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BUILDING CODE PROVISIONS

14.01 **TITLE, PURPOSE AND SCOPE.** (1) **TITLE.** This subchapter shall be known as the "Building Code of the City of Fond du Lac" and may be cited as such.

(2) **PURPOSE.** This subchapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all buildings and structures.

(3) **SUPPLEMENTAL TO STATUTES.** Except as may be specifically provided herein, no provision of the City Zoning Code shall be nullified by the provisions of this subchapter. The provisions of this subchapter shall be deemed to supplement any and all laws of the State and rules and regulations of the Department of Commerce relating to buildings. Where requirements conflict, the stricter requirements shall govern.

(4) **SCOPE.** This subchapter shall apply to all new commercial, industrial and residential buildings and accessory buildings and structures erected within the territorial limits of the City or moved into the City. It shall also apply to existing buildings when this subchapter so provides.

14.02 **GENERAL PROVISIONS.** (1) **INSPECTION SERVICES FOR ONE AND TWO FAMILY DWELLINGS.** (a) **Administrative Code Provisions Adopted.** The following chapters of the Wisconsin Administrative Code are hereby adopted and incorporated into this subchapter by reference:

Comm. 20	Administration and Enforcement
Comm. 21	Construction Standards
Comm. 22	Energy Conservation
Comm. 23	Heating, Ventilation and Air Conditioning
Comm. 24	Electrical Standards
Comm. 25	Plumbing and Potable Water Standards
Comm. 50-64	Building and Heating, Ventilating and Air Conditioning
Comm. 66	Uniform Multifamily Dwellings
Comm. 69	Barrier-Free Design
Comm. 70	Historic Buildings
Comm. 75-79	Existing Buildings

Any future amendments, revisions, renumberings, or modifications of the Wisconsin Administrative Code incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of these matters.

(b) **Administration and Enforcement.** The Building, Heating, Electrical and Plumbing Inspectors, as certified by the Department of Commerce, are hereby authorized and directed to administrate and enforce all of the provisions of this subsection.

BUILDING CODE 14.02(1)(c)

(c) Conflicting Ordinances. Any existing ordinances pertaining to the construction of new dwellings that conflict with the provisions of this section are hereby repealed.

(d) Building Permit Required. No person shall build or cause to be built any 1 or 2 family dwelling without first obtaining a State uniform building permit for such dwelling. Such building permit shall be furnished by the City. A copy of such permit issued shall be filed with the City Inspection Services Division.

(e) Penalties. The City Council shall provide for enforcement of this subsection and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures and actions for injunctions.

(2) NEW BUILDINGS. New buildings or structures hereafter erected in the City shall conform to all the requirements of this subchapter and all of the requirements of this subchapter provided apply to new buildings.

(3) EXISTING BUILDINGS. The following specified requirements shall apply to existing buildings which, for any reason whatsoever, do not conform to the requirements of this subchapter. Every alteration or repair to any part of any existing building shall be made to conform to the requirements of this subchapter for new buildings.

(4) CHANGED USE. If the existing use or occupancy of any existing building is changed to a use or occupancy which will not be permitted in a building hereafter erected, the entire building shall be made to conform to the requirements given herein for new buildings provided, however, that if the use or occupancy of only a portion or portions of the building need to comply with the requirements and, provided further, that the Building Inspector is hereby given authority to approve any change in use or occupancy of an existing building, even though such building is not made to conform fully to the requirements of this subchapter, when it is obvious that such a change in use or occupancy of the existing building will not extend or increase any nonconformity or hazard of the building.

(5) MAINTENANCE. The requirements of this subchapter covering the maintenance of buildings shall apply to all buildings and structures now existing or hereafter erected.

(6) TIME OF CONSTRUCTION OPERATIONS. It shall be unlawful to conduct any construction operations outside of an enclosed building between the hours of 9:00 p.m. and 6:00 a.m. Monday through Friday, and the hours of 9:00 p.m. and 7:00 a.m. on Saturday and Sunday, in any place where a majority of the buildings within a radius of 400 feet are used in part or exclusively for residential purposes.

Emergency situations involving the repair of essential services or the protection and safety of persons or property shall be exempt from the terms of this ordinance.

BUILDING CODE 14.03

14.03 **BUILDING INSPECTOR'S DUTIES.** (1) **AUTHORITY.** The Building Inspector shall have full power to pass upon any question arising under the provisions of this subchapter relating to buildings and/or structures, subject to the conditions, modifications and limitations contained in the Wisconsin Statutes, State Building Code and this subchapter.

(2) **RECORDS.** The Building Inspector shall keep a record of all applications for building permits and regularly number each permit in the order of its issue. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and of the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made, all removal and condemnation of buildings and a record of all fees collected by him, showing the date of their receipt and delivery to the City Treasurer.

(3) **ENFORCEMENT.** The Building Inspector is hereby authorized and directed to enforce all of the provisions of this subchapter. The Building Inspector may designate this authority to other appointed officers.

(4) **ENTRY ON TO PREMISES.** The Building Inspector or his authorized representative may enter any building or premises at any reasonable time for the purpose of inspection or to prevent violation of this subchapter upon presentation of the proper credentials. Application for and acceptance of a permit under this subchapter shall constitute a consent to such entry. Any person interfering with the Inspector while in performance of the duties prescribed in this subsection shall be deemed guilty of a violation of this subchapter.

(5) **ORDERING WORK STOPPAGE.** Whenever any building work is being done contrary to the provisions of this subchapter or is being done in an unsafe manner, the Building Inspector may order the work stopped by notice in writing served on any person engaged in the doing or causing the work to be done and any such person shall immediately stop the work until authorized by the Building Inspector to recommence and proceed with the work.

(6) **ORDER TO VACATE.** Whenever any building or portion thereof is being used or occupied contrary to the provisions of this subchapter, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by serving notice on any person using or causing such occupancy to be continued and the person shall vacate such building or portion thereof within 10 days after receipt of such notice or make the building or portion thereof comply with the requirements of this subchapter.

14.04 **PERMITS.** (1) **REQUIRED.** (a) No person shall excavate for, erect or construct any building, structure or mobile home park; add to, enlarge, move, improve, alter, convert, repair, extend or demolish any building, structure or mobile home park or to cause the same to be done without first obtaining a building permit therefor from the

BUILDING CODE 14.04(1)(b)

Building Inspector; nor shall any person install, replace or make any alteration or addition to any heating plant, gasoline tank, oil tank, elevator, toilet room or make any repairs to buildings or structures damaged by fire or otherwise without first obtaining a permit therefor from the Building Inspector.

(b) This chapter shall not be construed to require a permit for any repairs or minor alterations which do not change the occupancy, area, structural strength, fire protection, exits, lights or ventilation of a building.

(c) Historic Buildings Regulated. Construction, reconstruction and exterior alteration of historic sites or structures shall be regulated in accord with the Historic Preservation Ordinance, Section 11.16 E.2.

No owner or person in charge of a designated historic site or structure, or a site or structure within a historic district, shall reconstruct or alter all or any part of the exterior of such property, construct any improvement upon such designated property(s), or cause or permit any such work to be performed unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Absent such Certificate, the Building Inspector shall not issue a permit for any exterior building reconstruction or alteration.

(2) PLANS AND SPECIFICATIONS. (a) The application for a permit for all buildings shall be accompanied by 3 complete sets of dimensioned plans not less than 1/8" per foot scale, showing all footings, foundation walls, basement area and each habitable floor separately, elevations, structural section from footing through roof, any specifications describing the kind, size, quality and grade of all construction material. A plot plan showing the shape and dimensions of the lot and the lines within which the buildings or structures are to be erected or altered shall be included.

(b) The Building Inspector may waive the requirement for filing plans when the work involved is of a minor nature and the building operation is adequately described in the application. All plans shall bear the name of the architect, engineer or person responsible for their preparation.

(c) When compliance with State statutes governing building or heating and ventilation construction is required, the application shall be accompanied by a set of plans approved by the Wisconsin Department of Commerce for any new building containing 50,000 cu. ft. or more and for any addition or alteration to any building containing 100,000 cu. ft. or more.

