

36.01 Document on File

36.02 Sections Revised

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A certain document, three (3) copies of which are on file in the Department Planning and Economic Development of City of Wisconsin Rapids, being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Wisconsin Rapids, in the State of Wisconsin, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Department Planning and Economic Development of the City of Wisconsin Rapids are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. The International property Maintenance Code, 2009 edition, can be accessed at: <http://www.ecodes.biz/>.

36.02 SECTIONS REVISED

The following sections of International Property Maintenance Code, 2009 edition are hereby revised:

- (1) All sections that refer to the "International Building Code" shall be revised to say the "City of Wisconsin Rapids Building Code and the codes and provisions adopted therein".
- (2) All sections that refer to the "International Existing Building Code," shall be revised to say the "City of Wisconsin Rapids Building Code and the codes and provisions adopted therein".
- (3) All sections that refer to the "International Plumbing Code," shall be revised to say the "City of Wisconsin Rapids Plumbing Code and the codes and provisions adopted therein".
- (4) All sections that refer to the "International Zoning Code," shall be revised to say the "City of Wisconsin Rapids Zoning Code and the codes and provisions adopted therein".
- (5) All sections that refer to the "International Fire Code," shall be revised to say the "City of Wisconsin Rapids Fire Code and the codes and provisions adopted therein".
- (6) All sections that refer to the "Board of Appeals," shall be revised to say the "Board of Zoning Appeals".
- (7) The following sections of the document entitled "International Property Maintenance Code" are amended as follows:
 - (a) Chapter 1 – Administration
 - (1) Part 1 – Scope and Application
 - Section 101.1 Insert: City of Wisconsin Rapids
 - Section 102.3 Replace with: Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the provisions of all codes adopted by the City.
 - Section 102.7 Removed.
 - (2) Part 2 – Administration and Enforcement
 - Section 103 Replace with: Department of Planning and Economic Development.
 - Section 103.1 Replace with: General. The Department of Planning and Economic Development shall serve as the department overseeing this code and the chief building inspector shall be known as the code official.
 - Section 103.2 Replace with: Appointment. The code official shall be the chief building inspector.
 - Section 103.3 Replace with: Employees. In accordance with the prescribed procedures of the City, the code official shall have the authority to designate employees. Such employees shall have the powers as delegated by the code official.
 - Section 103.5 Replace with: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the most recently Common Council adopted fee schedule.
 - Section 104.3 Replace with: The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restriction

- on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.
- Section 106.3 Replace with: Prosecution of violation. Failure to comply with a notice of violation served in accordance with Section 107 may result in criminal or civil penalty.
- Section 106.4 Replace with: Violation penalties. It shall be unlawful to do any act prohibited hereby and it shall be unlawful to fail to do or perform and act required hereby. Any person, firm, corporation, or agent or employee thereof who violates any of the provisions of this article shall be fined an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) provided, however, in the event a defendant has once previously been convicted under this code, the defendant shall be fined an amount not less than two hundred dollars (\$200.00) and shall be fined an amount not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense. Nothing in this section shall limit the remedies available to the City in seeking to enforce the provisions of this code.
- Section 107.2 Add: 7. In a notice provided under Section 107.1, the code official may inform the person responsible that committing another violation, of the same or similar nature, of any provisions of this code on or before the first anniversary of the date of the notice, that the City, without further notice, may proceed with the prosecution of said violation.
- Section 107.7 Add: Service charge. Any person who shall fail or neglect to comply with any lawful order of the code official or his/her designee issued pursuant to the provisions of this code may be assessed a service charge for compliance inspections in excess of one. Service charges that are not paid within 30 days shall be entered on the tax roll as a special charge against said lot or parcel of land pursuant to the provisions of Section 66.0627 of the Wisconsin Statutes for collection and settlement under Chapter 74 of the Wisconsin Statutes. Service charges are independent of other penalties, and the payment of such service charges shall not relieve any person from complying with the requirements of this code or any other code adopted by the city, or from any additional penalties proscribed herein. (MC#1103)
- Section 108.1.1 Replace with: Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.
- Section 108.2.1 Replace with: Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code or any code adopted by the City, in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.
- Section 110.2 Replace with: Adoption of Codes and Regulations. Section 66.0413 (Razing buildings) of the Wisconsin State Statutes, and any amendments thereto, is hereby adopted and made part of this code. The razing of buildings shall be done in accordance with Section 66.0413 (Razing buildings) of the Wisconsin State Statutes.
- Section 110.3 Remove
- Section 110.4 Remove
- Section 111 The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statues and the City of Wisconsin Rapids Municipal Code.

