

SUBCHAPTER 2
DEFINITIONS

200-06. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ss. SPS 361.04, 361.05(1) and 362.0202, Wis. Adm. Code, as amended, as part of this code.

200-07. Rules of Construction. 1. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular member includes the plural and the plural the singular.

2. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "hotel," "hotel unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

200-08. Definitions. In this code:

1. ABANDONED SIGN means:
a. An on-premise or off-premise sign pertaining to or associated with an event, business or purpose which is no longer on-going and which has been inactive or out of business for a period of 90 consecutive days or longer; or

b. An on-premise or off-premise sign which contains structural components but no display for a period of 90 consecutive days or longer.

2. ACCESSORY BUILDING means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.

2.5. ACCESSORY SHED means an accessory building of not more than 150 square feet in floor area and not more than 14 feet in height.

3. ADDITION means any new construction whereby an existing building or structure, or building or structure in course of construction, is increased in area or cubical content.

4. ALTERATION means any change, addition, modification, or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.

5. APPROVED means approved by the commissioner or the Wisconsin department of safety and professional services under the regulations of this code.

6. APPROVED COMBUSTIBLE MATERIAL means wood, combustible plastics, or other rigid material impervious to water.

7. APPROVED COMBUSTIBLE PLASTICS means only those combustible plastic materials which tested in accordance with the A.S.T.M. Standard Method of Testing for Flammability of Plastics over 0.050 inch in thickness, D635 (latest revision), burn no faster than 2.5 inches per minute in sheets of 0.060 inch thickness.

8. BATH means a bathtub or shower stall properly connected with both hot and cold water lines.

9. BEDROOM means a habitable room in a dwelling unit or in any building of an area and volume as required by this code intended for or used primarily for sleeping purposes and equipped with a door to insure privacy.

10. BILLBOARD means an off premise sign.

11. BOARD means the board of zoning appeals.

12. BOARDING HOUSE. See ROOMING HOUSE.

13. BUILDING means an enclosed structure built, erected or framed of component parts for the housing, shelter, support and enclosure of persons, animals or property.

13.5 CAMPGROUND means any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel of land is represented as a campground.

13.7 CAMPING UNIT means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

14. CANOPY SIGNS means an on-premise sign attached to or supported by a canopy.

15. CAPACITY means the maximum number of persons which may be accommodated, housed or employed in a building as established by regulations in chs. 214, 222, 225, 236, 239, 240, 257 to 262, and 264.

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16. CHANGEABLE MESSAGE SIGN means a sign which has copy that is changed periodically, such as a time-and-temperature sign, message center or reader board. The sign copy may be changed either manually, with removable or interchangeable letters, or electronically. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also PORTABLE SIGN.

16.5. COMMERCIAL BUILDING means any structure, including exterior parts of the structure, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or part as a place of resort, assemblage, trade, traffic, occupancy, or use by the public. Multiple buildings on a single tax key-numbered parcel may be recorded as a single building.

17. COMMERCIAL TYPE KITCHENS includes restaurants, supper clubs, fraternal organizations, schools, churches, taverns, hospitals, convalescent homes, nursing homes, homes for the aged, children's homes, penal institutions exhibit halls, institutions, asylums, monasteries, convents and all other establishments where food is commercially prepared.

17.5. COMMERCIAL VEHICLE means a motor vehicle used primarily for the movement of property or special-purpose equipment as opposed to persons, or a motor vehicle that is designed to carry 10 or more persons. Commercial vehicles include vehicles commonly called delivery vans, buses and other similar vehicles.

18. COMMISSION means, unless otherwise specified, the standards and appeals commission.

19. COMMISSIONER means, unless otherwise specified, the commissioner of neighborhood services or a designated representative.

20. COMMUNAL means used or shared by, or intended to be used or shared by, the occupants of 2 or more rooming units or 2 or more dwelling units.

20.5. DEADBOLT LOCK means a locking bolt with no automatic spring action which is held fast when in the projected position. A lock bolt moved by a skeleton-type key is excluded from this definition.

21. DEPARTMENT means, unless otherwise specified, the department of neighborhood services.

22. DEPTH OF LOT means the distance from the front lot line to the rear lot line measured in the general direction of a side lines of a lot.

23. DETERIORATION means, as applied to the buildings, structures, equipment, and materials corrosion, decay, wear and tear through use or abuse, obsolescence, effects of the elements, fire damage, lack of maintenance, or by any other cause. It also includes fatigue due to overstressing, disintegration of component parts of a building, structure, and equipment, and the separation of materials and structural parts.

24. DINING ROOM OR DINING SPACE means a habitable room or space in a dwelling unit of an area and volume as required by this code in which meals are served, but not prepared or cooked.