(d) Building or heating and ventilation plans containing less than 50,000 cu. ft. for new buildings and 100,000 cu. ft. for alterations to buildings may be submitted to the Building Inspector for approval, provided he has received a certificate of competency from the Wisconsin Department of Commerce. These plans shall be complete with specifications and shall contain the necessary information as required by Ch. IND 50,

BUILDING CODE 14.04(3)

Wis. Adm. Code.

(3) ISSUANCE OF PERMITS. (a) Plans and specifications which comply with all applicable laws and regulations, including the Zoning Code, shall be endorsed or stamped "approved" and the permit shall be issued in the name of the owner. If plans and specifications do not comply with all applicable laws and regulations, the Building Inspector shall refuse to issue the permit or has discretion to issue a conditional permit, subject to any written orders necessary to bring the proposed construction within compliance. When the permit is conditionally issued, 3 sets of plans and specifications shall be endorsed or stamped "Approved - See Conditions." One approved set of plans and specifications shall be retained by the Building Inspector and 2 sets shall be returned to the applicant, which latter set shall be kept on the building site at all times while the work authorized thereby is in progress and shall be open to inspection by authorized public officials.

(b) The issuance of a permit under specifications and plans shall not prevent the Building Inspector from thereafter requiring the correction of errors in the specifications and plans or from preventing building operations being carried on thereunder where in violation of this subchapter or any laws of the State.

(c) No building permit shall be issued prior to the construction of an all-weather roadway to serve any lot or lots planned for development. Such roadway shall be excavated in accord with city approved design standards, and shall include granular base course material in place.

(4) POSTING OF PERMITS. With every permit issued, the Building Inspector shall issue to the applicant a weatherproof permit card properly filled out. The applicant shall post such card in a conspicuous place on the premises where the building is being or shall be erected or where the work is being done unobstructed from public view.

(5) EXPIRATION. Permits shall expire if the building or work authorized is not commenced within 6 calendar months from the date of such permit or is suspended or abandoned for a period of 90 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for a new permit.

14.05 **PERMIT FEES.** Building permit fees shall be paid to the City Treasurer upon issuance of a permit as required by this subchapter. Permit fees shall be based on the cost of the job, including the cost of labor and material, and shall be paid in an amount set by resolution of the City Council.

14.06 **STOP WORK ORDER.** (1) Whenever the provisions of this subchapter or of the plans and specifications approved thereunder are not complied with, a stop work order shall be served on the owner or his representative and a copy thereof may be posted at the site of the construction. Such stop work order shall not be removed, except by written notice of the Building Inspector after satisfactory evidence has been corrected.

BUILDING CODE 14.06(2)

(2) Such stop work order shall not prevent other trades from continuing with their work, unless so stated in the stop work order and providing the continued work of other trades would not be in conflict with the stop work order.

14.07 CERTIFICATE OF OCCUPANCY REQUIRED. (1) Any land vacant on July 1, 1967, and any building, structure, addition or major alteration thereto constructed after July 1, 1967, shall not be used or occupied until a certificate of occupancy has been issued by the Building Inspector, except temporary occupancy pending completion of the building when approved in writing by the Building Inspector. No new use shall be made of any land, building or structure until a certificate of occupancy has been issued.

(2) Failure to comply with all provisions of this subchapter may result in the withholding of required certificate of occupancy pending compliance with the requirements of this subchapter.

(3) Every application for a building permit shall be deemed to be an application for a certificate of occupancy. Every application for a certificate of occupancy for a new use of land or existing building or structure where no zoning certificate is required shall be made to the Building Inspector.

(4) A certificate of occupancy shall be issued only after the Building Inspector has inspected the premises and finds:

(a) Compliance with all applicable regulations of the zoning district in which the use, building or structure is located; and

(b) The use of the building or structure is in conformance with the plans and specifications for which the zoning certificate was issued.

(5) Every certificate of occupancy shall be dated, shall state that the use or occupancy complies with the provisions of the 1984 Revised Zoning Code of Fond du Lac and shall be signed by the Building Inspector.

(6) The certificate of occupancy shall be issued, or written notice shall be given to the applicant specifying the reasons why a temporary or permanent certificate cannot be issued, not later than 7 days after the Building Inspector is notified in writing that the building or premises is ready for occupancy.

(7) If occupancy or use of a building, structure or land is desired prior to completion of all plan details which must be complied with, the Building Inspector may issue a temporary certificate of occupancy as follows:

(a) For a period not to exceed 6 months from the date of its issuance, and with provisions, if required, for an extension of not more than a total of 3 additional months; and

(b) That the portion of the land, building or structure for which the temporary certificate of occupancy is issued has been completed and meets the requirements of all applicable city code regulations, and the remaining portion of the land, building or structure is in the process of completion.

BUILDING CODE 14.07(7)(c)

(c) Occupancy Deposit. An Occupancy Deposit shall be paid by the builder or property owner at the time of permit issuance. This requirement shall apply to new residential, commercial and industrial construction. The Building Inspector, Electrical Inspector and Plumbing Inspector upon completion of final inspections must sign the Certificate of Occupancy. For commercial and industrial construction, the Fire Inspector and the Engineering Division must also sign the Certificate of Occupancy. Funds shall be returned to the builder or property owner upon issuance of final occupancy, less any re-inspection fees. The Occupancy Deposit will be forfeited to the City of Fond du Lac for use in completing the required work if occupancy is taken prior to the completion of final inspections and the issuance of a Certificate of Occupancy and/or prior to the issuance of a Temporary Occupancy.

(d) Drainage Compliance. Prior to the issuance of a Certificate of Occupancy for commercial and industrial properties, the property owner and plan designer shall provide written verification to the Building Inspector for compliance with the approved drainage plan. For residential properties the Engineering Division shall verify compliance with the approved drainage plan.

14.08 **BOARD OF APPEALS**. The Board of Appeals of the City shall be as provided for in §11.14 E of the Zoning Code.

(1) APPEAL FROM DETERMINATION OF THE BUILDING INSPECTOR. (a) Whenever any person is aggrieved by any ruling, order or determination of the Building Inspector, appeal therefrom shall be taken to the Board of Appeals of the City as provided in §11.14 E of the City Zoning Code.

(b) The owner of a building or structure or any other person may appeal from the decision of the Building Inspector refusing to grant a modification of the provisions of this subchapter covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

(c) Application for appeal may be made when it is claimed that the true intent of this subchapter or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this subchapter does not apply or an equally good or better form of construction can be used.

(2) APPEAL TO COURT. The procedure established by §62.23(7)(e)10.-15., Wis. Stats., for appeals of decisions of the Board of Appeals is hereby established as the exclusive remedy from a decision of the Board of Appeals.

14.09 **GENERAL BUILDING RESTRICTIONS AND REQUIREMENTS**. (1) ZONING RESTRICTIONS. The restrictions of the Zoning Code with respect to the location of trades and industries, the use and occupancy of buildings, the height and bulk of buildings and the area of yards, courts and other spaces shall not be deemed to be modified by any provision of this subchapter and such restrictions shall be controlling, except insofar as this subchapter imposes greater restrictions by reason of the type of construction used,

BUILDING CODE 14.09(2)

in which case the provisions of this subchapter shall control.

(2) MAINTENANCE OF BUILDINGS AND STRUCTURES. Every building and the permanent building equipment thereof shall be kept in good repair and safely and sanitarily maintained. Buildings and adjacent areas shall be kept free of any accumulation of junk, trash, debris, etc., that tends to create a nuisance or health or safety hazard.

(3) EXTENSIVE ALTERATIONS AND REPAIRS. When an existing building or structure is damaged by fire or other causes or if alterations and repairs are made to an extent of 50% or more of the assessed value of such building or structure before such damage or alteration divided by the ratio of the assessed value to the recommended value as last published by the State Supervisor of Assessments for the municipality within which building or structure is located, the entire building or structure shall be made to comply with the requirements of this subchapter for new buildings or be demolished. If the cost of such alterations or repairs is less than 50% of the assessed value of such building or structure before the damage or alteration and/or repair divided by the ratio of the assessed value to the recommended value as last published by the State Supervisor of Assessments for the municipality within which such building or structure is located, the Building Inspector shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements of this subchapter.

