

Chapter 14

**BUILDINGS AND BUILDING REGULATIONS\*\***

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**Cross References**--Fire prevention and protection, ch. 34; sanitation, ch. 38; mobile homes, ch. 46; applicability of plumbing, electrical and building codes to mobile home parks, § 46.107; planning commission, ch. 62; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70; building material on streets and sidewalks, § 70.105; subdivision regulations, ch. 74; utilities, ch. 86; zoning, ch. 94.

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## ARTICLE I. IN GENERAL

### Sec. 14.100. No liability.

The provisions of this chapter shall not be construed so as to impose any liability or the assumption of liability on the part of the village for damages to anyone injured or any property destroyed by any defect in any building or equipment or in any heating, ventilating, air conditioning, electrical, plumbing or other equipment.

(Ord. of 1-28-1991, § 1(2.13), Ord. of 11-18-2010)

## ARTICLE II. BUILDING AND CONSTRUCTION CODES\*

### Division 1. Building Codes and Regulations

### Sec. 14.200. Building code and regulations.

(a) *Adoption of Wisconsin Uniform Dwelling Code.* All of the following chapters of the Wisconsin Administrative Code, all of which apply to one- and two-family dwellings and alterations and additions to such dwellings, and any subsequent revisions or amendments to any of those chapters, are made by reference a part of this Code and are hereby adopted and shall be enforced by the village, copies of which shall be kept on file in the office of the village clerk/treasurer and in the office of the building inspector:

COMM 20 Administration and Enforcement

COMM 21 Construction Standard

COMM 22 Energy Conservation

COMM 23 Heating, Ventilating and Air Conditioning

COMM 24 Electrical Standards

COMM 25 Plumbing Standards

(b) *Adoption of additional Administrative Code provisions.* All of the provisions of the following Wisconsin Administrative Code chapters insofar as they apply to villages, together with any subsequent revisions or amendments to such chapters, are

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\* **State Law References**--Enforcement of building codes generally, Wis. Stats. § 62.17.

made by reference a part of this Code and are adopted and shall be enforced by the village:

COMM 5 Licenses, Certifications, and Registrations

COMM 16 Electrical Code

Copies of such codes shall be kept on file in the office of the village clerk/treasurer and in the office of the building inspector.

(c) *Zoning*. No provision of this section shall be construed to repeal, modify or constitute an alternative to any of the zoning regulations.

(Ord. of 1-28-1991, § 1(2.01), Ord. of 11-18-2010)

## Division 2. Commercial Electrical Codes and Regulations

### **Sec. 14.201. Commercial Electrical Code and Regulations.**

(a) *Adoption of Wisconsin Administrative Electrical Code and Standards*. All of the provisions of the Wisconsin Administrative Code ch. COMM 16 entitled “Electrical,” together with any subsequent revisions or amendments thereof are made by reference a part of this code and are hereby adopted and shall be enforced by the Village, copies of which shall be kept on file in the offices of the Village Clerk and Building Inspector.

(b) *Electrical Inspection/Inspector*. There is hereby established the position of Electrical Inspector who shall be either appointed by the Village Board as a Village employee or contracted by the Board at the Board’s discretion to perform electrical inspection services.

(Ord. of 11-19-04, Ord. of 7-26-05, Ord. of 9-22-05, Ord. of 11-18-2010)

### **Sec. 14.202. Licenses.**

(a) *License required*. No person, firm, or corporation shall install, maintain, alter or repair any electrical wiring, devices, appliances, or equipment used for the utilization of electric current for light, heat, or power within the Village of Weston without first having procured an electrical contractor’s license. Except the following:

- (1) Minor repair work, the replacement of lamps or the connection of portable devices to suitable receptacles, which have been permanently installed;
- (2) The installation, alteration or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence, where such wiring devices, appliances or equipment operate at a voltage not exceeding fifty between conductors and do not include generating or transforming equipment capable of supplying more than fifty watts of energy;
- (3) The installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for an electric public service corporation for the use of such a corporation in the generation, transmission, distribution or metering of electrical energy, or the use of such a corporation in the operating of signals or the transmission of intelligence.
- (4) Any work involved in the manufacture, test or repair of electric material, devices, appliances or apparatus, but not including any permanent wiring other than that required for testing purposes;
- (5) The assembly, erection and connection of electric apparatus and equipment by the manufacturer of such apparatus and equipment, but not including any electric wiring other than that involved in making electrical connections on the apparatus or equipment itself or between two or more parts of such apparatus or equipment.
- (6) The installation, alteration, and control of electric current in manufacturing facilities under the guidance of a qualified maintenance electrical department. These alterations are to be done in existing facilities only.

(Ord. of 11-19-04, Ord. of 7-26-05, Ord. of 11-18-2010)

#### **Sec. 14.203. Class of License.**

One class of electrical contractor's license shall be issued by the Village Clerk. The license shall entitle the holder to engage in the business of, and to secure permits for, the installation, alteration and repair of any electric wiring, devices, appliances or equipment.

#### **Sec. 14.204. Applications.**

Applications for licenses shall be made in writing to the Village Clerk stating the name and place of business of the applicant, and such information as the Village Board shall require from time to time.

**Sec. 14.205. Certified Master Electrician.**

Any person holding a state Master Electrician Certification shall be issued an electrical contractor's license within ten business days of submittal of the following information:

- (1) Evidence that the contractor, or at least one full-time employee of the contractor, is certified by the state as a master electrician;
- (2) Payment of license fee.
- (3) Proof of Insurance.

