

CHAPTER 22 BUILDING CODE

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Chapter 22 Board Action

Adopted December 20, 2011 as part of Village Incorporation

Revised April 7, 2014, Ordinance No. 2014-O-04

Revised April 7, 2014, Ordinance No. 2014-O-07

Revised August 4, 2014, Ordinance No. 2014-O-15

Revised November 10, 2014, Ordinance No. 2014-O-18

Repealed & Recreated October 5, 2015, Ordinance No. 2015-O-07

Repealed & Recreated October 9, 2017, Ordinance No. 2017-O-11

22.01 AUTHORITY.

These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76, and 101.761 of the Wisconsin Statutes.

22.02 PURPOSE.

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

22.03 DEFINITIONS.

As used in this Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

- 1) **BUILDING.** Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures.
- 2) **BUILDING INSPECTOR.** The individual(s) or firm appointed by the municipality to exercise all of the powers and duties of a building inspector under Wisconsin Law.
- 3) **CONSTRUCTION.** Any part or portion of the activity of installing, locating, siting, erecting or raising a building.
- 4) **CONTRACTOR.** Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
- 5) **DEMOLITION.** The activity of completely or partially destroying a previously erected or constructed building.
- 6) **ELECTRICAL.** The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including an work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
- 7) **GARAGE, PRIVATE.** A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.
- 8) **GARAGE, PUBLIC.** Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold, or stored for monetary gain as a business.

- 9) HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
- 10) OCCUPANCY. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
- 11) OWNER. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
- 12) PLUMBING. The trade which relates to the design, installation, maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
- 13) REPAIRS. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
- 14) STOP WORK ORDER. A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

22.04 SCOPE.

This code applies to all one- and two-family dwellings, accessory buildings, structures, swimming pools, commercial and agricultural buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures.

22.05 PERMIT REQUIRED.

- 1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.
- 2) The construction which shall require a permit includes, but is not limited to:
 - a) New buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.
 - b) Additions that increase the physical dimensions of a building including decks.

- c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
- d) Alteration of plumbing, venting, electrical or gas supply systems.
- e) Any electrical wiring for new construction or remodeling.
- f) Any HVAC for new construction or remodeling.
- g) Any plumbing for new construction or remodeling.
- h) Any re-roofing. Structural load-bearing calculations may be requested of the property owner for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.

3) The following construction activities shall not require a building permit:

- a) Re-siding and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector.
- b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures and dimmers.

4) CERTIFICATE REQUIRED. SMOKING PROHIBITED

a) Adoption of Sec. 101.123 Wis. Stat. The Village hereby adopts Sec. 101.123 Wis. Stat., regarding the prohibition of smoking in certain places.

i. Amendments:

101.123 Smoking prohibited.

DEFINITIONS. In this section:

“(1)(h) "E-Smoking" means burning or holding, or inhaling or exhaling smoke or vapor from, any of the following items:

5. An electronic smoking device.”

AND

“(2) PROHIBITION AGAINST E-SMOKING.

Expect as provided in sub. (3), no person may smoke an electronic smoking device in any of the following places :

8r. Village or town buildings.”

b) Certificate required. Any property owners or operators who claim that their smoking area does not have more than 2 substantial walls shall first obtain a permit from the Town Building Inspector. Upon issuance of a certificate the owner or operator shall post the

certificate on the property and in the room the certificate authorizes smoking. The certificate shall be posted in a location visible by all patrons.

- c) Determination of “enclosed place” and issuance of a permit for qualifying places. In order to secure the just, accurate, uniform and orderly administration of Sec. 101.123 Wis. Stat., the Town Building Inspector shall determine which places in the Town, listed in Sec. 101.123(2)(a) Wis. Stat., constitute an “enclosed place,” in whole or in part, as such term is defined in Sec. 101.123(1)(ak) Wis. Stat. After reviewing any such location, the building Inspector shall issue a certificate to the owner or operator, for any such location which, in whole or in part, does not constitute an enclosed place where smoking would otherwise be prohibited. The certificate shall reasonably describe any location or area therein where smoking is permitted. If any such location qualifies only upon the satisfaction of certain conditions, said permit shall also identify any such conditions with reasonable specificity. The Town Building Inspector shall provide one copy of said certificate to the owner or operator, provide another copy to the Town Police Department, and retain the original as a Town record.
- d) The permit fee shall be \$60.00.