(4) UNSAFE BUILDINGS. (a) The Building Inspector may require the repair or removal of any building or structure or part thereof which has become deteriorated, is unsanitary, has been damaged by fire or other means, is improperly or poorly fastened, is left open and unguarded, is deficient in exit facilities which constitute a fire hazard or is required by this subchapter and now missing, or he may issue any orders necessary to maintain the conditions of safety and habitability required by this subchapter. When an unsafe condition is found in a building or structure, the Building Inspector shall serve a written notice on the owner or his agent, specifying the repairs or improvements required to render the building or structure safe and secure or to demolish the building or structure or part thereof within a stipulated time.

(b) In case there shall be in the opinion of the Building Inspector actual and immediate danger of failure or collapse of a building or structure or portion thereof so as to endanger life or property, he may cause the necessary work to be done to render the building or structure or portion thereof temporarily.

(c) When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the Building Inspector may order the occupants to vacate the same immediately and may, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure and prohibit the same from being used. If any such building is used for any purpose requiring a license, the Building Inspector may initiate action to have such license revoked until the building is made safe or removed to the satisfaction of the Building Inspector.

BUILDING CODE 14.09(4)(d)

(d) If the owner fails or refuses to comply within the time prescribed, the Building Inspector or other designated officer shall cause such building or part thereof to be razed and removed, either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use. The cost of razing and removal or closing shall be charged against the real estate upon which such building is located and shall be a lien upon such real estate and shall be assessed and collected as a special tax.

(e) The statutory provisions with respect to the razing of buildings set forth in §66.05(1), (2)(a) and (b), (3), (4), (5), (8) and (9), Wis. Stats., on file in the office of the City Clerk are hereby adopted and by reference made a part of this subchapter as if fully set forth herein.

(f) The Building Inspector is hereby designated as the officer to carry out the applicable provisions of §66.05, Wis. Stats. All proceedings hereunder, including challenge thereto, shall be in accordance with the statutes incorporated herein, and the provisions of §14.08 of this subchapter shall not apply to proceedings under this paragraph.

(g) Any person who rents, leases or occupies a building which has been condemned for human habitation, occupancy or use shall, upon conviction thereof, forfeit not less than \$5 nor more than \$50 for each week of such violation, together with costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail until the same are paid, but not exceeding 30 days.

(h) No person shall remove or deface any placard lawfully posted by the Building Inspector prohibiting the use of any building unfit for human habitation, occupancy or use.

(5) DRAINAGE OF ROOF WATER (RAINWATER) . (a) No person shall deposit roof water or water of any kind directly upon any adjacent private property or upon any public street, alley, sidewalk or public land or construct or maintain any device which will deposit such water directly upon adjacent public land. Under unusual conditions, the Building Inspector is authorized to make exceptions to this policy if conditions so dictate.

(b) Roof water shall not be allowed to drain directly down the sides of buildings, except through eave troughs and downspouts, and shall not be deposited directly upon the footings or ground immediately adjacent to the building. Where possible, such water shall be deposited no closer than 4 feet from the base of exterior walls and, where possible, not closer than 4 feet to any lot line.

(c) A sump pump hose shall discharge not closer than 8 feet to any lot line. A sump pump installed in conjunction with the construction of a residential, industrial or commercial building shall discharge to the municipal storm sewer via an approved connection. Where the surface discharge of water will not affect public or private lands, this requirement may be waived by the Building Inspector for commercial and industrial

BUILDING CODE 14.09(6)

properties. This requirement shall apply where a storm sewer lateral is available for the first-time construction of new single-family, two-family or multi-family residences, and for commercial and industrial buildings where such construction commences on or after September 1, 2002.

(6) **PRIVATE GARAGES.** Private garages, attached or detached, shall be of frame or masonry construction.

(7) **LOCATING PLOT.** (a) The owner or his agent shall stake the plot on which a building or structure is to be erected.

(b) No person shall reduce or diminish the area of a lot or plot to less than the minimum required by the City Zoning Code of which a plot diagram has been filed and been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved.

(8) **REROOFING.** A new roof covering may be applied on top of an existing roof covering. Not more than two layers of roof covering shall be allowed. Where additional layer(s) of roof materials are requested, calculations shall be submitted to the Building Inspector to demonstrate that the additional layer(s) will not exceed the design load of the roof framing.

14.10 MOVING OF BUILDINGS. The relocation of any building into or within the City limits must be reviewed and approved by the Plan Commission, in accord with Section 11.04 of the 1984 Revised Zoning Code, prior to the issuance of a moving permit. No building shall be moved into or within the City limits and relocated regardless of the present development of the area, which in the opinion of the Building Inspector violates any provision of the Zoning Code or is in such a state of disrepair that it would tend to substantially depreciate other property in the immediate vicinity or in its development in the future. Any such building must comply with the requirements of this subchapter. Any restrictive ruling of the Building Inspector may be appealed to the City Board of Appeals.

(1) **PERMIT REQUIRED.** (a) A permit is required for the relocation of all buildings within the City. Every application for a permit to move a building shall set forth in detail a description of the construction at the present time, its use and location, with a diagram of the lot showing proposed new location and showing any existing building thereon.

(b) Substructure plans for new location, showing footings, foundation walls, etc., constructed in accordance with this subchapter shall be submitted with application for moving permit. The permit will not be issued until the Building Inspector receives certification that all utilities have been disconnected and the sewer lateral is sealed.

(2) **INDEMNITY.** By acceptance of a permit, the applicant indemnifies the City against any and all judgments, claims of every nature whatsoever, costs and expense

BUILDING CODE 14.10(3)

resulting from the moving of the proposed building, including damage caused to street, curbing or sidewalk.

(3) **ROUTE TO BE APPROVED.** Every application for a permit to move a building shall set forth in detail the route proposed to be followed in moving the building. In every instance the approved route must be followed. Application for a permit must be made at least two weeks prior to the proposed move. If the building to be moved exceeds 750 square feet, or if in the judgment of the Building Inspector the move may present special circumstances, the application for permit shall be referred to the Site Plan Review Committee. The Committee shall review the route and timing, as well as conflicts with trees, utilities, traffic signals, signs, etc. If additional time is necessary to make arrangements satisfactory to the Committee, the move shall be delayed. The City may reject the proposed route, or modify, as necessary.

(4) **SERVICE CONNECTIONS.** (a) Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections to the building, such as water, electric, gas and other connections, and these connections shall be removed or shut off, as appropriate. Certification that all utilities have been properly disconnected must be presented to the Building Inspector prior to the permit being issued.

(b) Prior to the start of wrecking operations, the applicant shall properly seal the building sewer at a point between the curb and sidewalk.

(c) The applicant shall obtain a sewer disconnection permit from the City Plumbing Inspector. The applicant shall call the City Plumbing Inspector when the sewer is to be disconnected. The sewer shall not be covered until the seal has been checked and approved by the City Plumbing Inspector.

(5) **COSTS.** (a) Prior to the permit being issued, the applicant shall provide a cash deposit of \$7,500 to the City. Any expenses incurred by the City, including those discussed in Section 11.04, shall be withdrawn from the deposit. The remaining balance shall be returned to the applicant. In cases where the Director of Public Works believes that City expenses may exceed \$7,500, the DPW may require a higher deposit.

(b) The applicant shall be responsible for hiring of and payment to licensed contractors for the performance of all work within the street right-of-way, including tree trimming and/or replacement, and removal and replacement of street lights, traffic signals, and signs. None of this work shall be done by City crews.

(c) Removal of terrace trees, or trimming beyond the point deemed appropriate by the Parks Director, shall be avoided where alternatives exist. If it is not possible to avoid removal of the tree(s), the applicant shall pay the full value of the tree based upon the Parks Director's tree appraisal.

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(6) GENERAL REQUIREMENTS. (a) The moving of a building shall be limited to between the hours of 2:00 a.m. and 6:00 a.m. within the public right-of-way, with the least possible obstruction to thoroughfare.

(b) No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.

(c) Warning lights shall be attached to every building being moved along a street during the period from sunset to sunrise. The lights shall be attached to the building one at each corner and in every case lights shall not be placed farther apart than 12'.

