federal agencies.

9.13 RESIDENTIAL PROPERTY MAINTENANCE CODE.

- 1. Purpose.
 - a. The Town Board finds that there are now, or may be in the future, residential real property and buildings in the Town of Beloit which are so dilapidated, unsightly, dangerous, unsanitary, overcrowded or inadequately maintained as to constitute a nuisance or threat to health, safety and general welfare of the persons residing on such property.
 - b. It is the purpose of this ordinance to preserve and promote the public health, safety and general well-being of the people of the Town by regulating in a manner which corrects the above problems with only minimal infringement of each affected person's property.
- 2. Applicability. Every residential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling purposes, shall comply with the provisions of this ordinance, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this ordinance, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this ordinance. This ordinance shall also apply to mobile/manufactured home parks.
- 3. General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwelling Units and Accessory Structures.
 - a. Every owner, property manager or occupant, if the occupant has assumed responsibility under the terms of the written lease, shall either personally or by agent, improve or

maintain all residential property under his or her control to comply with the following requirements:

- i. Every premise shall be maintained in a clean, sanitary and safe condition and comply with all applicable legal requirements of the State of Wisconsin, Rock County and Town of Beloit.
- ii. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be maintained in sound condition and good repair.
- iii. All exterior surfaces of buildings and fences made of materials not inherently resistant to deterioration shall be periodically coated with paint or another suitable preservation methodology which provides adequate resistance to weathering. The exterior of every structure or accessory structure (including fences) shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences. The outside building walls shall not have any holes, loose boards, or any broken, cracked or damaged finish which admits rain, cold air, dampness, rodents, insects or vermin.
- iv. If gutters, leaders and downspouts are provided, they shall be maintained in good working condition to provide proper drainage of storm water. This shall include being substantially free from rust and/or corrosion.
- v. Every window, exterior door and hatchway or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects.
- vi. Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall have supplied properly fitting screens.
- vii. Every window or other device with opening to outdoor space, used for ventilation, shall be supplied with screens.
- viii. Accessory structures present or provided by the owner, agent or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair.
- ix. All vacant lots shall be maintained by the owner in a clean, sanitary and safe condition. No debris shall be allowed to accumulate on said vacant lot and it shall be maintained in vermin-free condition.
- x. Holes, excavations, breaks, projections, obstructions, icy conditions, un-cleared snow and excretion of pets and other animals on paths, walks, driveway, parking lots and parking areas, and other parts of the premises which are accessible to holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.
- xi. Graffiti, as defined in Chapter 16 of this Code of Ordinances, shall be removed by the property owner, property manager, or occupant or by the Town at the property owner's expense. The Building Inspector or Code Compliance Officer may order graffiti removed within a certain timeframe. If a property owner fails to remove graffiti within the time specified in the order, the Building Inspector or Code Compliance Officer may cause the graffiti to be removed. The Building

Inspector or Code Compliance Officer shall keep an accurate account of the expenses thereof and report the same to the Town Finance Director/Treasurer, who shall annually prepare a statement of the expense so incurred on each lot or parcel of land and report the same to the Town Clerk, and the amount therein charged to each lot or parcel of land shall be entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under [Section 66.0627](#), of the Wis. Stats. Prosecution for failure to remove graffiti under this ordinance shall not bar the Town from charging owners for graffiti removal, nor shall charging owners for graffiti removal bar prosecution.