22.06 ADOPTION OF CODES.

The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the municipality and shall be enforced by the Building Inspector.

- Ch. SPS 302.....Fee Schedule
- Ch. SPS 305.....Licenses, Certifications and Registrations
- Chs. SPS 316.....Electrical Code
- Chs. SPS 320-325.....Uniform Dwelling Code
- Chs. SPS 361-365.....Wisconsin Commercial Building Code
- Chs SPS 366.....Existing Building
- Chs. SPS 375-379.....Building Constructed Prior to 1914
- Chs. SPS 381-391.....Uniform Plumbing Code

22.07 SCOPE OF UNIFORM DWELLING CODE EXPANDED.

For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply to the standards for construction of the following:

- 1) Additions, alterations and major equipment replacements for one- and two-family dwellings built prior to December 2003.
- 2) Detached accessory buildings greater than 300 sq. ft. serving one- and two-family dwellings. Grade-beam slabs are required for private, accessory buildings with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten wire mesh or fiber mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and

eight (8) inches below the top of the slab. (Exempted are “frost-free footings” for detached residential accessory buildings.) SPS 382 shall not apply.

- 3) With respect to smaller detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed, they shall follow (2) above and/or SPS 381.

22.08 CERTIFIED MUNICIPALITY STATUS.

The Village has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

22.09 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR.

- 1) **CREATION AND APPOINTMENT.** There is hereby created the office of building inspector. The Building Inspector shall be certified for inspection purposed by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.
- 2) **SUBORDINATES.** The building inspector may with the approval of the Village President, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, by the Department.
- 3) **DUTIES.** The building inspector shall administer and enforce all provisions of this ordinance.
- 4) **POWERS.** The building inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Wis. Stats.
- 5) **INSPECTIONS.** In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least forty-eight (48) hours in advance by the applicant/contractor or property owner as applicable:
 - a) Footing
 - b) Foundation
 - c) Rough Carpentry, HVAC, Electric and Plumbing
 - d) Drain tile/Basement Floor
 - e) Underfloor Plumbing
 - f) Electric Service
 - g) Insulation

- h) Final Carpentry, HVAC, Electric and Plumbing
 - i) Erosion Control
- 6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.
 - 7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request an inspected, will be the responsibility of the contractor and/or property owner.
 - 8) RECORDS. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in 22.06. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

22.10 SUBMISSION OF PLANS.

The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor or Fire Department. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project with the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

22.11 ISSUANCE OF PERMIT.

- 1) The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits for one- or two-family dwellings, additions and commonplace are valid for two years. Permits for one- and two-family remodeling, decks, accessory buildings and pools are valid for one year. Permits for razing and moving buildings are valid for 180 days. Permit may be extended for 30 or up to 90 days with the approval of the Building Inspector or the Village Board and payment of prorated permit fees based on construction completed.
- 2) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
- 3) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

22.12 OCCUPANCY BOND.

Deposit Required. No building permit shall be issued by the Building Inspector for construction of a new building, agricultural or accessory structures over \$15,000 in fair market value until a cash deposit in the amount of \$400 has been made by the applicant for such building permit. The deposit shall be made to the Building Inspector at the time of the building permit issuance.

The sums deposited shall be retained by the Village Clerk until after the final occupancy permit is issued. In the event of any damage is done to the drainage system or road serving the property as a result of the construction activities, the deposit shall be used to defray the Village's expense to repair any such damage. The balance of the deposit, after deducting any and all expenses and fees incurred by the Village to repair the damage, shall be returned to the property owner. The deposit is also subject to the project being completed with all non-compliances found by the Inspector being corrected, not occupying the building prior to the occupancy permit issuance, the address permanently installed, and all other Village fees are paid. The bond may be forfeited if occupancy occurs before final inspection or occupancy extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within two (2) years of permit issuance. In the event of failure of the applicant to comply with the ordinances of the Village, such bond shall be forfeited, and the money shall be placed in the General Fund of the Village.