(Ord. of 12-19-05, Ord. of 11-18-2010)

**Sec. 14.206. New Applications.**

Before any license shall be issued, the applicant shall first have secured a State of Wisconsin Master Electrician Certification, or shall have held a current valid municipal license for the past five (5) consecutive years; paid the license fee and provided proof of insurance.

(Ord. of 11-19-04, Ord. of 7-26-05, Ord. of 12-19-05, Ord. of 11-18-2010)

**Sec. 14.207. License Renewal.**

Each license shall expire on June 30 following the date of its issue, and shall be renewed by the Village Board upon application of the holder of the license, and payment of the required fee any time within thirty days before the date of such expiration. Non-master certified licensed contractors shall attend (4) four hours of State approved continuing education per year and must show proof of attendance at the time of license renewal.

(Ord. of 12-19-05, Ord. of 11-18-2010)

**Sec. 14.208. Certificate of License.**

Each license issued in accordance with the provisions of this chapter shall specify the name of the licensee and business name, and shall specify the name and state certification

number of the person who has passed the examination; and such person shall be designated in the certificate as supervisor of all work to be done under the license. The person designated as the supervisor may be a person in the employ of the licensees, a member of the firm, or an officer of the corporation. The same person shall not be designated as the supervisor in two or more licenses issued to different licensees. In the event that the business association of the supervisor with, or employment of the supervisor by, the holder of the license shall terminate, the license shall become null and void ten days after such termination.

(Ord. of 12-19-05, Ord. of 11-18-2010)

#### **Sec. 14.209. License Fees.**

Before an electrical contractor's license is granted to any applicant and before any expiring license is renewed, the applicant shall pay to the Village the fee of \$75.00 per year. Each license shall expire on June 30 following the date of its issue, and shall be renewed by the Village Board upon application of the holder of the license, payment of the required fee any time within thirty days before the date of such expiration and has met the requirements of Sections 14.205, 14.206 or 14.207.

(Ord. of 12-19-05, Ord. of 11-18-2010)

#### **Sec. 14.210. Revocation and Suspension.**

No license shall be assignable or transferable. Any such license may, after hearing, be suspended for a definite length of time or revoked by the Village Board if the person holding such license willfully, or by reason of incompetence, violates any statute of the state or any ordinance or rule or regulation of the Village relating to the installation, maintenance, alteration or repair of electrical wiring, devices, appliances or equipment.

(Ord. of 11-18-2010)

#### **Sec. 14.211. Permit Required.**

No alteration or changes shall be made in wiring of any building, nor shall any building be wired for the placing of electrical appliances, motors or public address and paging systems, without first securing from the Village of Weston a permit therefore, nor shall any change be made in any electrical plant after inspection without notifying the Village of Weston and securing a permit therefore. The permit may be obtained by the owner or contractor or by the party by whom the work is to be performed. Any or all of the foregoing may be prosecuted for a failure to obtain the permit. The fees payable to

the Village of Weston Clerk for permits are set forth in 14.212 of this Ordinance, and are paid prior to any work being performed.

(Ord. of 11-19-04, Ord. of 7-26-05, Ord. of 11-18-2010)

**Sec. 14.2122. Fees.**

Permit fees for the following shall be as provided in the village fee schedule:

Electrical Rates

- (a) Commercial, industrial, multifamily.
  - (1) New construction of apartments (three family and over), row housing, and multifamily dwellings (or additions thereto)
  - (2) New construction of local business, institutional, and office buildings (or additions thereto)
  - (3) New construction of manufacturing and industrial buildings (or additions thereto).
  - (4) New construction of warehouses (or additions thereto).
  - (5) New construction of storage Units
- (b) Electric sign wiring.
- (c) Service charges for industrial, commercial, and multifamily structures.
  - 200 amps, single meter
  - 400 amps, single meter
  - 600 amps, single meter
  - 800 amps, single meter
  - 1,000 amps & larger, single meter
  - Multiple metering, size of service (fee)
- (d) Special inspections other than those listed above

(e) Minimum permit fee (commercial, industrial, and multifamily)

(f) Re-inspection fee

(g) Failure to obtain permit prior to commencement of work. A double fee may be charged by the building inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

(Ord. of 11-18-2010)

**Sec. 14.213. Penalties.**

In addition to injunctive relief, any person, firm or corporation who violates any provision of this ordinance shall upon conviction, forfeit not less than \$50.00 nor more than \$250.00 for the first offense, and for any second or subsequent offense, not less than \$100.00 nor more than \$500.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not to exceed six months. Each day of violation shall constitute a separate offense. The imposition of a forfeiture does not prevent revocation or suspension of a permit or license.

(Ord. of 11-19-2004, Ord. of 11-18-2010)

**ARTICLE III. ADMINISTRATION AND ENFORCEMENT\***

**DIVISION 1. INSPECTOR**

**Sec. 14.300. Appointment.**

The building inspector shall also be the inspector of plumbing, heating, ventilating, air conditioning, electrical and energy installations; and shall be the trailer inspector. The building inspector shall be appointed by the board.

(Code 1982, § 1.02(2)(a), Ord. of 11-18-2010)

**Sec. 14.301. Compensation.**

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\* **Cross References**--Administration, ch. 2.

The building inspector shall receive such compensation as the board shall prescribe.