4. Responsibilities of Owners or Occupants.

- a. Every owner, property manager or occupant, if the occupant has assumed responsibility under the terms of a written lease, shall either personally or by agent, improve or maintain all residential property under his/her control to comply with the following requirements:
 - i. Except where the occupant has agreed to provide such service, the owner or property manager shall hang and maintain all screens, screen doors, storm windows and storm doors required by this ordinance.
 - ii. Every owner, property manager or occupant of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health. The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and free of unsanitary conditions.
 - iii. Every occupant of a dwelling or dwelling unit shall store and dispose of all his/her rubbish, garbage and refuse in full compliance with the ordinances and policies of the Town governing solid waste, garbage and refuse storage and collection.
 - iv. Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. Such containers and facilities shall fully comply with all Town ordinances and regulations governing solid waste, refuse and garbage collection. In the case of single or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.
- b. Every dwelling, multiple dwelling or accessory structure and the premises on which located shall be maintained in a vermin-free and rat-proof environment.
- c. Materials stored outside the dwelling shall be stacked and maintained in an orderly fashion.
- d. Any materials acceptable to the County Health Department may be used for rat-proofing.
- e. No owner of a dwelling shall accumulate or permit the accumulation of rubbish, boxes, lumber, inoperable or unlicensed vehicles, scrap metal, or any other materials or refuse in such a manner that may provide in or about the shared or public areas of a dwelling or its premises a vermin harborage, menace to the public health and safety, deterioration of property values or that which may impair the ability of emergency vehicles to respond to the premises.
- f. When the occupant's unit is the only one substantially infested with insects and rodents, the occupant shall be responsible for their extermination. Where such infestation is caused by the owner's failure to maintain the building in a rodent-free or reasonably insect-free condition it shall be the owner's responsibility

- g. Where rodent or insect infestation exists in two (2) or more units in a building or in the shared or public parts of any premise containing two (2) or more units, or in one unit where the infestation is caused by the owner's failure to maintain the premise in a rodent-free or reasonably insect-free condition, the owner shall be responsible for their extermination.
 - h. Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property. Dead and dying trees and limbs or other natural growth which, because of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
5. Minimum Thermal Light and Ventilation Standards. The owner of any dwelling unit shall provide heating, lighting and ventilation equipment and apparatuses which are properly installed in accordance with the Building Code and Heating, Ventilating and Air Conditioning Code, and which shall be maintained in a safe and good working condition.
6. Minimum Standards for Basic Equipment and Facilities.
- a. No person shall occupy as owner, occupant or let to another for occupancy, a dwelling or dwelling unit for the purposes of living, sleeping, bathing, cooking or eating therein, which does not comply with the Town Building Code.
 - b. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Town Building Inspector or Code Compliance Officer.
 - c. Every dwelling unit shall contain, within a room which affords privacy to a person within said room a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Town Building Inspector or Code Compliance Officer.
 - d. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of Sections 9.13(b), (c) and (e), shall be properly connected with both hot and cold water lines.
 - e. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Section 9.13(d), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees (120°) F.
 - f. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
 - g. Every bathroom floor surface shall be constructed and maintained to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
 - h. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition.
7. Maximum Density.
- a. A dwelling unit shall not be occupied by more than one family. "Family" shall mean an individual or two (2) or more persons, each related by blood, marriage, adoption or legal

guardianship as a parent, legal guardian, dependent child, dependent step-child, step-parent, spouse, grandparent or grandchild. The status of legal dependency shall be defined in the Internal Revenue Code. For purposes of this ordinance, a group of not more than five (5) persons not necessarily related by blood or marriage living together in a single living unit will be considered equivalent to a single family.

- b. Within each dwelling unit, each bedroom shall be occupied by no more than two (2) unrelated persons.
- c. Landlords shall include the density limits established by this ordinance in all new or renewal rental leases entered into after the effective date of this ordinance.

8. Inspections.

- a. The Building Inspector or Code Compliance Officer is hereby authorized to cause such exterior inspections as are deemed necessary in response to a complaint verified by the Building Inspector or Code Compliance Officer without giving notice to the property owner provided that the inspection can be conducted from a location not on the owner's property. If it becomes necessary to perform an inspection which requires the Building Inspector or Code Compliance Officer to go on the owner's property, the Building Inspector or Code Compliance Officer shall provide a minimum of five (5) calendar days' notice to the owner or agent prior to conducting the inspection. Said notice shall be sent in writing to the owner and shall state the alleged violations. The notice shall be sent to the owner's last known address as shown by the most recent property tax bill for the property affected by the notice. The five (5) calendar day notice requirement shall not apply when the Building Inspector or Code Compliance Officer has probable cause to believe that a violation exists which if not corrected immediately could be life threatening and/or result in serious sickness or injury.
- b. If any owner, occupant or other person in charge of a dwelling, dwelling unit or of a multiple dwelling fails or refuses to permit free access and entry to the structure or premises under his/her control or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Building Inspector or Code Compliance Officer, upon a showing that probable cause exists for the inspection, may obtain an inspection warrant from the municipal judge or a judge with competent jurisdiction.