The Building Inspector shall receive a fee from the deposit, or such other sum as may be approved by the Village Board in the contract from time to time, to defer the cost of enforcing this Ordinance to ensure compliance, as well as other applicable regulations and ordinances of the Village.

22.13 OCCUPANCY PERMIT.

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term not to exceed 180 days. No person may have occupancy of a building until an occupancy permit is issued. Occupancy of individual building units for multi-family use when the entire building is not substantially completed is prohibited. The entire multi-family building shall meet the requirements for an occupancy permit.

22.14 BASEMENTS; EXCAVATIONS.

- 1) **BASEMENT SUBFLOORING.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- 2) **FENCING OF EXCAVATIONS.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.

- 3) **CLOSING OF ABANDONED EXCAVATIONS.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is 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 make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time of compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost, thereof, pursuant to the provisions of Sec. 66.0703, Wis. Stats.

22.15 SWIMMING POOLS.

(See Section 27-28 of the Municipal Code.)

22.16 BUILDING GRADE AND DRAINAGE.

- 1) Everyone- and two-family building hereafter erected, structurally altered, or relocated shall be at grade approved by the Village Engineer as being in satisfactory relationship with the established street where one is established, with particular consideration for proper drainage and safe vehicular access. The foundation shall not exceed eighteen (18) inches above the existing grade without Village Engineer Approval.
- 2) For lots that exceed 12% slope for one- and two-family buildings refer the grading and building elevation plans to the Village Engineer for review/approval.
- 3) The Village Building Inspector may request recertification of the footing, foundation and finished yard grade for any one- and two-family building by a Wisconsin registered land surveyor on forms provided by the Building Inspector at owner's expense.
- 4) All commercial buildings defined by SPS 361-365 shall have their grading and building elevation plans reviewed/approved by the Village Engineer. All commercial buildings shall be recertified by a WI Registered land surveyor for the footing, top of foundation and finished yard grade on forms provided by the Village Building Inspector.
- 5) All building grade and drainage plans shall have point elevations or contours at no more than one foot (1') intervals on a Plat of Survey showing existing elevations of the lot for all of the

corners of the proposed building, all lot corners, road ditch flow lines, edge of pavement, road centerline, proposed yard grade, top of foundation wall elevations and elevation of buildings on adjoining parcels within forty-feet (40') of the lot line.

22.17 ARCHITECTURAL, LANDSCAPING, LIGHTING, EXTERIOR DESIGN.

- 1) **PURPOSE, SCOPE AND INTENT.** For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence an use or erect any structure or addition, with the exception of single-family and two-family dwellings, agricultural or accessory buildings or related structures, without first obtaining the approval of the Village Planning Commission and Village Board of detailed site plan, plan of operation and architectural plans as set forth in this section.

The Village Plan Commission and Village Board, hereinafter in this subsection referred to as the "Village," shall approve, conditionally approve, or reject the detailed site and architectural plans. The Village shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

- 2) **ADMINISTRATION.** Plan data shall be submitted to the Village Clerk who shall transmit all applications and their accompanying plans to the Village, Zoning Administrator/Planner, and Building Inspector for their review. Plans shall be accompanied by the application fee as established by the Village Board. Plan data to be submitted with all plan review applications shall include the following:
 - a) Site plan drawn to a recognized engineering scale not to exceed 1" = 60 feet.
 - b) Name of project noted.
 - c) Owners and developer's name and address noted.
 - d) Architect and/or engineer's name and address noted.
 - e) Date of plan submittal.
 - f) Scale of drawing noted on plan.
 - g) Existing and proposed topography shown at a contour interval not less than one (1) foot. Topography shall extend forty (40) feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
 - h) The characteristics of soils related to contemplated specific uses.
 - i) Total number of parking spaces and layout, including driveways shall be shown on the plan.