- Section 111.1 Replace with: Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of zoning appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal may come from any person affected by any notice, order, decision, or ruling of the code official, issued in connection with the enforcement of this code.
- Section 111.1.1 Add. Contents of application. The application shall include at minimum the name, address, and telephone number of the petitioner, and a brief statement of the grounds for appeal.
- Section 111.1.2 Add. Appeal fee. A non-refundable fee in the amount determined from time-to-time by the Common Council shall accompany any application for appeal.
- Section 111.2 Replace with: Membership of board. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.2.1 Replace with: Alternate members. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.2.2 Replace with: Chairperson. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.2.3 Replace with: Disqualification of member. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.2.4 Replace with: Secretary. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.4 Replace with: Open hearing. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.4.1 Replace with: Procedure. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.5 Replace with: Postponed hearing. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.6 Replace with: Board decision. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.6.1 Replace with: Records and copies. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.6.2 Replace with: Administration. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.
- Section 111.7 Replace with: Court review. The City of Wisconsin Rapids Board of Zoning Appeals shall serve as the Board of Appeals and shall be governed under the rules and regulations of State Statutes and the City of Wisconsin Municipal Code.

- Section 112.4 Insert: one hundred (\$100.00) and five hundred (\$500.00)
- Section 113 Add: Order to Vacate
- Section 113.1. Add. Authority. Where a notice of violation and order to comply has been issued as herein provided and upon re-inspection at the end of the time specified for compliance it is found that the violation or violations have not been corrected, or at any time when required in accordance with the emergency procedure, the code official may order the entire building or structure, or the parts thereof affected by the continued violations, to be vacated in accordance with the following procedures:
 - Section 113.1.1 Add. The vacation shall be within a reasonable time as determined by the code official, but shall not to exceed 60 days;
 - Section 113.1.2 Add. Vacated buildings shall have all outer doors, windows, or other openings securely boarded to prevent entry as outlined in section 108.2.
 - Section 113.1.3 Add. The building shall be posted with a placard under the provisions as outlined in section 108.4.
- Section 113.2 Add. Such buildings shall not be used for human habitation until all violations have been corrected and a written determination obtained from the code official that the building or structure complies with the provisions of this code.

(b) Chapter 2 – Definitions

- Section 201.3 Replace with: Terms defined in other codes. Where terms are not defined in this code and are defined in the Chapters Comm. 16, 20-25, 50-70, 81-85 Wis. Admin. Code, or in the respected chapters of the City of Wisconsin Rapids Municipal Code such terms shall have the meanings ascribed to them as in those codes.
- Section 202 BASEMENT. Replace with: BASEMENT. That portion of a building below the first floor or groundfloor with its entire floor below grade.
- Section 202 Add. CITY. The City of Wisconsin Rapids.
- Section 202 Add. GUEST. An individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.
- Section 202 Add. LOT. Shall also include for purposes of this code, in addition to the land within its boundaries, all land adjacent to and extending beyond the property line to the curbline of adjacent streets, and where no curb exists, to the existing street surface. The word lot shall also include all land lying between the property line of any lot and the center of adjacent alleys.
- Section 202 OCCUPANT. Replace with: OCCUPANT. Any individual having possession of a premises or any individual over one (1) year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units, a guest shall not be considered an occupant.
- Section 202 STRICT LIABILITY OFFENSE. Remove.

(c) Chapter 3 – General Requirements

- Section 302.4 Replace with: Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of seven (7) inches. All noxious weeds shall be prohibited.
- Section 302.4.1 Add. Adoption of Codes and Regulations. Section 66.0517 (Weed commissioner) and Section 66.0407 (Noxious Weeds) and any amendments thereto, are hereby adopted and made part of this code.
- Section 302.4.2 Add. Definitions.
- Section 302.4.2.1 Add. Destroy. The complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.
- Section 302.4.2.2 Add. Noxious Weeds. Canada Thistle, Leafy Spurges and Field Bindwell (Creeping Jenny); Beggar-Ticks; Burdocks; Chickweeds; Cockleburs; Fan Weed or Pennycress; Fleabanes; Giant Ragweed; Lamb's Quarters; Stinging Nettles; Redroot Pigweed; Poison Ivy; Poison Oak and Poison Sumac; Common Ragweed; Sandburs; Shepherd's Purse; Annual Spurges; Bull Thistle; Witchgrass; and Quackgrass. (MC#459)
- Section 302.4.2.3 Add. Weeds. All grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area. Untended lawns in excess of the height restriction in section 302.4 shall be considered a violation of this ordinance.