9. Notice of Violation.

- a. Whenever the Building Inspector or Code Compliance Officer determines that any dwelling or dwelling unit, or the premises surrounding them, fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, the Building Inspector or Code Compliance Officer shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:
 - i. Be in writing.
 - ii. Set forth the alleged violations of this ordinance or of applicable rules and regulations issued pursuant thereto.
 - iii. Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed.
 - iv. Specify a specific date for the correction of the violation. The date of correction shall be at the discretion of the Building Inspector or Code Compliance Officer

based on the circumstances of each violation, however, in non-life threatening situations a minimum of thirty (30) days shall be allowed to correct the violation. No violation shall be permitted to exist beyond a maximum of one hundred twenty (120) days.

- v. Be served upon the owner, occupant, operator, property manager or agent of the dwelling or dwelling unit, personally or by first class mail, addressed to the owner, occupant, property manager, operator or agent. If addressed to the owner, the notice shall be sent to the owner's last known address as shown on the most recent property tax bill for the property affected by the notice.
- vi. At the end of the period allowed for the correction of any violation alleged, the Building Inspector or Code Compliance Officer shall re-inspect the dwelling or dwelling unit described in the notice.
- vii. If upon re-inspection, the violations are determined by the Building Inspector or Code Compliance Officer not to have been corrected, the Town Board shall initiate legal proceedings for the immediate correction of the alleged violation.

10. Emergencies. Whenever, in the judgment of the Building Inspector or Code Compliance Officer, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Building Inspector or Code Compliance Officer may act to correct or abate the emergency. Following the issuance of a citation, the case will be scheduled for trial before the Town Municipal Court or other court of competent jurisdiction.

11. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

- a. Accessory Building or Structure. A detached building or structure in a secondary or subordinate capacity from the main or principal structure.
- b. Approved. Approved by the local or state authority having such administrative authority.
- c. Building. A fixed construction with walls, foundation and roof, such as a house, garage, etc.
- d. Building Code. The Town Building Codes, Chapter 6 of this Code of Ordinances.
- e. Building Inspector. The designated Town Building Inspector or his/her authorized representatives.
- f. Clean. Free from dirt, impurities, and/or extraneous matters that could cause the spread of disease.
- g. Dilapidated. The building is no longer structurally suitable for its current use.
- h. Dwelling. Any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating.
- i. Dwelling Unit. A room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.
- j. Extermination. The control and elimination of insects or rodents by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods and materials as approved under the guidelines of the US Environmental Protection Agency and the Wisconsin Department of Public Health, or conducted by a Wisconsin certified pest control technician.

- k. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food.
- l. 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, furnace room, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops.
- m. Heating Device. All furnaces, water heaters, fire places, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.
- n. Infestation. The presence within or around a dwelling of any rodents and/or undesirable insects.
- o. Meaning of Certain Words. Whenever the words “dwelling”, “dwelling units”, “premises” or “structure” are used in the ordinance, they shall be construed as though they were followed by the words “or any part thereof”. Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.
- p. Multiple Dwelling. Any dwelling containing more than two (2) dwelling units.
- q. Occupant. Any individual, over one (1) year of age, living, sleeping, cooking, or eating in a dwelling unit or a rooming unit of which the individual does not have legal title to the dwelling unit; except that in dwelling units a guest shall not be considered an occupant.
- r. Operator. Any person who has charge, care, control, or management of a building or a part thereof, in which dwelling units are let.
- s. Owner. Any person who, alone or jointly or severally with others:
 - i. Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof, or;
 - ii. Shall have charge, care or control of any premise, dwelling or dwelling unit, as owner or agent of the owner without accompanying the actual possession thereof. Any such person thus representing the actual owner shall be bound to comply with the provision of this ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he/she were the owner.
- t. Owner/Occupant. Any individual who, alone or jointly or severally with others shall have legal title to any premise, dwelling or dwelling unit and lives, sleeps, cooks or eats in the dwelling unit.
- u. Person. Any individual, firm, corporation, association, partnership, cooperative or governmental agency.
- v. Plumbing. All of the following supplied facilities and equipment: water pipes, waste pipes, water closets, sinks, lavatories, bathtubs, shower baths, catch basins, drains, vents and any other similar supplied fixtures, and the installation thereof, together with all connections to water or sewer lines.
- w. Premises. A platted lot or part thereof or un-platted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
- x. Privacy. The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.
- y. Properly Connected. Connected in accordance with all applicable codes and ordinances of the Town; provided, however that the application of this definition shall not require

