

City of Sun Prairie, Wisconsin

AN ORDINANCE AMENDING CHAPTER 15.36 RESIDENTIAL
PROPERTY MAINTENANCE CODE

“SECURE ENTRY ORDINANCE”

Presented: May 2, 2023

Adopted: May 2, 2023

Published:

Ordinance No.:

ORDINANCE

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

SECTION 1. That Section 15.36.035 be hereby created as follows: (Additions are noted by underline, deletions are noted by ~~overstrike~~.)

15.36.035 Building Security.

- A. Every owner of a residential building shall either personally or by agent, improve and maintain all property under his or her control to comply with the following requirements:
- B. All door and window hardware shall be installed and maintained in proper working condition. The use of a hasp to secure any door other than a storage locker door within a dwelling unit or rooming house is prohibited. Except as provided in Paragraph 9. below, the following shall apply in dwelling units where all or a portion the unit are rented:
 - 1. Each main entrance door into a dwelling unit shall contain an approved door viewer.
 - 2. All doors into each dwelling unit shall be equipped with door hinges so arranged as to be inside the dwelling unit or with approved locking pin hinges.
 - 3. All doors into each dwelling unit shall have a keyed deadbolt lock with a minimum one (1) inch throw, which is openable with a key on the exterior side of the door and a knob on the interior side of the door. The strike plate shall be held in place by 2½ inch screws. Sliding doors shall have an approved secondary locking device. (i.e locking pins or 2 × 4's of proper length.)
 - 4. All basement, first, and second story windows and all other windows accessible by balconies, fire escapes, trees or other existing means shall be provided with sash fasteners.
 - 5. All double-hung and sliding windows and doors below the second story and all other double-hung and sliding windows and doors accessible by balconies, fire escapes, trees or other existing means shall be equipped with approved window ventilating sash fasteners to allow each window to be locked at one (1) to five (5) inches open. Such window ventilating bolts or locks shall be movable to permit the window to be fully opened from the inside of the dwelling unit.
 - 6. Alternative locking devices to equally resist illegal entry may be substituted with the approval of the Building Inspection Division.
 - 7. Paragraphs 1., 2., 3., 4., 5. and 6. of this Subdivision shall also apply in lodging rooms, except as provided in Paragraph 9. below. In addition, the main entrance door into all lodging houses and into all residential buildings with two or more dwelling units or lodging rooms where occupants of the separate dwelling units or lodging rooms share common bathroom or kitchen facilities shall be equipped with a positive locking guarded latch lock and with an approved self-closing device. An approved guard plate shall be affixed to the exterior side of the door if the Director of the Building Inspection Division determines such a device is necessary to provide adequate security against illegal entry. All other doors into said buildings shall be equipped with a deadbolt lock complying with Paragraph 3 of this Subdivision. If any door locking mechanism in said

buildings utilize passwords or passcodes of any type, including but not limited to digital locks, radio-frequency or RFID locks, or electronic keypads, the passwords or passcodes must be changed at least on a yearly basis. In cases where said buildings have an attendant or attendants responsible for the security of the building on duty twenty-four (24) hours a day, they shall be exempt from the main entrance door-locking and self-closing requirements.