- j) The type, size and location of all structures with all building dimensions shown.
 - k) Indicate height of building(s).
 - l) Indicate existing and proposed street locations on the site plan.
 - m) Indicate existing and proposed public rights-of-way and widths.
 - n) North arrow shown.
 - o) Locate existing and general location of proposed sanitary sewers, storm sewers, and water mains.
 - p) Submit a storm water management plan indicating all facilities, including detention/retention areas. The design criteria shall meet the requirements as stated in the Village Erosion Control and Storm Water Ordinance.
 - q) Locate existing trees that are six (6) inches in diameter or larger.
 - r) Note location, extent, and type of proposed plantings.
 - s) Note location of pedestrian sidewalks and walkways.
 - t) A graphic outline of any development staging that is planned is required to be shown on the site plan.
 - u) Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
 - v) Landscaping plan and point calculations.
 - w) Lighting plan and a photometrics plan may be required upon Village request.
- 3) **PLAN OF OPERATION.** No use shall be approved until the Village and staff has review/approved the plan of operation application form that shall indicate:
- a) The Proposed Use of the land and/or structure;
 - b) Activities to occur both inside and outside all principal and accessory structures;
 - c) The frequency and duration of all activities;
 - d) The number of employees and any commercial or industrial enterprise;
 - e) The estimated number of occupants or a residential use;
 - f) The number, size and type of vehicles associated with the use;
 - g) Plans for Compliance with the performance standards set forth in this Ordinance;

- h) The season, days and hours of operation;
 - i) The expected starting and completion dates of construction;
 - j) The proposed phasing of the project, if appropriate;
 - k) Other information as requested by the Village.
- 4) **GENERAL ARCHITECTURAL PRINCIPLES.** To implement and define criteria for the purposes set forth in this Ordinance, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.
- a) No building regulated by this section shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
 - b) No building regulated by this section shall be permitted the design or exterior appearance of which is so identical with those adjoin as to create excessive monotony or drabness.
 - c) No building regulated by this section shall be permitted where any exposed façade is not constructed or faced with a finished material that is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
 - d) No building or sign regulated by this section shall be permitted to be sited on the property in a manner which would be unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structure on adjoining properties.
 - e) No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village.
 - f) Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
 - g) Buildings and uses regulated by this section shall provide for adequate site construction erosion control measures. The Plan Commission may require erosion control plans and may establish time schedules for landscaping and re-vegetation of construction sites.
 - h) Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.
 - i) Buildings and uses regulated by this section shall provide adequate parking and loading areas.

- j) Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.
- k) Use of exterior lighting shall be designed in such a manner that all light rays are directed downward onto the property. No rays shall be directed towards adjacent properties. (See Subsection (g)).

5) DETAILED ARCHITECTURAL STANDARDS. To implement the purposes set forth in Section 22.02, the following architectural criteria and review guidelines are established:

- a) Building Facades. For retail business, service, residential and office uses all building exteriors shall be brick, decorative masonry, glass panel, or other appropriate finished façade as may be approved by the Plan Commission and Village Board. Colors need to be shown and material samples need to be submitted as requested by the Village Planner, Plan Commission or Village Board.
 - i. For industrial and warehouse use all building exteriors facing a street or approved way shall 50% of the street face constructed with brick, decorative masonry, glass panel or other appropriate finished façade as may be approved by the Plan Commission and Village Board. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least twenty-five (25) feet along the sides of the structure from the street face.
- b) Overhead Doors. No overhead doors in a business, industrial, or public district shall face a public street. The Plan Commission may permit overhead doors to face a public street when it has made a finding that there is no feasible alternative location for such doors.
- c) Heating, Air Conditioning and Ventilating Equipment. HVAC equipment shall be located in a manner to be unobtrusive and screened from view. Landscaping to be used to screen equipment.
- d) Storage of Garbage/Trash. All garbage cans, trash containers, and other storage devices situated on any lot shall be in closed containers with lids and shall be concealed or suitably screened from public view. Fencing or landscaping shall be used to totally obstruct vision into the storage areas by the alternative set forth in Figure 1 or their equivalent.
- e) Other Architectural Standards. The Plan Commission and Village Board may impose other architectural standards deemed appropriate such as; but not limited to: building material samples, building color samples, roof pitch designs and architectural breaks in walls over seventy-five (75) feet in length. Except for flat roofs, the minimum pitch shall be 2:12. The Plan Commission and Village Board may allow a roof pitch less than 2:12 when it has made a finding that there is no feasible alternative to meet the 2:12 roof pitch.

6) LANDSCAPING.