the alteration or replacement of any connection in good working order and not constitute a hazard to life or health.

- z. Rat Harborage. Any conditions or place where rats can live, nest or seek shelter.
 - aa. Rat Proofing. A form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods as set forth in the United States Public Health Service Publication: "Control of Domestic Rats and Mice", Pratt, Bjornson & Letting, July 1977, HEW Publication #(CDC)77-8 141: and "Rodent-Borne Disease Control Through Rodent Stoppage", Scott and Borom, USPHS Reprint 1976.
 - bb. Refuse. All putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
 - cc. Rubbish. Non-putrescible solid wastes (excluding ashes) consisting of either:
 - i. Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wool; or
 - ii. Non-combustible wastes such as tin cans, glass and crockery.
 - dd. Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.
 - ee. Sanitary. The promotion of hygiene which creates an environment which facilitates the prevention of diseases.
 - ff. Supplied. Paid for, furnished by, provided by, or under the control of the owner, operator or agent.
 - gg. Variance. A departure from the strict compliance with this ordinance upon a showing of hardship.
 - hh. Undefined Words. Words not specifically defined in this ordinance and which are defined in the Town Building Code, shall have the same meaning ascribed to them in the Town Building Code, and further other words shall have the common definition set forth in a standard dictionary.
12. Conflicts of Ordinance. In any case where a provision of this ordinance is found to conflict with a provision of any zoning, building, fire, safety or health ordinance or code of this Town, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
13. Variations and Exceptions.
- a. Where in the judgment of the Building Inspector or Code Compliance Officer, it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result; the Building Inspector or Code Compliance Officer may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the property owner, stating fully all facts relied upon the petitioner, and shall be supplemented with any additional data which may aid the Building Inspector or Code Compliance Officer in his/her analysis of the requested variance.

- b. The Building Inspector or Code Compliance Officer shall not grant variations or exceptions to the regulations of this ordinance unless he/she shall make findings based upon the evidence presented to him/her in each specific case that:
 - i. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - ii. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - iii. Because of the physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
 - iv. The Building Inspector or Code Compliance Officer, if he/she approves of the variance, shall do so in writing within ten (10) days of the filing of the variance request.
 - v. The decision of the Building Inspector or Code Compliance Officer to deny a variance may be appealed by filing an appeal request with the Building Inspector or Code Compliance Officer within fourteen (14) days of his/her decision. A public hearing on the appeal shall be scheduled within thirty (30) days by the Town Board. All parties may be represented by counsel. The Town Board shall consider all relevant information and shall render a decision which shall be binding.

9.14 COMMERCIAL/INDUSTRIAL PROPERTY MAINTENANCE CODE.

- 1. Purpose. The Town Board finds that there are now, or may be in the future, commercial and industrial real property and buildings in the Town of Beloit which are so dilapidated, unsightly, dangerous, unsanitary or inadequately maintained as to constitute a menace to the occupying of such property. It is the purpose of this ordinance to preserve and promote the public health, safety and general well-being of the people of the Town by regulating in a manner which corrects the above problems with minimal infringement of each affected person's property.
- 2. Applicability. This ordinance shall apply to all commercial and/or industrial buildings, structures and land in the Town of Beloit.
- 3. General Requirements Relating to the Safe and Sanitary Maintenance of Buildings and Accessory Structures. Every owner or occupant, if the occupant has assumed responsibility under the terms of a written lease, shall either personally or by agent, improve and maintain all property under his/her control to comply with the following requirements:
 - a. Every premise shall be maintained in a clean, sanitary and safe condition and comply with all applicable legal requirements of the Town of Beloit and Rock County.
 - b. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be maintained in sound condition and good repair.