8. Buildings occupied by cooperative living arrangements shall comply with the requirements of Paragraphs 1, 2, 4 and 5 of this Subdivision. In addition, the main entrance door shall be equipped with a positive locking guarded latch lock and with an approved self-closing device. An approved guard plate shall be affixed to the exterior side of the door if the Director of the Building Inspection Division determines such a device is necessary to provide adequate security against illegal entry. All other doors into the building shall be equipped with a deadbolt lock complying with Paragraph 3 of this Subdivision. All doors into the individual sleeping rooms of said buildings having more than fifteen (15) sleeping rooms shall be equipped with deadbolt locks complying with Paragraph 3 of this Subdivision; all doors into the individual sleeping rooms of said buildings having fifteen (15) or fewer sleeping rooms shall be equipped with guarded latch locks or approved deadbolt locking devices. Door viewers shall not be required on doors into the individual sleeping rooms of said buildings.
9. Buildings occupied by Bed and Breakfast Establishments shall comply with paragraphs 4. and 6. of this subdivision. In addition, all exterior doors shall comply with paragraph 3., and the windows in all lodging rooms in such establishments shall comply with paragraph 5. of this subdivision. In addition, the doors into all said lodging rooms shall be equipped with a lock capable of affording privacy and openable with a knob on the interior side of the door.
10. All exterior doors into all residential buildings containing three (3) or more dwelling units and/or lodging rooms and where the main entrance door to the dwelling unit or lodging room is accessed from a common area, shall be equipped with a positive locking guarded latch lock and with an approved self-closing device. An approved guard plate shall be affixed to the exterior side of the door if the Director of the Building Inspection Division determines such a device is necessary to provide adequate security against illegal entry. If any door locking mechanism in said buildings utilize passwords or passcodes of any type, including but not limited to digital locks, radio-frequency or RFID locks, or electronic keypads, the passwords or passcodes must be changed at least on a yearly basis.

Where a building subject to this paragraph also contains a non-residential use that shares a common entrance with the dwelling units or lodging rooms and is not on the basement level, the exterior door to the common entrance may be unlocked while the non-residential use portion of the building is actually occupied.
11. All buildings and structures subject to Section 15.36.035 shall have a Key Box installed pursuant to Section 8.12.030.
12. Section 15.36.035 will become effective in its entirety on January 1, 2024.

SECTION 2. That Section 15.36.090 be hereby repealed and recreated as follows: (Additions are noted by underline, deletions are noted by ~~overstrike~~.)

15.36.090 Notice of violation.

- A. Whenever the building inspector determines that any dwelling unit, or the premises surrounding them, fails to meet the requirements set forth in this chapter or in applicable rules and regulations issued pursuant thereto, the building inspector 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:
 1. Be in writing;
 2. Set forth the alleged violation of the ordinance codified in this chapter or of applicable rules and regulations issued pursuant thereto;

3. Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed;
 4. Specify a specific date for the correction of the violation. The date of correction shall be at the discretion of the building inspector based on the circumstances of each violation, however, in nonlife 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 and twenty (120) days without the approval of the property maintenance board of appeals as provided in Section 15.36.110;
 5. Be served upon the owner, occupant, operator, or agent of the dwelling or dwelling unit, personally, or by registered mail, return receipt requested, addressed to the owner, occupant, operator or agent. If one 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 dwelling, or dwelling unit, described in the notice, or by causing such notice to be published in a newspaper or general circulation.
- B. At the end of the period of time allowed for the correction of any violation alleged, the building inspector shall reinspect the dwelling or dwelling unit described in the notice.
- ~~C. If upon reinspection the violations are determined by the building inspector not to have been corrected, the building inspector shall initiate legal proceedings for the immediate correction of the alleged violations. (Prior code § 15-6-9)~~
- C. If upon reinspection the violations are determined by the building inspector not to have been corrected, the building inspector shall initiate penalties as set forth in Section 15.36.095.

SECTION 3. That Section 15.36.095 be hereby created as follows: (Additions are noted by underline, deletions are noted by ~~overstrike~~.)

15.36.095 Penalties.

- A. Any person who violates a provision of this chapter shall be subject to a general forfeiture as provided in Chapter 1.24 General Penalties.
- B. Each day the violation exists, or continues to exist, shall constitute a separate offense.
- C. In addition to any other penalty imposed by this chapter for a violation, the city reserves and maintains a continued right to abate violations of this chapter. In the event the city seeks injunctive relief to abate the violation, the person who is found to have violated this chapter shall upon conviction thereof be subject to the penalties set forth in Section 1.24.010 and shall pay all costs and expenses, including actual and reasonable attorney and other fees involved in the enforcement action.

SECTION 4. Effective date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: _____
Paul T. Esser, Mayor

Date Approved: May 2, 2023

Date Signed: May ____, 2023

This is to certify that the foregoing ordinance was approved by the Common Council of the City of Sun Prairie at a meeting held on the 2nd day of May, 2023, and was submitted for signatures on the _____ day of May, 2023.

Elena Hilby, City Clerk