(d) Every person who has moved a building as provided in this subchapter shall report, within one day after the building has reached its destination, to the City Building Inspector who shall notify the Director of Public Works, who shall thereupon inspect the streets and alleys over and along which the building has been moved and ascertain their condition. If the removal of the building has caused any damage to the streets, curbing, sidewalks, etc., the house mover shall immediately place them in as good repair as they were before the permit was granted. Upon failure of the permit holder to repair such damage within 10 days thereafter to the satisfaction of the Director of Public Works, the City shall repair the damage and hold the appropriate amount of the deposit by the permit holder responsible for the payment of same.

(e) In any case where a building is moved leaving an open basement, such basement shall be immediately filled to grade level, leveled and finished off so as not to spoil the general appearance of the neighborhood. If new construction is contemplated or circumstances dictate, the basement may be completely and adequately fenced in with a fence not less than 4' in height for protection of the public for a period not to exceed 30 days, after which it shall be filled in by the owner. Failing such, it shall be declared a public nuisance and shall be filled in by the City and the cost thereof assessed against the property.

14.11 WRECKING OF BUILDING AND STRUCTURES. (1) PERMIT REQUIRED. No person shall wreck or cause to be wrecked any building, structure or part thereof without first applying for and obtaining a permit from the Building Inspector. The permit will not be issued until the Building Inspector receives certification that all utilities have been disconnected and the sewer lateral is blocked.

(a) Historic Buildings Regulated. The demolition of all or part of a designated historic structure, or a structure in a historic district, shall be regulated by the Historic Preservation Ordinance, Section 11.16 E.3. Additionally, the procedural requirements for issuance of a wrecking permit by the Building Inspector shall apply:

1. The application for a demolition permit shall initiate the waiting period [up to six (6) months from the time of such application for single-family homes and up to one (1) year for other types of structures] for issuance of a permit by the Building Inspector pursuant to Section 11.16.E.3.

BUILDING CODE 14.11(2)

2. Upon expiration of the required waiting period, a demolition permit will be approved. The applicant shall pay the required fee within 90 days of the completion of the waiting period, and the demolition completed within the specified time limit, or the project shall not move forward and it shall be subject to a new waiting period.

(2) SERVICE CONNECTIONS. Before a building can be demolished or removed, the owner's agent shall notify all utilities having service connection to the building, such as water, electric, gas and other connections.

(3) SEWER LATERALS. (a) Prior to the start of wrecking operations, the applicant shall properly close the building sewer at a point between the curb and sidewalk. The sewer shall be disconnected in the terrace and a cookie or bulkhead installed. On a vitrified clay or concrete sewer, if a bell or hub is available and in good condition, a cookie may be cemented into the bell or hub. If the pipe, bell or hub is broken, a swab and 6" of concrete and brick shall be inserted in the sewer as a permanent bulkhead. On a cast iron sewer cast, iron plug with a lead joint shall be installed.

(b) The applicant shall obtain a sewer disconnection permit from the City Plumbing Inspector. The applicant shall call the City Plumbing Inspector when the sewer is to be disconnected. The sewer shall not be covered until the plug or bulkhead has been checked and approved by the City Plumbing Inspector.

(4) GENERAL REQUIREMENTS. (a) Whenever a building is demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun. No material shall be placed to overload any part of such building in the course of demolition and all brick, stone, timbers and structural parts of each story shall be lowered to the ground immediately upon displacement. All dry mortar, lime, brick, dust or other flying material shall, before and during removal, be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property. All sidewalks shall be protected by fences and/or scaffolds as required by this Code of Ordinances and by the Wisconsin Industrial Commission, relating to the protection of the sidewalks during the erection of buildings.

(b) The demolition of houses (single family through 4 dwelling units), private garages, storage sheds and comparable accessory buildings and structures shall be completed and the property cleared of all scrap material and debris within 60 days from the date on which the demolition is started. Demolition of larger buildings, such as apartment houses, industrial and commercial buildings, and related structures shall be completed and the property cleared of all scrap material and debris within 120 days from the date on which the demolition is started.

(c) Upon completion of demolition and clearance of debris from the property, the area shall be immediately filled to grade, leveled and finished off so as not to spoil the general appearance of the neighborhood.

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(d) In any case where a building is wrecked leaving an open basement, the requirements specified in §14.10(6)(e) of this subchapter shall be adhered to.

14.12 SWIMMING POOLS. (1) **POOL DEFINED.** (a) "Pool" means a separate receptacle, either temporary or permanent, for water or an artificial pool having a capable depth at any point of more than 12", greater in surface area than 100 sq. ft., intended for the purpose of immersion or partial immersion therein of human beings and including all appurtenant equipment.

(b) Within the meaning of this chapter, the word "pool" shall apply singular and plural and shall encompass either a swimming pool or a wading pool or a combination swimming and wading pool, or a privately owned artificial decorative pond, not enclosed in a permanent building.

(2) **PERMIT REQUIRED.** No person shall commence installation of a pool without first obtaining a permit therefor from the Building Inspector. An application for a permit shall include:

(a) Site plan showing buildings and proposed pool location.

(b) Indicate proposed pool construction data, depth and appurtenances thereto.

(c) Location of fence, type, size and gate locations.

(d) Site plan shall clearly indicate existent overhead wiring or underground wiring relative to proposed pool.

(3) **PORTABLE POOLS.** Portable pools over 1' in depth must be drained, fenced or covered in such a manner as to provide public safety after each day's use. A portable pool is one that is removed after each season's use (permit not required).

(4) **PERMANENT POOLS.** Permanent pools shall maintain a minimum side and rear yard clearance of 10' from adjoining property (permit required).

(5) **FENCES.** (a) Pools within the scope of this subchapter or not enclosed within a permanent building shall be completely surrounded by a fence or wall not less than 46" in height, but not to exceed 6' in height, which shall be so constructed as not to have openings, holes or gaps larger than 4" in any dimension, except for doors and gates, and if a picket fence is erected or maintained, the horizontal dimension shall not exceed 4". A dwelling house or accessory building may be used as part of such enclosure. All gates and doors opening through such enclosure shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use. The requirement of this subsection shall be applicable to

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all private swimming pools, whether constructed before or after the effective date of this subchapter, other than indoor pools. Drainage ponds, stormwater detention ponds, decorative commercial ponds, recreational ponds, municipal and institutional ponds, and similar ponds, are exempt from this requirement.

(b) Aboveground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing, provided that the self-provided fence is of minimum required height and design as previously specified.

(c) Permanent access from grade to aboveground pools having stationary ladders, stairs or ramps shall have not less than equal safeguard fencing and gates as are provided the pool proper.

(6) RECIRCULATION SYSTEM. A satisfactory recirculation system and purification system for the swimming pool shall be installed and shall at all times be operated while the pool is being used.

(7) ELECTRICAL REQUIREMENTS. All electrical installations shall require separate permits and shall be governed by §ILHR 16.08 and Ch. E680, Wis. Adm. Code.

(8) DRAINAGE. Every pool shall be provided with a suitable drainage system. In no case shall any such pool be drained into the sanitary sewer system in the City nor with detriment onto lands of other property owners in the vicinity.

(9) HEATING UNITS, PUMPS AND FILTER EQUIPMENT. Heating units, pumps and filter equipment shall in no case be less than 60' from any property line and shall be adequately housed and muffled. Requirements for heating units shall be equal to those required for residential installations.

(10) EXCEPTIONS. Children's wading pools (portable pools) having less than 12" of water and sides of less than 18" are exempt from these requirements.

(11) SPAS AND HOT TUBS. Subsections (1) and (2) shall also pertain to spas and hot tubs. Electrical requirements shall be governed by Ch. E680, Wis. Adm. Code.

(12) DECKS. Zoning requirements shall apply for decks attached to principal building and swimming pool.

(13) PENALTY. The permit fee will be double the regular fee for failure to secure a permit prior to the start of a job.

14.13 **STORING MATERIALS ON STREETS.** No building material, machinery or equipment shall be placed upon any street, sidewalk or parkway without a permit as provided in this chapter.