- c. All exterior surfaces of buildings and fences made of materials not inherently resistant to deterioration shall be periodically coated with paint or another suitable preservation which provides adequate resistance to weathering.
 - d. If gutters, leaders and downspouts are provided, they shall be maintained in good working condition as to provide proper drainage of storm water. This shall include being substantially free from rust and/or corrosion.
 - e. All vacant lots shall be maintained by the owner in a clean, sanitary and safe condition. No debris shall be allowed to accumulate on said vacant lot and it shall be maintained in vermin-free and weed-free condition.
 - f. Graffiti, as defined in Section 9.13(3)(a)(xi) this ordinance, shall be removed by the property owner, property manager, occupant, or by the Town at the property owner's expense. The Building Inspector or Code Compliance Officer may order graffiti removed within a certain time. If a property owner fails to remove graffiti within a time specified in the order, the Building Inspector or Code Compliance Officer may cause the graffiti to be removed. The Building Inspector or Code Compliance Officer shall keep an accurate account of the expenses thereof and report the same to the Town Finance Director/Treasurer, who shall annually prepare a statement of the expense so incurred on each lot or parcel of land and report the same to the Town Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under [Section 66.0627](#), Wis. Stats. Prosecution for failure to remove graffiti under this ordinance shall not bar the Town from charging owners for graffiti removal, nor shall charging owners for graffiti removal bar prosecution.
4. Responsibilities of Owners and Occupants of Commercial/Industrial Properties. Every owner or occupant, if the occupant has assumed responsibility under the terms of a written lease, shall either personally or by agent, improve or maintain all commercial and industrial property under his/her control to comply with the following requirements:
- a. Every occupant of a building or structure shall store and dispose of all his/her rubbish, garbage and refuse in full compliance with the Town's Recycling and Solid Waste Management ordinances and use regulations.
 - b. Every building, or structure and the premises on which located shall be maintained in a vermin-free and vermin-proof environment:
 - i. Materials stored outside the building or structure shall be in an orderly fashion.
 - ii. Any materials acceptable to the County Health Department and Town Building Inspector may be used for rat-proofing.
5. Minimum Thermal Standards. The owner of any commercial or industrial building or structure shall provide heating equipment and apparatuses if required which are properly installed in accordance with the Town Building Code and maintained in a safe and good working condition.
6. Minimum Standards for Basic Equipment and Facilities. All required equipment and all building space and parts in every commercial or industrial building or structure shall be constructed and maintained to properly and safely perform their intended function in accordance with the provisions of the Town Building Code.

7. Inspections.

- a. The Building Inspector or Code Compliance Officer is hereby authorized to cause such exterior inspections as are deemed necessary in response to a complaint verified by the Building Inspector or Code Compliance Officer without giving notice to the property owner provided that the inspection can be conducted from a location not on the owner's property. If it becomes necessary to perform an inspection which requires the Building Inspector or Code Compliance Officer to go on the owner's property, the Building Inspector or Code Compliance Officer shall provide a minimum of five (5) calendar days' notice to the owner or agent prior to conducting the inspection. Said notice shall be sent in writing to the owner and shall state the alleged violations. The five (5) calendar day notice requirement shall not apply when the Building Inspector or Code Compliance Officer has probable cause to believe that a violation exists which if not corrected immediately could be life threatening and/or result in serious sickness or injury.
- b. If any owner, occupant, or other person in charge of a building or structure fails or refuses to permit free access and entry to the structure or premises under his/her control or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Building Inspector or Code Compliance Officer, upon a showing that probable cause exists for the inspection, may obtain the necessary warrant from a court of competent jurisdiction to conduct the inspection.
- c. The Building Inspector or Code Compliance Officer shall keep confidential all evidence which it may discover or obtain in the course of an inspection (prior to the issuance of a citation) made pursuant to this ordinance and such evidence shall be considered privileged.