25. DISPLAY AREA means the entire area of any sign within a single continuous perimeter enclosing the extreme limits of the facing and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements outside the limits of the facing unless said elements form an integral part of the display. The display area shall be measured in square feet by the smallest rectilinear polygon, with a maximum of 8 sides, that describes a portion of the sign which encloses all lettering, wording design or symbols together with any internally or externally illuminated background, provided such background is designed as an integral part of the sign.

26. DORMITORY means, unless otherwise specified, a building or part thereof containing a room or rooms to provide sleeping accommodations to persons, without complete separations between cots or beds by partitions or walls. It is not a hotel, household, rooming house or apartment building.

27. DWELLING means, unless otherwise specified any building which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

28. DWELLING UNIT means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit providing complete, independent facilities which are used by one family for living, sleeping, cooking, eating and sanitation.

29. EQUIPMENT means, as specifically regulated by this code, heating, cooling, air conditioning, and ventilating systems; plumbing and sanitary systems; electric light and power systems; telephone, electronic, radio, signal and annunciator systems; dry cleaning, dyeing and washing machines; elevators and dumb waiters; gas pipe systems; standpipes; sprinkler systems; fire protection apparatus, fire extinguishers, and pumps; oil burners, stokers, and conveyors; refrigeration systems; devices, machinery and apparatus of every description; furnaces, boilers; high or low pressure steam systems; gasoline pumps, all movable or portable containers of every description; all air pressure or other tanks; and all other self-contained systems used in conjunction with buildings or structures.

30. ESTABLISHED GRADE means the officially established grade of the street walk at the street line as established by the city engineer and located at the lot corners.

31. EXTERMINATION means the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other approved pest elimination methods.

32. FACING means the surface of the sign upon, against, or through which the message of the sign is exhibited.

33. FAMILY means, unless otherwise specified, a person occupying a dwelling unit, or dwelling unit with one or more persons who are legally related to such occupant by virtue of being husband or wife, son or daughter, mother or father, sister or brother, uncle or aunt, grandparent, grandchild, niece or nephew, first-cousin, mother-in-law or father-in-law, all of whom comprise no more than one nuclear family unit per household. Included in the term family are 4 or fewer legally assigned foster children, except that more than 4 may be legally assigned if all are related to one another as brothers or sisters. Family also means a domestic partnership of 2 individuals who meet all conditions of s. 350-245-3-a to e and at least 3 of the conditions of s. 350-245-5.

34. FLAG means an exhibit made of flexible material mounted on a pole and which represents or symbolizes an organization, group, cause, event, activity or unit of government.

35. FLAMMABLE LIQUID means any liquid which, under normal conditions, gives off vapor which, when mixed with air, is combustible or explosive.

35.4. FREESTANDING SIGN means a sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or depended for support from any building.

35.5. FREESTANDING SIGN, PERMANENT means a freestanding sign permanently affixed to the ground.

35.6. FREESTANDING SIGN, PORTABLE means a freestanding sign placed upon a premise but not permanently affixed to the ground.

36. GARBAGE means animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of food. The term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.

36.5. GRANDSTANDS includes all reviewing stands, amusement park structures, stadia, bleachers, grandstands and all other open air unenclosed or partially enclosed structures, platforms and open structural tank towers.

40. HABITABLE ROOMS means rooms or enclosed floor spaces used or intended to be used for living, sleeping, cooking or eating purposes.

41. HABITABLE SPACE means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable space.

42. HOLLOW WALK. See STREET WALK BASEMENT.

43. HOOD SIGN means a sign attached to, painted on or suspended from a hood.

44. HOSTEL. See HOTEL.

45. HOTEL means, unless otherwise specified, any dwelling licensed for this purpose, wherein sleeping accommodations are offered for pay, chiefly to transient guests in 5 or more rooms, but not including a rooming house.

46. HOTEL UNIT means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping.

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47. HOUSEHOLD means a person, or not more than 2 persons who are not members of the same family, occupying a dwelling unit or dwelling.

48. KITCHEN means a habitable room or space in a dwelling unit of an area and volume as required by this code in which meals are cooked or prepared.

49. KITCHEN SINK means a sink of a size and design adequate for the purpose of washing eating and drinking utensils, located in a kitchen, properly connected with a cold water line and a hot water line.

50. LAVATORY (Wash Basin) means a bowl, basin or other fixture, for washing of the hands or face, connected with hot and coldwater lines and sewer system and which is separate and distinct from a kitchen sink.

51. LEGALLY NON CONFORMING SIGN means any nonconforming sign which was originally installed in accordance with all applicable regulations in effect at the time of installation.