BUILDING CODE 14.14

14.14 **GRADING.** (1) A drainage plan shall be required for construction of any building with an area of 650 square feet or greater and for any grading or landscaping that will change the elevations of a lot, except for the addition to fill to lot depressions to maintain elevations within interior of a lot. A drainage plan submitted by the builder for the first-time construction of a single-family home may be prepared by a person other than a licensed professional, provided the plan includes stamped certification of existing conditions at the time of plan preparation by a registered engineer, land surveyor or architect as described in Chapter A-E of the Wisconsin Administrative Code and required by the Department of Licensing and Regulations. No deviation from any drainage plan shall be permitted unless approved in writing by the City Engineer. The drainage plan shall also show existing and proposed grades of the lot on which the building is to be constructed and any adjoining property in sufficient detail to indicate surface water drainage before and after the completion of grading. The drainage plan shall also show existing trees, drainage patterns and significant land features and buildings, and typical proposed drainage swale details as may be required. No building permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch, swale or pipe. If the Building Inspector determines that surface water from adjoining property presently draining across the area to be developed will be diverted, the ditch, swale or pipe shall necessarily be a joint lot-line facility and no property which has in the past been draining across vacant lands shall be held exempt from the development of a joint drainage facility. Any such drainage facility shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.

(2) The following minimum slopes shall apply:

Grass areas:	1.0%	(12.00" per 100')
Asphalt areas:	0.5%	(6.00" per 100')
Concrete curb/gutter:	0.4%	(4.75" per 100')

(3) No building shall be used or occupied until the facilities as shown on an approved drainage plan have been completed and approved by the City Engineer. If the City Engineer, upon inspection, directs corrective work which necessitates reinspection, such reinspection costs shall be paid prior to the issuance of an occupancy permit.

(4) Storm water management regulations pursuant to Chapter 23, Construction Site Erosion Control and Post Construction Storm Water Management, of the Fond du Lac Code of Ordinances, shall apply to the development and use of land within the incorporated boundaries of the City.

BUILDING CODE 14.15

14.15 **CANOPIES AND MARQUEES AND AWNINGS.** (1) GENERAL REQUIREMENTS. (a)

No canopy, marquee or awning over any public sidewalk or thoroughfare shall be erected, constructed or altered, unless a permit therefor shall be first obtained by the owner or his agent from the Building Inspector. Permit applications for all canopies or marquees, regardless of size, shall be accompanied by a set of plans approved by the Department of Commerce.

(b) Limitations and requirements imposed by §14.15 of this chapter relative to canopies, marquees and awnings shall be adhered to.

(2) **CANOPIES AND MARQUEES.** Canopies and marquees may extend outward from the building to the curb line, but no such canopy or marquee extending to the curb line shall be lower than 14' above the sidewalk. Canopies and marquees extending outward from the building, but at least 18" back from the curb line, may be not less than 10' above the sidewalk.

(3) **AWNINGS.** Awnings shall be supported without posts by metal brackets or metal framework securely attached to the walls of the building upon which such awnings are placed. The device and the method of attaching same to the building shall be such as to leave the sidewalk wholly unobstructed to insure the safety of pedestrians and shall be subject to the approval of the Building Inspector. Where permitted, awnings shall have a clearance of 8' measured from the sidewalk grade.

14.16 **SANDBLASTING CONTROL.** Sandblasting or any kind of abrasive treatment to buildings or structures in the City on public sidewalks or adjacent thereto will be permitted only under the following conditions:

(1) The work shall be done in such manner that no waste, dust or abrasive materials shall permeate the air or be deposited on any public street, including sidewalk, or objects on such streets, on any adjacent premises or on any persons provided, however, that the space used for scaffolding shall be exempt from such requirements during the period of time that the scaffolding is in place. Spaces beneath scaffolding shall be broomed clean at least once every 24 hours and prior to anticipated precipitation to prevent runoff onto the area designated for pedestrian traffic. Exception to the foregoing may be granted by the Building Inspector when and if so requested for isolated areas where density of population is low, where there are no surfaced areas, where the pedestrian traffic count is low or in other circumstances where compliance is not essential.

(2) If necessary scaffolding occupies so much of the public sidewalk that pedestrians will be forced into the vehicular travelway, a temporary passageway shall be erected in accordance with applicable provisions of this Code of Ordinances.

(3) Scaffolding or any other obstructions on any public land shall be sufficiently lighted at night.

BUILDING CODE 14.17

14.17 **FENCES.** (1) GENERAL. No fence shall be erected, unless the fence is constructed in accordance with the provisions of this section, §11.04 E of the Zoning Code and other applicable provisions of this Code of Ordinances.

(2) DEFINITIONS. Fences shall be as defined in §11.15 of the Zoning Code.

(3) CONSTRUCTION AND MAINTENANCE. (a) All fences shall be constructed in such a manner that the "finish side" of the fence faces neighboring property. The "finish side" shall be defined as the side of the fence without support posts, brackets, etc.

(b) All fences shall be kept in a good state of repair as required of all structures in §14.09 of this subchapter.

14.18 **PARKING LOTS.** (1) GENERAL. No parking lot shall be constructed, unless constructed in accordance with the provisions of this subchapter, §11.11 of the Zoning Code and other applicable provisions of this Code of Ordinances.

(2) DEFINITIONS. A parking lot shall be defined as any lot used for parking vehicles that contains more than 4 parking stalls.

(3) PERMITS. No parking lot shall be constructed until the plan has been submitted and approved and a permit has been issued by the Building Inspector.

14.19 **LIABILITY OF CITY.** This subchapter shall not be construed as imposing any liability on the part of the City for damages to anyone injured or any property destroyed, by any defect in any building or equipment or any electric wiring or equipment or by reason of any inspection made by any City officer or employee.

14.20 **OCCUPANCY.** Calculations for maximum occupancy of a building shall be made according to the terms of the applicable State of Wisconsin Building Code or City Code. For the purpose of calculating or determining maximum occupancy of a building, any outdoor use structures such as decks, patios, beer gardens, smoking shelters and the like shall not be included, and shall not increase the maximum occupancy of the building. However, the total combined maximum occupancy for such a building and all such abutting outdoor use structures is limited to the maximum occupancy of such building.

14.25 **PENALTIES.** Except as otherwise provided herein, any person who shall be convicted of any violation of the provisions of this chapter shall, upon conviction thereof, be subject to a forfeiture of not less than \$50 nor more than \$1,000, plus the costs of prosecution, and in default of payment thereof, by imprisonment in the county jail until such forfeiture and costs are paid, not exceeding 30 days. Each day of such violation shall constitute a separate offense.

PLUMBING CODE

14.30 **STATE PLUMBING CODE ADOPTED.** Except as otherwise specifically provided, Ch. 145, Wis. Stats., and Chs. ILHR 81 through 86 and §IND 69.23, Wis. Adm. Code, and amendments thereto are hereby adopted and by reference made a part of this subchapter with the same force and effect as though set out herein in full. Failure to comply with any of the provisions of such statutes or the Administrative Code, whether subsequently amended or renumbered, shall constitute a violation of this section, punishable according to the penalties provided in this chapter.

14.31 **DEFINITIONS.** The following terms have the meanings indicated:

APPRENTICE. Any person other than a master or journeyman plumber, registered as such with the Department of Commerce in compliance with rules and regulations governing.

MASTER AND JOURNEYMEN PLUMBERS. Any persons licensed as such by the Department of Commerce pursuant to Ch. 145, Wis. Stats.

PLUMBING. For the purposes of this subchapter:

- (a) As stated in §145.01(1)(a), (c), (d) and (e), Wis. Stats.
- (b) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, storm water or industrial waste from a point 3' outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal, including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppage in soil or waste pipes.

PLUMBING INSPECTOR. A person properly authorized by the Council or other appointing authority to enforce the provisions of this subchapter and other rules and regulations in force concerning plumbing and to carry out the provisions of §145.05, Wis. Stats.

14.32 **PRIVATE WATER SUPPLY SYSTEMS, WATER SUPPLY PIPING AND APPLIANCES.** All private water supply systems and water supply piping and appliances, including the water service piping from the buildings to the main in the street, alley or other terminal and the connecting of domestic hot water storage tanks, water softeners and water heaters with the water supply systems, private or public, are hereby defined to be plumbing work and shall be done in accordance with the provisions of this subchapter.