(Code 1982, § 1.02(2)(c), Ord. of 11-18-2010)

**Sec. 14.302. Duties.**

The building inspector shall be responsible for the administration and enforcement of this chapter and shall perform the duties specified in section 94.116, together with such other duties as are prescribed by ordinance and the laws of the state.

(Ord. of 1-28-1991, § 1(2.02(1)(a)), Ord. of 11-18-2010)

**Sec. 14.303. Access to premises.**

The building inspector or authorized agent shall have the power and authority, at all reasonable hours, for any proper purpose, to enter upon any public or private premises and to make inspection and to require the production of the permit for any building, plumbing, electrical or heating and ventilating work being done or the required license. No person shall interfere with or refuse to permit access to any such premises by the building inspector while in performance of their duties.

(Ord. of 1-28-1991, § 1(2.02(1)(b)), Ord. of 11-18-2010)

**Sec. 14.304. Records.**

There shall be kept in the office of the building inspector a record of all applications for building permits, the book for such purpose, with each permit regularly numbered in the order of its issue. In addition, there shall be kept in the office of the building inspector a record showing the number, description and size of all buildings erected, indicating the number of materials used and the cost of each building and the aggregate cost of all buildings in the various classes. Records of all inspections made, including the razing, removal and condemnation of buildings and fees collected for such work, shall likewise be maintained by the building inspector and shall be available for public inspection at reasonable times and intervals.

(Ord. of 1-28-1991, § 1(2.02(1)(c)), Ord. of 11-18-2010)

**Sec. 14.305. Change.**

It shall be unlawful to change the use of any building, structure or premises without first obtaining from the building inspector an approval of such change in the occupancy or use and a certificate of occupancy.

(Ord. of 1-28-1991, § 1(2.05(3)), Ord. of 11-18-2010)

**Sec. 14.306. Open excavations prohibited.**

(a) No excavation for building or any other purpose in the village, whether or not completed, shall be left open for more than six months without proceeding with the erection of a building. If any such excavation remains open for more than six months, the building inspector shall order the erection of a building on the excavation to begin forthwith or in the alternative, that the excavation be filled to grade.

(b) Such order shall be served upon the owner of record or agent or an agent in charge of the premises and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and by publishing it at least three places in the village for at least ten days before the time limited in the order commences to run.

(c) If the owner of the land fails to comply with the order within 15 days after service thereof upon him, the building inspector shall cause the excavation to be filled to grade and the cost shall be charged against the real estate and entered in the next succeeding tax roll as special tax and shall bear interest at the rate of one percent above the village borrowing rate per annum from the date of the report by the building inspector of the cost.

(d) The term "excavation" shall include depressions caused by filling two or more sides of a plot of land and shall include excavations for any purpose, including stripping of land, basements, part basements or other excavations left as residue of a burned or razed building; and such basements and excavations shall after six months be subject to the same provisions as excavations made for the purpose of erecting new structures. This section shall not apply to excavations in streets.

(Code 1982, § 4.156(2), Ord. of 11-18-2010)

**DIVISION 2. PERMITS AND FEES**

**Sec. 14.307. Licenses and fee.**

No person shall conduct or begin construction for any project requiring a permit for such actions by the schedule of licenses and fees established by the board without first applying for a permit and payment of such permit fees.

(Ord. of 11-18-2010)

**Sec. 14.308. Required.**

A permit signed by the building inspector or authorized agent shall be obtained before any work shall be commenced on the construction, alteration, remodeling, wrecking or razing of any building or structure within the village. The permit may be obtained by the owner or contractor or by the party for whom the work is to be performed. If construction begins before a permit is issued, a surcharge set by the board will be added to the permit fee. If the proposed building or structure is not on municipal sewer, a building permit cannot be issued until an approved sanitary permit is produced. Permits shall be required as follows:

- (1) Buildings, structures and additions.
- (2) Alterations to an existing building or structure that involve either the structural members of the floor or roofs, beams, girders, columns, bearing or other walls, room heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits shall require a permit.
- (3) Wrecking, demolition or razing of buildings and structures.
- (4) Heating, electrical and plumbing.
- (5) Moving of buildings.
- (6) Occupancy.
- (7) Swimming pools.
- (8) Other permits as required by other governing municipalities and as otherwise specified elsewhere in this Code.

(Ord. of 1-28-1991, § 1(2.02(2)(a)); Ord. of 8-25-1992, § 1, Ord. of 11-18-2010)

**Sec. 14.309. Applications for permits.**

Applications for any of the permits required in this division shall be made in writing upon a form to be furnished by the building inspector and shall include such information as the building inspector shall require.

(Ord. of 1-28-1991, § 1(2.02(2)(b)), Ord. of 11-18-2010)

**Sec. 14.310. Waiver of certain requirements.**

At the option of the building inspector, plans, data, specifications and plot plan need not be submitted with an application for a permit for minor alterations to any building, structure or equipment providing the proposed construction is sufficiently described in the application for such permit.

(Ord. of 1-28-1991, § 1(2.02(2)(c)), Ord. of 11-18-2010)

**Sec. 14.311. Street dedication required.**

No permit for residential or commercial construction shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated and improved for street purposes. The lot upon which the structures are to be located must comply with all ordinances, including zoning ordinances.