- a) On-Site Landscaping and Screening. The following landscape standards are to be utilized in preparing landscaping plans to be submitted with site plans. The Plan

Commission and Village Board will review each landscaping plan to determine if it conforms with the intent of these Standards.

- b) Landscaping Point System and Minimum Installation Sizes for Plants. On-site landscaping shall be required for all development. All landscaping standards are stated in terms of the number of landscaping points. The number of landscaping points is dependent upon the size of the development. A different number of points are awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These recommendations are per *Table A*.
- c) Depiction of Sample Landscaping Schemes. Illustrations A, B, C & D shown on the following pages, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages and paved areas. In general, landscaping schemes similar to *Illustration A* are best for building foundations, *Illustration B* are best for developed lots, *Illustration C* are best for street frontages and *Illustration D* are best for paved area (including parking lots, walkways and plazas).
- d) Measurement for Landscaping Recommendations. A minimum amount of landscaping points is required for the linear feet of building foundations, the gross floor area of buildings on developed lots, the linear feet of street frontage and the total combined area of paved areas.
- e) Landscaping Standards for Building Foundations.
 - i. New Buildings and additions shall be accented by a minimum amount of landscaping placed within a minimum depth of seven (7) feet from the building foundation.
 - ii. Landscaping for building foundations shall be placed so that at maturity, the plant's drip line is located within ten (10) feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages or paved areas. See *Illustration A* for a suggested scheme. Landscaping shall not impede vehicle or pedestrian visibility.
 - iii. For each one hundred (100) feet of building foundation perimeter, forty (40) landscaping points shall be provided on a prorated basis and installed and permanently maintained.
 - iv. The intent of this section is to require a visual screen of a minimum of five (5) feet in height for all exterior appurtenances (such as HVAC/electrical transformers, utility boxes, standpipes, stormwater discharge pipes and other pipes).
- f) Landscaping Standards for Developed Lots.
 - i. This section shall apply to already developed lots when building additions or remodels with improvements of more than 25% of the assessed value of the structure are proposed.

- ii. Landscaping for developed lots shall be placed away from those areas required for landscaping as building foundations, street frontages, and paved areas. See *Illustration B* for a suggested landscape scheme. Landscaping shall not impede vehicle or pedestrian visibility.
- iii. For each 1,000 square feet of gross building floor are, ten (10) landscaping points shall be provided on a prorated basis and installed and permanently maintained.
- iv. The intent of this section is to provide yard shade and to require a visual screen of a minimum of five (5) feet in height for all detached exterior appurtenances (such as HVAC/electrical transformers, utility boxes, standpipes, stormwater discharge pipes and other pipes).

g) Landscaping Standard for Street Frontages.

- i. Street frontages for new buildings and additions shall contain a minimum amount of landscaping in those areas that abut the right-of-way of a public street.
- ii. Landscaping for street frontages shall be located within ten (10) feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
- iii. For each one hundred (100) linear feet of street frontage where a developed lot abuts a public street right-of-way, forty (40) landscaping points shall be provided on a prorated basis and installed and permanently maintained.
- iv. Shrubs shall not be used to meet this requirement. A minimum of fifty percent (50%) of all points shall be devoted to tall deciduous trees and a minimum of thirty percent (30%) of all points shall be devoted to medium and low evergreen trees.

h) Landscaping Standards for Paved Areas.

- i. Paved areas for new buildings and additions shall contain a minimum amount of landscaping with ten (10) feet of the paved area. The intent of this subsection is to provide a visual screen of the parking lot from abutting properties that breaks up the parking lot look and separates the parking lot stalls providing shade trees within the parking lot. The screening around the perimeter of the parking lot shall have minimum height of forty (40) inches.
- ii. A minimum of two hundred seventy (270) square feet of landscaped area, which shall be located in a parking lot for every ten (10) linear stalls of paved area. See *Illustration D* for a suggested landscaping scheme. Plants used to fulfil the perimeter requirement should provide fifty percent (50%) solid screening of the parking, loading and circulation areas from view from public streets. Plants used for landscape islands shall be tall and medium deciduous trees and low shrubs.
- iii. All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum four inch (4") tall curb which is constructed of

concrete, asphalt, timber or like material approved by the Plan Commission or Village Board.