14.33 SUPERVISION OF SEWERS AND WATER SERVICES. All sewer service laterals and water service pipes shall be under the supervision of the Plumbing Inspector and the Department of Public Works and no service pipe shall be laid and no opening into or connection with a sewer service lateral, public sewer or water main shall be made, including the relaying, replacing or repairing of the same, except under their direction or of their legally authorized representatives.

14.34 PERMITS AND APPLICATIONS. (1) **PERMITS.** No person shall do any plumbing, unless licensed to do so and unless a permit has been issued by the Plumbing Inspector for any such work.

(2) **APPLICATION FOR PERMIT.** Application forms for permits required by this section shall be furnished by the Plumbing Inspector. Such forms shall contain an accurate description of the property, the name of the street to be opened and between what streets and all purposes for which the plumbing is to be used, the name and address of the owner of any premises upon or in which plumbing is to be installed and the type of work to be performed. No permit shall be deemed to authorize anything not stated in the application. The application shall be signed by both the owner or his authorized agent and a person licensed as a master plumber. Permits are not transferrable.

(3) **PLANS.** A plan must be submitted, when requested by the Plumbing Inspector, with the application for a permit. Such plan shall include a clear description of the proposed plumbing. All plans must be approved or rejected within 3 days of the time they are submitted to the Plumbing Inspector. No permit shall be issued, unless the plans are approved and the application is properly made out.

(4) **PERMIT FEES.** Plumbing permit fees shall be paid to the Collections Office, which will issue a receipt for same. The permit will then be issued by the Plumbing Inspector's office upon surrender of the receipt. Permit fees shall be based on the cost of the job, including the cost of labor and material, and shall be paid in an amount set by resolution of the City Council.

(5) **DAMAGE TO SEWERS.** Any person who shall damage or break up any drain, sewer or any part thereof or who shall dig any ditch or drain in any street, pavement or sidewalk without a permit from the proper authorities or their representative shall pay all damages and costs which may arise from such offense and, in addition thereto, such person shall be deemed to have violated this section and be subject to the penalty hereinafter provided.

(6) **UNCOVERING OR EXCAVATING AROUND SEWER.** No person shall uncover or excavate under or around any sewer for any purpose whatsoever without first having obtained a permit as provided by this section.

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14.35 **CONNECTION WITH MAIN SEWER.** (1) The Plumbing Inspector shall inform plumbers of the position or junctions of the main sewer so far as such knowledge may be in his possession, but the Plumbing Inspector shall not be responsible for the correctness of such information. When no junctions are found in the public sewer within a distance of 3' from the flow side of the measurement given by the Plumbing Inspector, permission shall be given by the Plumbing Inspector to any plumber applying therefor to make a new connection, but the connection shall only be made in the presence of the Plumbing Inspector and in the manner directed by him. Whenever it is necessary to open a main pipe sewer, a proper and complete joint shall also be made, unless it is preferred to take out one length of pipe and insert in its place another pipe supplied with the proper connection piece. All such junctions shall be made at the expense of the plumber and to the satisfaction of the Plumbing Inspector. The Inspector shall make inspection and no connection with any sewer or any part thereof shall be covered until the same has been inspected by the Plumbing Inspector and his approval endorsed upon the permit. The permit shall be at all times upon the work and exhibited to any police or other officer of the City upon demand.

(2) All subdivided, platted lots in the City shall have, prior to the time of permanent improvement of any street adjoining the lots, a sanitary sewer, sewer laterals and water service connections for each platted lot. Prior to the time of permanent improvement of any street abutting on unplatted parcels of land within the City, there shall be installed, prior to such improvement, a sanitary sewer, sewer lateral and water service connection every 60' of foot frontage on such street being improved.

14.36 **USE OF SEWERS; FEES.** No person shall deposit or permit to be deposited in any sewer or drain any garbage, gas, tar, grease, rags or any substance likely to cause obstruction, nuisance or explosion therein or do any acts which may cause injury thereto.

14.37 **SEWER CONNECTION CHARGE FOR SEWER SERVICE TO PROPERTY NOT PREVIOUSLY ASSESSED.** When property is annexed to the City and an existing City sewer not previously assessed against such property already lies in the abutting public right-of-way or easement, before any such property shall be entitled to sewer service, such property shall be subject to the payment of a sewer connection charge based on the City assessment rate in effect at the time of the annexation. In addition thereto, unless laterals are already in place, laterals shall be paid for at the current assessment rate in effect at the time of application for connection.

14.38 **USE OF PLUMBER'S LICENSE.** No licensed plumber shall allow the use of his name or license, directly or indirectly, either for the purpose of obtaining permits or doing any kind of work under such license.

14.39 **NONRESIDENT PLUMBERS.** A nonresident engaged in business of plumbing desiring to do plumbing work in the City shall not enter upon such work until he shall have complied with the provisions of this subchapter to the same extent that residents are required to so comply.

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14.40 **WITHHOLDING PERMITS.** (1) No permits shall be issued to any licensed master plumber during the time he fails to remedy any defective work upon notification by the Plumbing Inspector at his address as shown in the register of licensed plumbers.

(2) Bad faith or unreasonable delay in the performance of plumbing work or failure to respond promptly to official communications shall be deemed sufficient reason for withholding permits and the master plumber shall be held responsible for the violation of these regulations by any of his employees.

14.41 **SUPERVISION AND INSPECTION OF PLUMBING.** (1) To enforce the provisions of this subchapter, there is hereby created the office of Plumbing Inspector in accordance with §145.05, Wis. Stats. The Plumbing Inspector shall be under the direction of the Council and act in cooperation with the City Engineer and have control of the supervision and inspection of plumbing, water supply and drainage installations from street main, curb or other terminal and installations inside and in connection with any building as set forth in this chapter.

(2) The Plumbing Inspector shall be a licensed plumber who is skilled in the designing, planning, installing and superintending of plumbing and building drainage work and who shall have had at least 10 years practical experience in such work.

14.42 **AUTHORITY OF THE PLUMBING INSPECTOR.** The Plumbing Inspector under the direction of the Council shall have control of the supervision and inspection of plumbing and drainage work within or in connection with buildings in the City. He shall make or cause to be made all inspections of house sewers from main sewer to buildings and shall faithfully enforce all laws, ordinances and rules in relation thereto. The Plumbing Inspector shall see that the construction, reconstruction and alterations of all plumbing, drainage and plumbing ventilation hereafter installed in all of the buildings in the City shall conform to the Wisconsin Statutes, the rules and regulations of the Department of Health and Social Services and this subchapter; the work is done by licensed plumbers; and shall make all inspections required thereby in the manner therein set forth.

14.43 **FINAL INSPECTION.** (1) NOTICE. Notice for final inspection of the plumbing installation after fixtures, appurtenances and appliances have been tested and completed and after the installation is considered ready for use shall be given by the person to whom a permit was issued within 48 hours of such completion. The final inspection shall be made with the water supply serving the plumbing system turned on for such test purpose. The Plumbing Inspector may furnish the person to whom the permit was issued with a certificate of such inspection.

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(2) NEW HOUSES AND BUILDINGS PRIOR TO OCCUPANCY. The master plumber shall properly chlorinate the entire water distribution system after construction is completed to make the plumbing sanitary prior to occupancy. This shall be done by means of a portable chlorinating device attached at a point where the meter is connected to the distribution system. A water sample shall be submitted to the local Health Department laboratory for bacteriological analysis. If the test indicates that the plumbing is not sanitary, it shall be re-chlorinated and retested. Chlorination and sampling shall be accomplished in accordance with all State and local administrative rules and codes.

14.44 **NOTICE OF HOUSE SEWER INSPECTION.** The Plumbing Inspector must be notified whenever any house sewer work from main to curb to building is ready for inspection and all work, except when otherwise permitted by the Inspector, must be left uncovered for examination until so examined and approved. All notifications of this kind must specify the correct location of the premises and the permit number of the job.

14.45 **GAS WATER HEATERS.** No gas water heater shall hereafter be installed in any bathroom or toilet room.

14.46 **DRILLING OF PRIVATE WELLS.** No person shall drill any well for the purpose of obtaining a water supply within the corporate limits of the City.

14.47 **PRIVATE WELL ABANDONMENT.** The City Council does hereby enact the following relating to the sealing and filling of private wells within the boundaries of the City:

(1) **PURPOSE.** The purpose of this section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed.