(Ord. of 1-28-1991, § 1(2.02(2)(d)), Ord. of 11-18-2010)

**Sec. 14.312. Conditions for the issuance of permit.**

(a) If the building inspector finds that the proposed building will comply in every respect with the provisions of this chapter and other municipal ordinances and all laws of the state and lawful orders issued pursuant to such legislation, the building inspector shall issue a building permit. After being approved, there shall be no material alterations or changes in the plans or specifications which would in any way impact upon these ordinances or other ordinances or laws without the written consent of the building inspector.

(b) In no event shall work commence on any building or alteration of a building prior to a building permit's being issued. The building inspector, in the building inspector's discretion, may issue a permit for the construction of part of a building or structure prior to receiving the plans and specifications for the entire building or structure. However, the issuance of a permit shall not be construed to prevent the building inspector from thereafter requiring correction of errors in any plan or specification or from preventing building operations being carried on thereunder when in violation of any ordinances of the village or the laws of the state or lawful orders issued pursuant to such ordinances or laws.

(c) For the construction of buildings requiring approval of the state department of commerce, no permit shall be issued until such approved plans are received by the building inspector.

(Ord. of 1-28-1991, § 1(2.02(2)(e)), Ord. of 11-18-2010)

**Sec. 14.313. Survey.**

The building inspector shall require the builder to survey the lot upon which the structure is being built if corner markers are not identified and lot lines cannot be accurately established without a survey.

(Ord. of 1-28-1991, § 1(2.02(2)(f)), Ord. of 11-18-2010)

**Sec. 14.314. Inspector may revoke permits.**

(a) The building inspector may revoke any permit, certificate of occupancy or approval issued under this division and may stop construction or the use of any materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- (1) Whenever there is a violation of any provision of this chapter, the laws of the state or any lawful orders relating to this chapter.
- (2) Whenever the continuance of any construction becomes dangerous to life or property.
- (3) Whenever there is any violation of any condition or provision of the application for a permit or of the permit.
- (4) Whenever in the opinion of the building inspector there is inadequate supervision provided on the job site.
- (5) Upon discovery of any false statement or misrepresentation having been made in the application for a permit or plans, drawings, data, specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
- (6) In the event of violation of any condition of any approval or occupancy given by the building inspector for the use of any materials, equipment, methods of construction, devices or appliances.

(b) The building inspector shall cause to be served personally upon the applicant for the permit, the owner of the premises and his agent, if any, and on the person having charge of construction, a notice that the permit is revoked and construction shall cease forthwith. In addition, such notice shall be posted upon the building, structure, equipment or premises. After such notice is given, it shall be unlawful for any person to proceed thereafter with construction on the premises; and the permit shall become null and void. No additional construction shall take place upon the premises until a new permit is issued pursuant to the requirements of this chapter after the payment of the required fees. All

construction thereafter pursuant to the new permit must be in full compliance with the requirements of this chapter and other ordinances of the village and the laws of the state.

(Ord. of 1-28-1991, § 1(2.02(2)(g)), Ord. of 11-18-2010)

#### **Sec. 14.315. Furnishing of grade level.**

(a) *Paved surfaces.* Where a road has been provided with a finished, paved surface, the grade level shall be as follows:

(1) On substantially level ground, the grade level of the main floor shall be 18 inches above the crown of the road. The finished garage floor slab shall be a minimum of 12 inches above the crown of the road. In cases of conflict, the most restrictive dimension shall apply.

(2) On sloping ground, the building inspector shall be contacted so that he or his designee can meet and discuss an appropriate grade level with the applicant.

(b) *Nonpaved surfaces.* Except in those instances where a road has been provided with a finished, paved surface, and except where the board has approved a profile for the road, the furnishing of a grade level shall be required in all subdivisions of the village and may be required in other instances by the building inspector in their discretion in order to carry out the terms and provisions of the building code for the village. The fee for furnishing of the grade in all cases shall be set by board resolution, and such fee shall be as published in the fee schedule.

(c) *Foundation.* If water is encountered in a building excavation, the minimum of four inches of pea gravel or crushed rock must be installed under the floor slab; and perforated drain tile must be placed inside and outside of footings with bleeders every eight feet. A polyvapor barrier must be provided under the floor slab. The floor must be poured before backfilling.

(Ord. of 1-28-1991, § 1(2.03); Ord. of 8-25-1992, § 3; Ord. of 1-25-1993, § 1; Ord. of 3-22-1993(1), § 1, Ord. of 11-18-2010)

#### **Sec. 14.316. Plumbing; roof trusses; electrical work.**

(a) *Plumbing.* All plumbing must be done by a plumber licensed by the state.

(b) *Roof trusses.* All trusses must be state approved for 40-pound snow load.

(c) *Electrical.* All electrical work must be done by an electrician licensed by the state, an electrical union or a certified municipality.

(Ord. of 1-28-1991, § 1(2.03); Ord. of 8-25-1992, § 3; Ord. of 1-25-1993, § 1; Ord. of 3-22-1993(1), § 1, Ord. of 11-18-2010)

**Sec. 14.317. Time limitations.**

(a) *Six months.* The building permit shall become void unless visible on-site construction is commenced within six months from the date of issuance of the permit or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of 60 days. The period of time may be extended by the building inspector if the delay was due to conditions beyond the control of the applicant. All permits granted under the terms of this division shall be valid for only 24 months, unless otherwise so regulated by the Wisconsin Administrative Code.

(b) *New permit.* Before any on-site work or construction is commenced after the permit has lapsed, a new permit shall be issued and a new fee paid. In all cases, all construction shall be completed within 24 months from the date of issuance of the permit.