8. Notice of Violation.

- a. Whenever the Building Inspector or Code Compliance Officer determines that any commercial or industrial building, structure, or the premises surrounding them, fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, the Building Inspector or Code Compliance Officer in accordance with existing legislation shall issue a notice setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:
 - i. Be in writing.
 - ii. Set forth the alleged violations of this ordinance or of applicable rules and regulations issued pursuant thereto.
 - iii. Describe the building or structure where the violations are alleged to exist or to have been committed.
 - iv. Specify a specific date for the correction of the violation. The date of correction shall be at the discretion of the Building Inspector or Code Compliance Officer based on the circumstances of each violation; however, in non-life threatening situations a minimum of thirty (30) days shall be allowed to correct the violation. No violation shall be permitted to exist beyond a maximum of one hundred twenty (120) days.
 - v. Be served upon the owner, occupant, operator or agent of the building or structure, personally, or by registered mail, return receipt requested, addressed to the owner, occupant, operator or agent. If one (1) or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the building or

structure unit, described in the notice, or by causing such notice to be published in a newspaper of general circulation.

- vi. At the end of the period of time allowed for the correction of any violation alleged, the Building Inspector or Code Compliance Officer shall re-inspect the building or structure described in the notice.
- vii. If upon re-inspection, the violations are determined by the Building Inspector or Code Compliance Officer not to have been corrected, the Building Inspector or Code Compliance Officer shall initiate legal proceedings for the immediate correction of the alleged violations.

9. Designation of Unfit Buildings and/or Structures; Corrections; Demolition.

- a. Any commercial or industrial building or structure unit shall be designated as unfit for occupancy when the following two (2) conditions exist at the same time:
 - i. When in the judgment of the Building Inspector or Code Compliance Officer such defects create an immediate hazard to the health, safety or welfare of the occupants or of the public; and
 - ii. When any of the following defects or conditions are found:
 - A. Is damaged, decayed, dilapidated, unsanitary, unsafe and/or vermin infested and/or contains uncontrolled hazardous levels of toxic materials.
 - B. Lacks illumination, ventilation and/or required sanitation facilities.
- b. Whenever any building or structure has been designated as unfit for occupancy, the Building Inspector or Code Compliance Officer shall placard the building or structure unit indicating it is unfit for occupancy and, if occupied, shall order such building or structure vacated within reasonable time, such time not to exceed three (3) days.
- c. No building or structure which has been designated as unfit for occupancy, has been placarded as such and vacated shall be used again for occupancy until written approval is secured from the Building Inspector or Code Compliance Officer and the placard removed by the Building Inspector or Code Compliance Officer.
- d. The Building Inspector or Code Compliance Officer shall rescind the designation as unfit for occupancy and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the building or structure is deemed by the Building Inspector or Code Compliance Officer a safe, sanitary, and fit place for human occupancy.
- e. No person shall deface or removed the placard from any building or structure which has been designated as unfit for occupancy and has been placarded as such, except as provided in Subsection (c).
- f. Demolition of building and structure units designated as unfit for occupancy shall be in accordance with [Section 66.0413](#), Wis. Stats.

10. Emergencies. Whenever, in the judgment of the Building Inspector or Code Compliance Officer, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Building Inspector or Code Compliance Officer may act to correct or abate the emergency. Following the issuance of a citation, the case will be scheduled for trial before the Town Municipal Court or before a court of competent jurisdiction.