(2) **COVERAGE.** All private wells located on any premises which is served by the public water system of the City shall be properly filled by January 1, 1990, or sooner if ordered to do so by the City Plumbing Inspector. Only those wells for which a well operation permit has been granted by the City Plumbing Inspector may be exempted from this requirement, subject to conditions of maintenance and operation.

(3) **WELL OPERATION PERMITS.** A permit may be granted to a well owner to operate a well for a period not to exceed 3 years and the permit may be renewed annually if the following requirements are met:

(a) The well and pump installation meet the requirements of Ch. NR 112, Wis. Adm. Code, and a copy of the well constructor's report is on file with the Department of Natural Resources and certification of the acceptability of the well has been granted by the "Private Water Supply" section of the Department of Natural Resources or by a DNR licensed well driller.

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(b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by one sampling per year and additional samplings whenever the water changes in taste or color. Only those samplings which have been taken by the City Inspection Services Division shall be submitted for testing under this section.

(c) The use of the well shall be limited to lawn or garden watering, car washing and similar uses. Well water shall not be used for human consumption.

(d) No physical connection shall exist between the piping of the public water system and the private well.

(e) Well owners shall make application to the City Plumbing Inspector for a well operation permit or for a permit renewal annually. Any well for which the well owner does not have an active well permit after January 1, 1990, shall be filled within 30 calendar days.

(f) A well operation permit fee shall be paid at the time of issuance of the permit in an amount set by resolution of the City Council. Application for the initial permit or each renewal shall be made on forms provided by the City Plumbing Inspector.

(4) METHODS. Wells to be abandoned shall be filled according to the procedures outlined in Ch. NR 112, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

(5) REPORTS AND INSPECTION. A well abandonment report must be submitted by the well owner to the Department of Natural Resources and a copy to the City Plumbing Inspector on forms provided by the DNR available at the office of the City Plumbing Inspector. The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the City Inspection Services Division.

14.48 **CROSS CONNECTION CONTROL.** (1) The Plumbing Inspector shall cause inspections to be made of all properties served by the City's public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be part of the program and as approved by the Wisconsin Department of Natural Resources.

BUILDING CODE 14.48(2)

(2) The Plumbing Inspector is hereby authorized and directed to discontinue water service to any property wherein any cross connection in violation of this subchapter exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in sub. (3). Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this subchapter.

(3) If it is determined by the Plumbing Inspector that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 63, Wis. Stats., within 10 days of such emergency disconnection.

14.49 **LIABILITY OF CITY.** This subchapter shall not be construed as imposing any liability on the part of the City for damages to anyone injured or any property destroyed by any defect in any building or equipment or any plumbing or electrical wiring or equipment or by reason of any inspection made by any City officer or employee.

14.50 **GREASE INTERCEPTORS.** (1) Grease Interceptors (Grease Traps) shall be installed in all restaurants and all commercial food preparation establishments. Interceptors shall be substantially constructed of impervious materials capable of withstanding extreme changes in temperature, and shall be watertight and equipped with easily removable covers, which when fastened in place shall be gas-tight and water-tight. Grease interceptors shall be located in such a way as to be readily accessible for inspection and cleaning.

(2) Grease interceptors shall be maintained and cleaned on a regular basis so as to prevent the escape of grease into sanitary sewer laterals and mains. If, in the opinion of the Plumbing Inspector, evidence exists that interceptors are not being maintained and cleaned regularly (such as substantial amounts of grease being found in sanitary sewer laterals, manholes, and mains), the establishments responsible shall be ordered to have grease interceptors cleaned by a commercial cleaning contractor, and such cleaning shall be documented by the contractor. If, in the opinion of the Plumbing Inspector, it is necessary to ensure regular commercial cleaning of the grease interceptor, he may so order, and the cleaning shall be documented by the contractor.

14.55 **PENALTY.** Except as otherwise provided herein, any person found in violation of any provision of this subchapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.

WARM AIR HEATING

14.60 **PURPOSE AND SCOPE.** The purpose of this subchapter is to provide minimum standards to safeguard life or limb, health, property and the public's welfare.

14.61 **DEFINITION.** For the purpose of this subchapter, warm air heating shall include the following types of heating systems and appurtenances as defined and limited under other sections of this subchapter:

- (1) Forced warm air, gas/oil and air conditioning systems.
- (2) Warm air ceiling or floor panel systems.
- (3) Unit heaters and rooftop heating and cooling equipment.
- (4) Conversion heating gas/oil burners and heating equipment.
- (5) Air conditioning.
- (6) Hot water, steam, and hydronic heating systems.

14.62 **LICENSE REQUIRED.** (1) No person shall act, engage in or advertise or otherwise represent themselves as a warm air heating contractor, unless an authorized representative of such person shall first obtain a warm air heating license as provided in this subchapter.

(2) In case of a person employing a warm air heating license holder, both such person and the warm air heating license holder shall be responsible for all violations under this subchapter.

(3) An applicant for a warm air heating license shall be at least 18 years of age and shall have had at least 5 years practical experience in warm air heating; shall have satisfactorily completed a course of study in warm air heating given by a recognized school, plus one year of practical experience in warm air heating; or shall be a graduate mechanical engineer; or in the case of a restricted license as defined in 14.65, shall be a state-licensed Master Plumber. An applicant who is licensed in another Wisconsin municipality or has passed a State licensing exam may be issued a Warm Air Heating License for any of the categories listed in 14.65.

14.63 **INSPECTOR.** The duties of the Inspector of Warm Air Heating shall be to examine and approve when correct all plans and specifications for the performance of any work governed by this subchapter; point out in what respect such plans or specifications are deficient or in violation of this subchapter; inspect all work in the area covered by this subchapter for which permits are required under this subchapter and see that all the work is performed in accordance with the provisions hereof; stop any work being done in violation of the terms hereof and post stop work signs therefor; order any such work removed or corrected to conform with this subchapter; and issue certificates of approval on satisfactory completion of projects provided, however, that no stop work order so posted shall affect work not governed by this chapter, except where the progress of any such work would interfere with inspection of work governed by this subchapter.

BUILDING CODE 14.64

14.64 **WARM AIR HEATING** (1) EXAMINATIONS. The Inspector of Warm Air Heating shall have complete control over the examination of applicants for warm air heating license under this subchapter and shall decide upon the qualifications of all applicants. Every application made to the Inspector shall be accompanied by a fee of \$20 to cover the costs of conducting the examination.

(2) EXAMINATION PERIODS. Examinations of applicants shall be conducted at least once each calendar quarter at such times and places as the Inspector may designate. Questions shall only pertain to application and procedure of this subchapter.

(3) PASSING GRADES. A suggested passing grade shall be 75% of a possible 100%. Any applicant who shall fail to receive a passing grade shall be eligible to again apply for examination in the following calendar quarter. The Inspector shall keep an accurate record of all applications for examination, of the examinations given and the results thereof for a period of 3 years in such depository as may be designated, same records to be open to public inspection.

(4) CERTIFICATE OF LICENSE. The Inspector shall certify to the proper authority the names of all successful applicants for a warm air heating license and shall issue a recommendation for the issuance of a warm air heating license upon the payment of the proper fee.

(5) SUSPENSION OF LICENSE. The Inspector shall have the authority to suspend or revoke any warm air heating license granted under this subchapter for violations thereof after due process hearing as hereinafter specified.

(6) APPROVAL OF MATERIALS, METHODS, EQUIPMENT. The Warm Air Heating Inspector shall have the authority to approve any materials, devices, fixtures, methods of assemblage, appliances or installations not covered specifically by this subchapter, but which are deemed to be at least as efficient and durable as those which are covered by the provisions of the remainder of this chapter.

(7) REVISIONS. The Inspector shall receive and consider suggestions for revision and improvements of this subchapter and if in the Inspector's judgment such suggestions will contribute to the objective of this subchapter, the Inspector shall submit the suggestions to the proper authorities for appropriate action.

14.65 **LICENSE**. (1) LICENSE HOLDER REQUIRED. No person shall install, erect, alter, repair, service, reset or replace any warm air heating system or parts or appurtenances thereto, unless the person shall first have obtained a warm air heating license hereunder or unless such person has regularly and steadily in his employ a holder of such a warm air heating license, who shall be the authorized representative of the person in all matters pertaining to this subchapter. The authorized representative who is the holder of a license may not apply for permits for more than one person.