(Ord. of 1-28-1991, § 1(2.07), Ord. of 11-18-2010)

**Sec. 14.318. Moving permits.**

(a) *Fee for permit.*

(1) *Approval necessary.* No person shall move any building from one place or location to another within, through or into the village without first obtaining approval from the planning commission and obtaining a moving permit. Any building moved out of the village does not require planning commission approval. The fee for the moving permit shall be as stated in the village fee schedule.

(2) *Review of moving permit.* No moving permit for the moving of buildings shall be issued by the planning commission until it has reviewed the opinion of the building inspector, police chief and director of public works on such move.

(3) *Building permit for moved buildings.* Any person moving a building within, through or into the village shall obtain a building permit only after the moving permit has been approved.

(b) *Application; denial; appeal.* A written application for a moving permit is required, and the applicant (firm moving the building) shall file full and complete information and a plan signed by the applicant and by the owner or either, specifying the type of building, present location, place to which it was intended to move the building and streets to be crossed or traversed in moving the building. The planning commission

may refuse to grant such permits under any conditions if, in the judgment of the commission, damage to the streets, shrubbery, trees, boulevards, wires, pipes or utilities or other facilities may result. Any such denial of the planning commission may be appealed to the board, which shall give ten days' notice of a hearing. However, the planning commission may approve the permits providing the applicant agrees to pay all expenses for damages under such conditions as may be set forth by the planning commission.

(c) *Bond required.*

(1) *Bond amount.* The planning commission shall require a bond to be filed by the applicant or owner as prescribed in this section. The planning commission may require an additional bond or an additional amount to be included for a moving permit under such special conditions as the planning commission may prescribe. This bond shall be executed by a corporate surety or two personal sureties to be approved by the board conditioned upon, among other things, the indemnification to the village for any costs or expenses incurred by it in connection with payment of any judgment, together with the costs and expenses incurred by the village in connection therewith, arising out of the removal of the building for which the permit is issued.

(2) *Barriers for excavations required.* The bond required by subsection (c)(1) of this section shall be further conditioned upon the applicant's or the owner's erecting adequate barriers to guard any exposed excavation caused by the removal of a building or structure from being a safety hazard unless the planning commission upon

investigation shall determine otherwise. The bond shall be further conditioned upon the owner's or applicant's filling in such excavation within 48 hours after it is exposed or adopting and employing such other means, devices or methods approved by the planning commission that would be reasonably calculated to prevent injury or damage to person or property as a result of the exposed excavation.

(d) *Contents of permit.* Such moving permit shall specify the present location of the building, the location to which it is permitted to be moved, and the streets to be traversed, and may specify any other conditions imposed by the planning commission, including the right to stop the moving operations if it becomes apparent that damage, with reasonable probability, will ensue if the operations are continued.

(e) *General conditions.*

(1) *Continuous movement.* The movement of any building or structure pursuant to a lawfully issued moving permit shall be continuous and uninterrupted until the move is fully completed. The moving shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any public thoroughfare or public

property, nor shall any such building be allowed to obstruct access to any fire hydrant or any other public facility. Lighted warning flashers shall be kept in conspicuous places at each end of the building or structure during hours of darkness.

(2) *Street repair.* Every person receiving a permit to move a building shall, within 24 hours after any building or structure for which a permit has been issued reaches its destination, report to the director of public works that the move has been completed. The director of public works shall thereupon inspect the streets and highways over which the building had been moved. If in the opinion of the director of public works the transportation of the building over any public street or public property has caused any damage to any street or property, the person to whom the permit was issued shall forthwith restore the streets and/or public property to in as good repair and condition as they were in prior to the time the permit was granted. On the failure of the permittee to do so within ten days thereafter to the satisfaction of the director of public works, the village shall repair the damage; and the person to whom the permit was issued and his sureties shall be responsible for payment for the repairs.

(3) *Conformance with building code.* No permit shall be issued to move a building within, through or into the village and to establish it upon a location within the village until the building inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that the building is in a sound and stable condition and of such construction that it will meet the requirements of the building code in all respects. Should any repairs, improvements or remodeling be contemplated or required with respect to the building, such repairs, improvements or remodeling shall be made insofar as possible before the building is taken from the premises from which it is to be moved. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the building inspector; and he shall make a finding of fact to the effect that such repairs, improvements and remodeling are in conformity with the requirements of the building code, and that when same are completed, the building as such will so comply with the building code. The building inspector shall report these facts to the planning commission prior to issuance of a moving permit. If a building is to be moved from the village to some point outside the village, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) *Planning commission approval required.*

(1) *Architectural compatibility.* No moving permit shall be issued by the building inspector unless the planning commission shall first determine by a majority vote of its members after an inspection of the property and the

application for a permit that the exterior architectural appeal and functional plan of the building to be moved or to be moved and altered will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by the zoning ordinances, or any ordinance amendatory of or supplementary to the zoning ordinances, as to cause a substantial depreciation in the property values of the neighborhood with the applicable district. In making this determination, the planning commission shall consider exterior elevations of the building, the photographs of all sides and views of the building, and, in case it is proposed to alter the exterior of the building, the plans and specifications of such proposed alterations as well as a view of the building proposed to be moved and of the site to which it is to be located and such other information as the planning commission in its discretion deems appropriate. If the owner proposes to alter the exterior of the building after moving the building, he shall submit with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the owner shall provide a bond to the village clerk/treasurer, which shall not be less than \$1,000.00, conditioned upon the fact that he will within a time to be set by the planning commission complete the proposed exterior alterations to the building in the manner set forth in his plans and specifications. The bond shall be in addition to any other bond or surety that may be required by other applicable ordinances. No occupancy permit shall be issued for the building until the exterior alterations shall have been fully completed.