11. Conflict of Ordinance. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of this Town existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

9.15 RESIDENTIAL RENTAL REGISTRATION AND INSPECTION PROGRAM.²

1. Residential Rental Contact Registration.
 - a. All residential rental units within the Town of Beloit shall be registered with the Town.
 - b. The owner of a residential rental unit located within the Town of Beloit shall file a residential rental contact registration with the Town on forms provided by the town by February 5, 2018 for rental units existing on the effective date of this ordinance or within thirty (30) days of full or partial occupancy of new residential rental units.
 - c. The owner shall provide information on the form that will enable the Town to contact the owner, or at the option of the owner, an agent of the owner, including the street address of the residential rental unit to be registered and the owner's, or agent's, legal name and telephone number. The owner, or owner's agent, may voluntarily provide and email address.
 - d. The owner of a residential rental unit shall update the residential rental contact registration on file with the Town within thirty (30) days of any changes in the information required in paragraph B. above to ensure that it included the correct and current contact information at all times.
 - e. Within thirty (30) days of a sale, transfer or conveyance of the residential rental unit, the new owner shall submit to the Town a completed residential rental contact registration as provided in paragraph B. above.
 - f. The residential rental contact registration does not act as a statement or admission regarding the rental unit's condition or compliance of the rental unit with any other code or ordinance.
 - g. There shall be no fee for the residential rental contact registration.
2. Residential Rental Inspection.
 - a. All properties in the Town, including residential rental units, shall remain subject to inspection requests.
 - b. Inspections for residential rental units shall only be conducted:
 - i. In an occupied dwelling unit with consent from an adult tenant present at the time of inspection;
 - ii. In an unoccupied dwelling unit with consent from the owner, or owner's agent, who is present at the time of inspection; or
 - iii. Upon obtaining a special inspection warrant pursuant to Section 66.0119 of the Wisconsin Statutes.
 - c. Code violations identified during the residential rental inspection shall be abated within the time ordered by the Town.
 - d. The Town shall charge a fee for residential rental inspections as outlined in the fee schedule approved and adopted by the Town Board. Unpaid inspection fees shall be collected as a special charge on the tax roll as provided by Section 66.0627 of the

² Ordinance No. 18-04 Adopted February 5, 2018

Wisconsin Statutes, or may be collected in any other manner allowed by law. The enactment of this ordinance shall constitute notice to property owners of such charge.

3. Remedies, Penalty and Application of Other Ordinance Provisions.

- a. The remedies provided in this section are not to be construed to be exclusive of any other remedy under this Code of Ordinances and the Town may take further actions to ensure compliance with this section including, but not limited to, seeking injunctive relief or obtaining a special inspection warrant under Section 66.0119 of the Wisconsin Statutes.
- b. Nothing in this section limits, impairs, alters or extends the rights and remedies that exist under applicable law of persons in a landlord/tenant relationship.
- c. Nothing in this section shall be construed to limit the authority of the Town to perform housing inspections in accordance with this Code of Ordinances or enforcing any other provision of State or federal law.
- d. Any person failing to comply with any provision of this section of the Town of Beloit Code of Ordinances shall be subject to a forfeiture of not less than Five Hundred Dollars (\$500.00) or more than one Thousand Dollars (\$1,000.00). Each day that a violation continues to exist shall constitute a separate offense.

4. Definitions.

- a. Town. The Town of Beloit, Wisconsin.
- b. Residential Rental Unit. A structure or part of a structure, home, residence or living unit occupied by a single person or family or any grounds, or other facilities or area occupied for the use of a residential tenant and included, but without limitation, apartment units and buildings, mobile homes and single and two-family dwellings.
- c. Owner. Any person who alone or jointly or severally with others shall be the legally recorded holder of the title with or without actual possession thereof, or who has charge, care or control of any residence or residential rental unit as agent or owner or as executor, administrator, personal representative, trustee or guardian of the estate of the owner. The term "owner" under this section shall also include the legally recorded holder of a land contract vendee interest.
- d. Person. Any individual, firm, corporation, partnership or association.
- e. Tenant. A person who occupies a residential rental unit for residential purposes with the owner's consent.
- f. Sale, Transfer or Conveyance. To transfer any ownership interest in a residence except by mortgage or rent. The sale, transfer or conveyance shall be deemed to occur upon the transfer of an ownership interest, the recording of a land contract or the exercise of an option to purchase property.
- g. Rent. To lease, sublease, to let or to otherwise grant for consideration the right of a tenant to occupy a dwelling not owned by the tenant. To rent to a tenant includes any scheme or device, which does not provide for possession of the property by the true beneficial owner and/or property that is owner-occupied.