BUILDING CODE 14.65(2)

(2) GRACE PERIOD WITHOUT LICENSE HOLDER. Should the authorized representative holder of a warm air heating license terminate his employment or partnership with such person, a new authorized holder of a warm air heating license must be obtained within 60 days thereafter.

(3) APPLICATION, EXAMINATION, EXPERIENCE, EQUIPMENT. No license shall be issued, unless the applicant shall produce evidence that the applicant meets the qualifications contained in §14.62(3).

(4) ISSUANCE OF LICENSE. Any applicant having fully complied with the provisions of this subchapter and having successfully passed the examination shall, upon recommendation of the Inspector of Warm Air Heating signed by a majority thereof, be issued a license to supervise and perform warm air heating work upon the payment of a license fee of \$25 for the first year's license.

(5) LICENSE RENEWAL. Any such holder of any such license shall, upon payment to the authorized authority of a fee of \$10, be issued a renewal thereof for the second and any subsequent year provided, however, that on the failure of any such licensee to pay for renewal of the license on or before July 15 following the expiration of the previous year's license, such licensee shall forfeit such existing license and no person shall perform any work governed by this subchapter until such time as a renewal license is issued. Any license forfeited for the nonpayment of the renewal fee may be reinstated upon the payment of the annual renewal fee plus \$1 for each month or portion of a month such delinquency has continued provided, however, that if any forfeited license has not been renewed by September 1 following the date of expiration thereof, then the same shall be null and void and not be renewed.

(6) ISSUANCE TO INDIVIDUALS; NOT TRANSFERABLE. The license herein required shall be issued only to an individual and not to a corporation or firm and such license shall not be transferable.

(7) PREVIOUSLY LICENSED PERSONS. Any person having been engaged in the warm air heating business for a period of one year prior to June 20, 1950, within the area covered by this subchapter and who was granted a license to expire on December 1, 1950, without taking an examination may renew such license as provided for in sub. (5) above.

(8) OWNER-OCCUPANT EXEMPTION. The owner-occupant of a single dwelling house may, with the assistance of any member of his family and household, personally carry on in such house any work governed by this subchapter without such license, provided that the owner shall obtain a permit for any such work and shall call for inspection as hereinafter provided. This exemption shall not apply to the original installation in a new home.

BUILDING CODE 14.65(9)

(9) FULL LICENSE. The Inspector of Warm Air Heating may issue licenses to qualified persons to do all of the work listed in Section 14.61, including installation of new systems in new or existing buildings.

(10) PARTIAL LICENSE. The Inspector of Warm Air Heating may issue licenses to qualified persons to do a portion of the work listed in 14.61. Those licenses may be issued for the following work, and are limited to service, maintenance and replacement only.

- (a) Forced warm air gas/oil and air conditioning systems.
- (b) Unit heaters and rooftop heating and cooling equipment.
- (c) Conversion heating gas/oil burners and heating equipment.
- (d) Air conditioning.
- (e) Hot water, steam and hydronic systems.

(11) RESTRICTED LICENSE. The Inspector of Warm Air Heating may issue license to qualified persons to do work on hot water, steam or other hydronic heating systems. This category includes service, maintenance, replacement or installation of new systems.

(12) TYPE OF LICENSE. The Inspector shall designate the type of license that may be issued and the scope of work that the licensee may do.

14.66 **PERMITS.** (1) REQUIRED. No person shall construct or install any warm air heating equipment or appurtenances, such as are subject to the provisions of this subchapter in or for any building; or alter or repair any such existing warm air heating equipment or appurtenances as are subject to the provisions of this subchapter without the holder of a warm air heating license first making written application for and securing a permit therefor, setting forth the nature of work to be performed.

(2) EMERGENCY WORK. In cases of emergency, the contractor may proceed with the work and file the application for a permit within 24 hours, Sundays and holidays excepted.

(3) PLANS. (a) The application for a heating permit for a one or 2 family dwelling need not be accompanied by complete heating plans, unless so ordered by the Heating Inspector.

(b) When compliance with State statutes governing heating and ventilation is required for new buildings containing 50,000 cu. ft. or more or additions or alterations to buildings containing 100,000 cu. ft. or more, the application for a heating permit shall be accompanied by a set of plans approved by the Wisconsin Department of Commerce.

BUILDING CODE 14.66(3)(c)

(c) When compliance with State statutes governing heating and ventilation is required for new buildings containing less than 50,000 cu. ft. or alterations to buildings containing less than 100,000 cu. ft., the application for a heating permit shall be accompanied by complete plans, specifications and data sheets as required in COMM 50.12, Wis. Adm. Code. These plans must be submitted to the Building Inspector for approval, providing he has received a certificate of competency from the Wisconsin Department of Commerce.

(4) MINOR WORK. No permit shall be required for minor repairs or alterations which do not require dismantling of the furnace.

14.67 **FEES.** Heating permit fees shall be paid to the City Treasurer upon issuance of a permit as required by this subchapter. Permit fees shall be based on the cost of the job, including the cost of labor and material, and shall be paid in an amount set by resolution of the City Council.

14.68 **INSPECTION.** (1) NOTIFICATION, TIME, NUMBER OF INSPECTIONS. In any building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the Inspector of Warm Air Heating, giving the location of the work, that the portions of the installation are ready for inspection and no person shall lath over, plaster or cover up any heating work before such work has been inspected and the building permit card stamped approved. The Inspector of Warm Air Heating shall have the right and authority to order the removal of all such lath, plaster or other covering which may have been placed over such work before the same has been inspected. The Inspector of Warm Air Heating must make inspection within 2 working days after notice, except Sundays and holidays. Final inspection on new installations shall be made upon completion of such work. Inspection of repair, replacement or conversion work to be made upon completion of such work.

(2) STOP WORK ORDER. Whenever any work or project governed by the provisions of this subchapter and for which a permit has been issued as provided herein is being performed or carried on in violation of any of the provisions of this subchapter, the Inspector of Warm Air Heating shall post a printed notice to stop work, signed by the Inspector of Warm Air Heating, on the premises where such work is in progress and notify anyone in charge of such work on the premises of such stop order. After the posting of such notice, no person shall do any further work on the project until such time as the defects or violation of this subchapter have been eliminated to the approval of the Inspector of Warm Air Heating and the stop work order so posted shall affect work not governed by this subchapter, except where the progress of any such work would interfere with inspection of work governed by this subchapter.

(3) VIOLATIONS. To fail or neglect to comply with the provisions of this subchapter and of the permit so issued hereunder shall be considered a violation of this subchapter.

BUILDING CODE 14.70

14.70 **LIABILITY OF CITY.** This subchapter shall not be construed as imposing any liability on the part of the City for damages to anyone injured or any property destroyed by any defect in a heating system or equipment, gas equipment, any plumbing or any electrical wiring or equipment or by reason of any inspection made by any City officer or employee.

14.75 **PENALTY.** Except as otherwise provided herein, any person found in violation of any provision of this subchapter shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code of Ordinances.

Historical Updates			
Page	Paragraph	Ordinance No.	Date Adopted
22	14.50 (1) & (2)	2765	01/11/95
2, 6-7, 9-10, 13	14.02(6), 14.07, 14.09(5)(b), 14.09(8) & 14.12(1)	2802	10/11/95
5	14.04(3)(c)	2881	02/26/97
1	14.02(1)(a)	2946	9/23/98
25,28,29	14.61(6); 14.65(8)(9)(10)(11)(12) 14.66(3)	2975	07/28/99
1	14.02(1)(a)	3036	03/1/014
6,7	14.07(c) & (d)	3047	05/23/01
26-30	14.64, 14.69(repealed)	3059	07/11/01
9	14.09(5)	3117	08/28/02
15	14.14	3117	08/28/02
14	14.12(5)	3121	09/25/02
10-12	14.10	3163	05/28/03
4	14.04(1)(c)	3228	10/27/04
13	14.11(1)(a)	3228	10/27/04
16	14.14(4)	3386	11/25/08
18	14.20	3410	07/23/09