(2) *Public hearing.* Upon application being made for a moving permit, the planning commission shall schedule a public hearing and shall publish a class 1 notice in accordance with Wis. Stats. ch. 985. The fee for publication shall be per the village fee schedule. Such hearing may be adjourned for a reasonable length of time, and within 48 hours after the close of the hearing; the planning commission shall make the findings required by this section.

(Ord. of 1-28-1991, § 1(2.08), Ord. of 11-18-2010)

### DIVISION 3. INSPECTIONS AND ORDERS

#### **Sec. 14.319. Inspections.**

(a) *Required at certain stages of progress during construction.* It shall be the responsibility of the applicant for the building permit to request inspections of the building inspector or his deputy at certain stages of progress during construction. The building inspector shall perform the requested inspection within 48 hours after notification except the final inspection. Construction shall not proceed beyond the point

of inspection until the inspection has been completed. The following sequence of inspections shall be performed for the purpose of determining if the work complies with the requirements of the state Uniform Dwelling Code and village ordinances:

- (1) *Footings.* The excavation shall be inspected after the placement of forms, shoring and reinforcement and prior to placement of footing materials.
- (2) *Foundation.* Where belowgrade drain tiles, waterproofing or exterior insulation is required, the foundation shall be inspected prior to backfilling.
- (3) *General construction and rough plumbing.* When the structure is framed and the plumbing is roughed in.
- (4) *Heating, ventilating, air conditioning and electrical.* When the rough heating, ventilating, air conditioning and electrical is completed.
- (5) *Insulation.* After the insulating and vapor barrier are installed and after all other rough inspections have been made.
- (6) *Final inspection.* The dwelling may not be occupied until a final inspection has been made which finds that no violations of the Uniform Dwelling Code or ordinance have occurred.

(b) *Stop work order.* If the building inspector determines that any work or construction is not proceeding in accordance with the requirements of the approved plans, a stop work order shall be served upon the owner or his representative, and a copy shall be posted at the site of the construction. Such stop work order shall not be removed except by written notice from the building inspector and upon the building inspector's being satisfied that any violation has been corrected.

(Ord. of 1-28-1991, § 1(2.05), Ord. of 11-18-2010)

#### **Sec. 14.320. Certificate of occupancy.**

(a) *Inspections.*

- (1) *Occupancy permit and final inspection.* A building or structure cannot be occupied until a final inspection is completed and a certificate of occupancy is issued. In addition to other requirements for the issuance of an occupancy permit, such permit cannot be issued if there are any safety and health violations; i.e. handrails missing, improper stairs, landings or exits incomplete, electrical, smoke detectors missing, improper egress windows, etc. A \$1,000.00 occupancy surcharge will be added to each building permit fee. If the building is unoccupied at the time of final inspection and a certificate of occupancy is issued by the building inspector after a finding of

no violations, the surcharge will be refunded. If no violations of this division or other ordinances can be found, the building inspector shall issue a certificate of occupancy under this section and under section 94.117 which shall state the purpose for which the building or structure is to be used.

(2) Use must be consistent with certificate of occupancy. No building, no part of a building, shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with any conditions set forth in the certificate of occupancy.

(3) *Notification of use or occupancy change.*

- a. Whenever there is a change in occupancy or the agent(s) (manager, shift supervisor, after hour's emergency contact, etc.) of the occupancy, the owner or their duly authorized agent shall submit the changes in writing to the Village Zoning Administrator within five working days on forms furnished by the Zoning Administrator. The information shall consist of at least the following:
  1. Name and address of occupancy
  2. Owners name, address, and phone number(s)
  3. Agents name, address, and phone number(s)
  4. Other information as required by the Village.
- b. No change shall be made in the use or occupancy of any building or structure, or any space within a building, structure, or space of a building or structure either in a different division of the same occupancy group or in a different occupancy group, unless the building or structure complies with this code's requirements for the new division of occupancies, as these requirements exist.

Exception: This subsection does not apply to an approved temporary use.

- c. Whenever a change in the service company for an alarm, detection or suppression system takes place within the occupancy, the owner or authorized agent shall submit the changes in writing to the Fire Department within twenty working days. The information shall consist of the following:
  1. All information required in (3)(a) above.
  2. Type(s) of fire protection systems
  3. Service company name, address, and phone number(s)
- d. An inspection by the Fire Department shall be required for any new or change of occupancy.

(b) *Use discontinued.*

- (1) *Use contrary to occupancy permit.* Whenever any building or portion of a building is being used or occupied contrary to the provisions of this article, the building inspector shall order such use or occupancy discontinued and the building, or portion of a building, vacated by notice served on any person using or causing such use or occupancy to be continued; and such person shall vacate such building or portion of a building within ten days after receipt of the notice or make the building or portion of a building comply with the requirements of this chapter.
- (2) *Occupancy of vacated or damaged premises.* Any building, structure or premises, or any part of a building, structure or premises vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not thereafter be occupied or used under any existing certificate of occupancy or without the certificate until an application has been filed and a new certificate of occupancy issued.