52. LETTERS AND DECORATIONS means the letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the advertising message.

52.5. LICENSED DWELLING FACILITY means any facility licensed by the city of Milwaukee for the purposes of sleeping or living and includes:

- a. Hotels and motels.
- b. Residential living facilities.
- c. Rooming houses.
- d. Second class dwellings.

53. LIVING ROOM means the principal habitable room in a dwelling unit of an area and volume as required by this code, which is used or intended to be used for general living purposes.

54. LOT GRADE means the elevation of the finished surface of a lot at all exterior walls of a building or structure.

55. MARQUEE SIGN means an on-premise sign attached to or supported by a marquee.

57. MOTEL. See HOTEL.

58. MULTIPLE-FAMILY BUILDING OR RESIDENCE means any dwelling containing 3 or more dwelling units, or 2 or more dwelling units and also used for business purposes.

59. NONCONFORMING SIGN means a sign that does not meet the regulations of ch. 244 or 295.

60. NON-DWELLING STRUCTURE means any structure except a dwelling used or intended to be used for the shelter or enclosure of any person, animal or property of any kind.

61. OCCUPANT means any person over one year of age, including an owner or operator, living, sleeping, cooking in, or having actual possession of a dwelling, dwelling unit, rooming unit or hotel unit.

62. OFF-PREMISE SIGN means a sign advertising a business, organization, event, person, place, service or product which is not primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premise upon which the sign is located. When a sign displays both on-premise and off-premise advertising the entire sign shall be considered an off-premise sign if the off-premise advertising portion of the display area exceeds 12 square feet.

63. ON-PREMISE SIGN means a sign advertising the sale or lease of property upon which the sign is located or a sign advertising a business, organization, event, person, place, service or product which is a primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located. When a sign displays both on-premise and off-premise advertising, the entire sign shall be considered an on-premise sign if the off-premise advertising portion of the display area is less than or equal to 12 square feet.

64. OPERATOR means any person who rents to another or others or who has charge, care or control of a building or part thereof, in which dwelling units, rooming units or hotel units are let, or who has charge, care or control of any premises or part thereof upon which no structures have been erected or upon which nondwelling structures are present. Such person may be appointed to act as an owner's agent for service of process.

65. OTHER ROOMS means rooms used for recreational or similar purposes.

66. OWNER means any person who alone or jointly or severally with others:

a. Is the recorded or beneficial owner or has legal title or equitable title to any premises upon which no structures have been erected or upon which nondwelling structures are present, or is the recorded or beneficial owner or has legal or equitable title to any dwelling, dwelling unit, rooming unit or hotel unit; or

b. Has charge, care or control of premises upon which no structures have been erected or upon which nondwelling structures are present, or has charge, care or control of any dwelling, dwelling unit, rooming unit or hotel unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

67. PASSAGEWAY means a free, unobstructed pathway between stored merchandise and materials, merchandise counters, etc., in any mercantile, manufacturing, warehouse or storage buildings, or yards, which provides access from one work area to another work area, maintained for fire protection, convenience in work operations and egress in an emergency.

68. PEDESTRIANWAY means any legally established designed public thoroughfare.

68.5. PERMEABLE PAVING means porous concrete, porous asphalt, or other systems designed to allow water to pass through voids in the paving material or between paving units while providing a stable, durable load-bearing system. Use of a coal tar sealant product as defined in s. 66-30-1 or high PAH sealant product as defined in s. 66-30-2 is prohibited.

69. PERSON means any individual, partnership, firm, organization, association, corporation or limited liability company, its agents or assigns or other legal entity capable of holding either legal or equitable title to real estate.

69.5. PORTABLE SIGN means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which can be readily moved. A vehicle carrying advertising, parked at a curb for other than normal transportation purpose, shall be considered a portable sign.

70. PREMISES means one or more lots or portions of lots, including any structures, which are contiguous and under common ownership or control.

71. PROJECTING SIGN means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

71.5. RESIDENTIAL LIVING FACILITY means any facility with one or more sleeping areas for more than 3 unrelated individuals in which space is let or provided without charge and where individuals share toilet or kitchen or other nonsleeping areas and may or may not be assigned specific sleeping rooms or beds. Residential living facilities include, but are not limited to, fraternity houses, sorority houses and temporary or emergency housing operated by public or nonprofit agencies not otherwise licensed by the state or city. Excluded are college dormitories which are owned or operated by accredited educational institutions and convents or facilities owned or operated exclusively by and for members of a religious order.

71.6. RESIDENTIAL BUILDING means, unless otherwise specified, a residential building or any vacant building whose legal use prior to vacancy was as a residential building. Multiple buildings on a single tax key-numbered parcel may be recorded as a single building.