- Section 302.4.3 Add. Duty to Destroy. Every person shall destroy all noxious weeds on all lands within the City of Wisconsin Rapids, which they shall own, occupy, or control, including any terraces and/or ditches abutting said property. The weed commissioner shall destroy all noxious weeds on all public lands within the City of Wisconsin Rapids except as hereinabove prescribed.
- Section 302.4.4 Add. Publication. The mayor shall annually on or before May 15 publish a class 2 notice, under Chapter 985, that every person is required by law to destroy all noxious weeds, as defined in this section, on lands in the municipality which the person owns, occupies or controls.
- Section 302.4.5 Add. Entry. The weed commissioner may enter upon any lands within the City of Wisconsin Rapids upon which any of the weeds mentioned in the section are growing, and cut or otherwise destroy them, without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty hereby imposed. The weed commissioner may also authorize the mowing of any untended lawns. (MC#459)
- Section 302.4.6 Add. Charges for Destroying Noxious Weeds or Mowing Lawn. Should the property owner fail to destroy noxious weeds or mow lawn within five (5) days written notice, which will only be sent once per year, the weed commissioner shall order crews to do this work, and the actual costs of the same, including administrative, labor, overhead, bookkeeping, mileage, and incidentals, shall be charged to the property owner and shall be added to the property's tax bill as a special tax. (MC#1027)
- Section 303.1 Replace with: Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.
- Section 303.2 Replace with: Enclosures. Private swimming pools, hot tubs and spas, containing water more than 18 inches (457 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. For above ground pools, the side wall can be used as part of the barrier as long as the walls are 48 inches (1219 mm) above the ground and the access ladder and/or steps are removed or secured to prevent entry.
- Section 303.2 Exception. Add: The only approved exception to the enclosure requirements for swimming pools is an approved cover.
- Section 304.3 Replace with: Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, and shall not be obstructed by any structural element, plant, tree, shrub, or similar obstruction. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high and a maximum of 10 inches (254 mm) high, with a minimum stroke width of 0.5 inch (12.7 mm). The address number must be located within four (4) feet of the principle entrance door abutting the street. If the principal entrance to a structure is not on the assigned address street then the address number must be posted at more than one entrance or location on that building, or on a mailbox or signpost located at or near the front property line. If the building is set back forty (40) feet or more from the front property line, the property owner must place and maintain the required numbers on a mailbox or a signpost located at or near the front property line. Mobile home numbers will be placed in a uniform area on each unit within the

mobile home park. The number shall be placed on or as close as possible to the entrance door and shall be visible from the public right-of-way readily abutting the property. Commercial buildings situated in a manner that may create confusion for emergency personnel responding to the rear side of such building shall also post their business address on their back doors. This section shall apply to commercial buildings including, but not limited to, multiple tenant strip malls, buildings serviced with alleyways such as downtown areas and single buildings with multiple tenants with individual rear doors for each tenant. This section shall not apply to stand alone commercial buildings occupied by a single tenant.

- Section 304.14 Insert: At all times
- Section 307.1 Replace with: Every exterior and interior flight of stairs having more than three risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface more than 24 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 38 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Existing handrail and guardrails in good repair may remain per the code in effect at the time of installation.”
- Section 308.2.2 Replace with: Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on the premises.
- (d) Chapter 4 – Light, Ventilation, and Occupancy Limitations
- Section 404.4.1 Add. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant 12 years of age and over and at least 35 square feet of floor space for each occupant under 12 years of age.
- Section 404.8 Add. Basement Dwelling Units. No basement space shall be used as dwelling or rooming unit unless:
- Section 404.8.1 Add. The floor and walls are impervious to leakage or underground and surface run-off water.
- Section 404.8.2 Add. The dwelling unit meets the lighting standards as outlined in this code.
- Section 404.8.3 Add. The dwelling unit meets the ventilation standards as outlined in this code.
- Section 404.8.4 Add. The dwelling unit meets the occupancy limitations as outlined in this code.
- Section 404.8.5 Add. It is separated from the heating equipment, incinerators, or other equally hazardous equipment by a standard one-hour fire partition.
- Section 404.8.6 Add. Access can be gained to the unit without going through a furnace room.
- Section 404.8.7 Add. Two (2) independent means of egress are provided from every basement containing more than one (1) dwelling unit or one (1) rooming unit.
- (e) Chapter 5 – Plumbing Facilities and fixture Requirement
- Section 505.1 Modified. The final sentence of subsection 505.1 is modified to provide as follows: “All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with provisions of the Wisconsin Administrative Code.
- (f) Chapter 6 – Mechanical and Electrical Requirements
- Section 602.3 Modified. To provide that it is effective between September 1 and May 31 and so as to replace the reference to Appendix D of the International Plumbing Code with Comm. 22.07(2), Wisconsin Administrative Code.
- Section 602.4 Insert: September 1 to May 31
- Section 603.2 is modified to eliminate the exception.
- Section 605.4 Add. Additional Requirements for Multiple-Family Dwellings. In all multiple dwellings, all sub panels and switching for full-time lighting shall be located in areas not accessible to the public.
- Section 605.5 Add. NFPA 70. NFPA 70 shall be incorporated and made part of this code.
- (g) Chapter 7 – Fire Safety Requirements

Section 701.3 Add. Wisconsin Rapids Fire Code. Chapter 18 of the Wisconsin Rapids Municipal Code (Fire Code) is hereby adopted and made part of this chapter.

Section 702.5 Add. Exit Ways. Where there are two (2) or more dwelling units located on the second story of the dwelling, or where there are more than two (2) stories in a dwelling, every floor above the first shall have a minimum of two (2) approved means of egress, two of which shall be accessible to all occupants of the floor, without passing through another dwelling unit. A second story may be served by a single interior stairway if such stairway is enclosed by one-hour fire resistive materials, and all doors opening into the stairway shall be self-closing class "B" fire doors or solid wood doors not less than 1-3/4 inches thick at any one point. This exception shall not apply in cases where the second story exceeds 1,000 square feet of habitable floor area.

(h) Chapter 8 – Referenced Standards
None