(c) *Hardship.* The building inspector shall have the authority and power to permit the occupancy of any building or structure in the village, prior to issuance of an occupancy certificate, in all such cases of hardship, as in his judgment and discretion, warrant occupancy before final stage of completion as set forth in this chapter. Before granting such permission, the building inspector shall first examine the premises and determine if it is safe and sanitary. The building inspector shall determine the time within which such building or structure can be completed. Such time should not exceed 120 days.

(Ord. of 1-28-1991, § 1(2.06); Ord. of 8-25-1992, § 2; Ord. of 11-18-2010)

## **ARTICLE IV. DEMOLITION/RAZING OF BUILDINGS**

### **Sec. 14.400. Demolition/razing regulations; purpose.**

The purpose of this article is to promote the public health, safety and general welfare of the village. This article is designed to provide for the safe, orderly and supervised wrecking, razing or demolition of buildings or structures.

(Ord. of 1-28-1991, § 1(2.09(1)), Ord. of 11-18-2010)

### **Sec. 14.401. Permit required.**

(a) *Demolition/razing of building permit.* No person shall hereafter raze any building in the Village without first securing a permit from the Building Inspector and instructions for the sealing of the sewer and water laterals from the Utilities Supervisor.

(b) *Conditions of permit.* The building inspector shall issue a demolition/razing of building permit after the applicant has submitted written evidence to him that:

- (1) The owner of the building or structure or his authorized agent has notified all utilities, including but not limited to such utilities as water, electricity, gas and sewer, having service connections with such building or structure, of the work to be done.
- (2) All connections such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (3) No permit shall be granted unless the applicant files a certificate of insurance with the Village Clerk giving evidence of liability insurance of \$1,000,000 personal injury each occurrence, \$1,000,000 aggregate, and \$500,000 property damage each occurrence, \$500,000 aggregate. The applicant shall agree to indemnify and hold the Village harmless from all liability arising out of the job. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to the Village Clerk. Such notice shall suspend the permit, and no work shall be done under such permit until a new insurance certificate complying with this subsection has been filed with the Village Clerk. A certificate of insurance shall not be required of a person seeking a demolition/razing of building permit if:
  - a. The building is located in a residential zoning district and set back at least 10' from all property lines.
  - b. The building is located in any zoning district, is an accessory building, is no greater than one story and is set back at least 10' from all property lines, or is constructed and situated upon the property so that the same may be razed with no damage resulting to the person or property of others as determined by the Building Inspector. Anyone aggrieved by the determination of such Inspector may appeal that decision to the Public Safety Committee in accordance with Ch. 68, Wis. Stats.
- (4) The applicant has filed the proper form for notification of Demolition and/or Renovation and Application for Permit Exemption with the Wisconsin Department of Natural Resources.

(Ord. of 1-28-1991, § 1(2.09(2)), Ord. of 11-18-2010)

#### **Sec. 14.402. Liability of independent contractor.**

Any independent contractor who contracts with the owner of any building or structure for its wrecking, razing or demolition shall be liable for all permits, fees and regulations the same as if he were the owner of such building or structure.

(Ord. of 1-28-1991, § 1(2.09(3)), Ord. of 11-18-2010)

**Sec. 14.403. Demolition/razing of building permit fee.**

The fee for a demolition/razing of building permit shall be in accordance with the village fee schedule.

(Ord. of 1-28-1991, § 1(2.09(4)), Ord. of 11-18-2010)

**Sec. 14.404. Public safety.**

A snow fence and/or lighted barricades or such other safeguards as the building inspector shall direct must be erected at the work site to promote public safety.

(Ord. of 1-28-1991, § 1(2.09(5)), Ord. of 11-18-2010)

**Sec. 14.405. Removal of rubble and rubbish and other requirements.**

All rubble, rubbish and other debris shall be removed from any work or construction site promptly so as to safeguard the health, safety and welfare of the public. All rubble and/or rubbish shall be hauled to a site that is either a licensed solid waste disposal facility or will otherwise allow the deposit of such materials under all state and municipal laws, ordinances and regulations. The holder of a permit to raze a building shall comply with the following requirements:

(a) Property to be protected. Streets, alleys, and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on streets or alleys, they shall be properly protected with a top cover of planks, guard rails, and toe-boards to prevent the falling of debris on sidewalks or streets. The top of the scaffold shall be at least 8' above the sidewalk or alley.

(b) Basement floor slab is to be broken up to allow free vertical drainage.

(c) All basement walls, if not completely removed, shall be excavated to a point four feet below finish grade.

(d) Dust Control. If demolition operation causes excessive dust due to the building materials being disturbed, the building and site shall be sufficiently dampened at intervals necessary to prevent as much as possible, airborne debris and dust.

(e) Cranes and Backhoes. Cranes and Backhoes may be used in wrecking or demolishing buildings provided the above requirements are complied with.

(f) Sewers. When a building is moved or demolished, its sewer shall be located at a point outside the foundation lines and sealed off. The plug or seal shall not be covered until approval has been given by the Utilities Supervisor. Private Wells must be abandoned per Wisconsin Department of Natural Resources regulations prior to any demolition.

(g) Obstruction of Streets. When razing requires the obstruction of a public street, or alley, permission must be obtained from the Village Board as provided in Chapter 70.105, of the Municipal Code, before starting work on razing of the structure.

(h) The razing of the primary structure in any zoning district shall mandate the razing of all accessory structures on that lot. Unless the razing of the primary structure is done to accommodate a new primary structure on the same lot.