72. ROOF SIGN means a sign erected, constructed and maintained on or above the roof of any building.

73. ROOMER means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not the primary occupant of the dwelling unit.

74. ROOMING HOUSE means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. "Rooming house" also means any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units.

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75. ROOMING HOUSE, TYPE I means a building in which space is let to more than 2 but fewer than 9 roomers, and also means any dwelling in which a total of 2 roomers share a toilet or bath with the occupants of 2 second class dwelling units.

76. ROOMING HOUSE, TYPE II means a building in which space is let to 9 or more roomers.

77. ROOMING UNIT means any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping, but not for cooking or eating of meals.

78. RUBBISH means noncombustible waste material, and includes the residue from burning of wood, coal, coke, tin cans, metals, mineral matter, glass, crockery, dust and other noncombustible materials.

79. SANITARY PERMIT means a permit issued by the commissioner for the installation of a private sewage system.

80. SECOND CLASS DWELLING means any multiple dwelling which contains 3 or more 2nd class dwelling units.

81. SECOND CLASS DWELLING, TYPE I means a 2nd class dwelling which contains more than 2 but fewer than five 2nd class dwelling units.

82. SECOND CLASS DWELLING, TYPE II means a 2nd class dwelling which contains 5 or more 2nd class dwelling units.

83. SECOND CLASS DWELLING UNIT means a dwelling unit that does not have a toilet, a bath and a lavatory basin for exclusive use of occupants thereof.

83.5. SECURITY DEVICE means a door, window, lock, frame or hardware.

84. SIGN means any structure, device or display that is arranged, intended or designed as an announcement, declaration, demonstration, illustration, indication, symbol, insignia, banner or emblem and which is used for advertisement, identification or promotion when placed so as to be seen from out of doors by the general public. "Sign" includes not only display area but also structural supports, uprights, bracing, framework and trim. Where used in ss. 244-2 to 244-20 "sign" means an on-premise sign. Where used elsewhere in chs. 244 and 295, "sign" includes both on-premise and off-premise signs.

85. SINK means a shallow bowl, basin or other fixture, ordinarily with a flat bottom, and usually used in a kitchen or in connection with the preparation of food, connected with city water and sewer system.

85.2. SLEEPING AREA means the area of a residential building in which bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by other use areas, such as a kitchen or living room, but not a bathroom, are considered separate sleeping areas.

85.5. SLEEPING DORMITORY means a room occupied for sleeping purposes by more than 4 persons.

86. SMOKE DETECTOR means a device which detects the visible or invisible particles of combustion.

86.2. SQUARE FOOTAGE, for fee computation purposes, means the entire area of all principal floors, mezzanines, basements, attics and exterior porches, decks and platforms. Square footage includes all areas that, with future alterations, could be used as finished (habitable or occupiable) areas. It excludes basement crawlspaces (ceiling heights less than 76 inches) and attic areas accessed only by a scuttle or access panel or having a ceiling height of less than 60 inches.

86.5. STREET LINE. A dividing line between a street and a lot.

87. STREET WALK means that portion of a public thoroughfare which is used for pedestrian traffic or that portion which is included between the curb and the street line.

88. STREET WALK BASEMENT means an excavated space below the surface of any public thoroughfare or portion thereof extending from street line, as regulated by the department of public works and ch. 245.

89. STRUCTURE means, except in ch.295, anything other than a building which is constructed, erected, and framed of component parts and which is fastened, anchored, or rests on a permanent foundation or on the ground for any occupancy or use whatsoever. It includes fair, carnival and festival open structures; fire escape, stairway, or chute escapes and railings; fences and railings; open air observation, water tank and other towers; traveling cranes, hoists

and loading or unloading apparatus; open scaffolding, rigging, swinging platforms, bridges; bins, temporary reviewing stands, platforms and structures; canvas or cloth awnings, tents and other such structures; signs, billboards and advertising devices of every description and use; decorations of every description; open terraces and open grade steps, sidewalks or stairways; all other apparatus and all other objects or property not included under the terms "building" and "equipment."

90. SUPPLIED means paid for, furnished, provided by or under the control of the owner or operator.

91. TOILET means a water closet, with a bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.

92. TRANSIENT means a person passing through or at a place with only a brief stay or sojourn.

93. TRAVELING MESSAGE means a message shown on a sign's display area and which moves either vertically or horizontally across the display area.

94. TRIM means the mouldings, battans, cappings, nailing strips, latticing and platforms which are attached to the sign.

95. WALL SIGN means a sign painted on or affixed to a building face, parallel to and not extending more than 12 inches from the surface.

96. WORKMANLIKE MANNER means work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and to provide a durable result as intended to insure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

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