(i) Filling Basement and Excavated Areas. All loose material and debris shall be removed from the basement, crawlspaces, and other excavated areas. Upon ascertaining that all openings, pipelines, drains, etc., have been properly capped, all basements, crawlspaces, excavated areas, and other below-grade voids resulting from the removal of pavements, slabs, foundations, and the like shall be filled to within 4 inches of finished grade with granular fill material. The material shall be well graded, free from debris and organic material. All granular fill shall be placed in layers of 12 inches or less and shall be compacted to not less than 95 percent of Modified Proctor (ASTM D-1557). (k) Completion of Project. When razing activities are completed, the disturbed area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3 to 1 (horizontal to vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the disturbed area to a minimum depth of 4 inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until the area is stabilized and developed with zoning and other applicable provisions of the Municipal Code.

(Ord. of 1-28-1991, § 1(2.09(6)), Ord. of 11-18-2010)

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\* **Cross References**--Streets, sidewalks and other public places, ch. 70.

## **ARTICLE V. HOUSE AND BUILDING NUMBERING\***

### **Sec. 14.500. Intent.**

The intent of this article is to assist the police and fire departments in quickly finding the correct residence at which to provide emergency services by requiring house and building numbers to be placed in prominently visible locations.

(Ord. of 1-28-1991, § 1(2.11(1)), Ord. of 11-18-2010)

### **Sec. 14.501. Specifications.**

Addresses as assigned or approved by the Village shall be placed on all structures or property supporting the same as follows:

(a) *Content.* Numbers and letters shall be of contrasting colors (e.g. Black on White) and readable from the street, road, or highway. Arabic numbers shall be used; script and roman numerals cannot be used alone however they may be used as an addition to the requirements of this section.

(b) *Display requirements.* The assigned street number shall be conspicuously displayed for every house and building in the village. The address shall be located in place on the structure as soon as reasonably possible during construction.

(1) *Single family and two family requirements.* All one family and two family residential buildings shall have address numbers, not less than three and one half inches high and placed on the exterior wall of the principal building that faces the street or service drive providing access to the building. All such residential units shall also have street numbers placed on their respective mail box. Property owners who shall construct buildings located more than 75 feet from the street shall be furnished numbers by the village at the time of issuance of the building permit. The person to whom the building permit is issued shall pay to the village the cost of the numbers at the time of the issuance of the building permit, as provided for in the village fee schedule. All property owners shall be responsible for the display of the numbers in the manner required in this section. Numbers and letters shall be visible from the roadway at all times of the year. If the mailbox is on a different street from the residence, the street name and house number must be inscribed on the mailbox.

(2) *Multifamily requirements.* All multifamily buildings shall have address numbers placed on the exterior of the principal building that faces the street service drive or parking lot and located adjacent to the individual unit entrances to the buildings. In addition, each building shall be identified by a letter or number, not less than twelve (12) inches high, located near the top of the building wall facing the street, service drive or parking lot that services that building. At the entrance of each service drive, there shall be a directory listing of the street numbers and building identifications that are accessible from the said street, service drive or parking lot. Suite numbers identifying the individual units must be placed on the primary entrance of each occupancy.

(3) *Commercial and industrial requirements.*

a. Buildings less than seventy-five (75) feet in height shall have street numbers, not less than six inches high, placed at the exterior wall of the

- principal building facing the street, service drive or parking lot providing access to that building and located adjacent to any primary entrance door.
- b. If more than seventy-five (75) feet in height, shall have street numbers not less than twenty-four (24) inches in height located on the wall facing the primary street entrance.
  - c. Only one street address shall be assigned per building. Buildings with more than one occupancy, a suite number, or letter shall be used to identify each individual unit.
  - d. All suite numbers that identify each individual unit shall be placed on the primary entrance to each business or occupancy.
  - e. All commercial or industrial structures which have a rear service door, shall identify the occupant and the street address conspicuously and on said rear door in contrasting and reflective letters and/or numbers not less than six (6) inches in height and shall continually maintain same.
- (4) Address numbering and lettering shall be in addition to addresses placed on mailboxes, paper boxes, or similar objects.

(e) *New houses, buildings; incomplete.* In the case of new houses or buildings, the number, together with the building permit, shall be placed on a temporary post or tree in front of the construction where it is visible from the street. When the house or building is completed, the number shall be moved to the proper permanent location.

(f) *Assignment.* Addresses shall be assigned by the Zoning Administrator or their designee.

(Ord. of 1-28-1991, § 1(2.11(2)); Ord. of 3-16-1992, § 1, Ord. of 11-18-2010)

#### **Sec. 14.502. Numbers required.**

No permit for the construction of a house or building shall be issued until the assigned number has been obtained from the Zoning Administrator. No permit for the repair or alteration of a house or building shall be issued unless the proper number is affixed to the house or building in accordance with this article.

(Ord. of 1-28-1991, § 1(2.11(3)), Ord. of 11-18-2010)

#### **Sec. 14.503. Penalties.**

In addition to the failure to obtain a permit, revocation of a permit or the withholding of a building permit and injunctive relief, any person who violates any provision of this article shall be subject to section 1.111. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or

dereliction of duty on the part of the building inspector constitute a defense. These remedies and penalties shall be in addition to those the state may impose for the same violation.

(Ord. of 1-28-1991, § 1(2.12), Ord. of 11-18-2010)