- iv. For every twenty (20) off-street parking stalls located in a development, one landscape island a minimum of two hundred seventy (270) square feet shall be installed and permanently maintained. Each island shall have a minimum of eighty (80) landscaping points and devoted to tall or medium deciduous trees and shrubs.
- v. A ten-foot (10') wide green buffer shall be provided around the perimeter of all lots excluding areas for driveway connections to the public street or approved way.
- i) Classification of Plant Species. For the purpose of these Standards, plant materials are classified into twelve (12) groupings:
 - “Tall deciduous tree”
 - “Medium deciduous tree”
 - “Low deciduous tree”
 - “Tall evergreen tree”
 - “Medium evergreen tree”
 - “Low deciduous shrub”
 - “Medium evergreen shrub”
 - “Low evergreen shrub”
 - Non-contributory plants.

Species suitable for landscaping use and comparable with vicinity climate and soil factors are listed in the table below. The Plan Commission and Village Board should review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

TABLE A: CLASSIFICATION OF PLANTS			
TALL DECIDUOUS TREES (40 Landscaping Points)		TALL EVERGREEN TREES (40 Landscaping Points)	
<i>Botanical Name</i>	Common Name	<i>Botanical Name</i>	Common Name
<i>Acer saccharum</i>	Maple	<i>Abies concolor</i>	White Fir
<i>Ginkgo biloba</i>	Ginko	<i>Pinus sp.</i>	Pine: Red, White, Scots
<i>Quercus sp.</i>	Oak: Red, White, Pin	<i>Pseudotsuga Menzletesil</i>	Douglas Fir
<i>Acer sp.</i>	Maple: Red, Silver, Norway, Sugar	<i>Tsuga Canadensis</i>	Canada Hemlock
<i>Fraxinus sp.</i>	Ash: White, Green		Spruce: Colorado
<i>Gleditsia triacanthos</i>	Honeylocust		
<i>Populus grandidentata</i>	Bigtooth Aspen		
<i>Tilia sp.</i>	Linden: Basswood, Littleleaf, Redmond		

MEDIUM DECIDUOUS TREES (15 Landscaping Points)	MEDIUM EVERGREEN TREES (15 Landscaping Points)
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(2" Caliper and 6' Tall Minimum)		(6' Tall Minimum)	
<i>Botanical Name</i>	Common Name	<i>Botanical Name</i>	Common Name
<i>Beitula sp.</i>	Birch, River, Paper	<i>Thuja occidentalis</i>	American Arborvitae
<i>Prunus sp.</i>	Cherry: Choke, Pin		
<i>Salix sp.</i>	Willow		
LOW DECIDUOUS TREES (10' Landscaping Points) (4' Tall Minimum)		LOW EVERGREEN TREES (10 Landscaping Points) (3' Tall Minimum)	
<i>Botanical Name</i>	Common Name	<i>Botanical Name</i>	Common Name
<i>Corpinus Caroliniana</i>	Hornbeam Thornless	<i>Juniperus sp.</i>	Juniper: Mountbratten, Red Cedar
<i>Crategus sp</i>	Hawthorne; Cockspur, Downy, Washington	<i>Thuja sp</i>	Arborvitae: Pyramidal, Techny
<i>Malus sp.</i>	Crabapple sp.		Colorado Dwarf Blue Spruce
<i>Sorbus sp.</i>	Mountain Ash: European, Korean		
<i>Syringa Reticula</i>	Lilac		
TALL DECIDUOUS SHRUBS (7 Landscaping Points) (36" Tall Minimum)		TALL EVERGREEN SHRUBS (7 Landscaping Points) (36" Tall/Wide Minimum)	
<i>Botanical Name</i>	Common Name	<i>Botanical Name</i>	Common Name
<i>Cornus sp</i>	Dogwood: Grey, Pagoda, Redosier	<i>Juniperus Chinesls</i>	Juniper: Hetz
<i>Syringa sp</i>	Lilac: Chinese, Hyacinth, Common Miss Kim	<i>Thuja Occidentalis</i>	Broad Pyramich
<i>Hydrangea Ic Panicolata sp.</i>	Reege Hydrangea		
<i>Viburnum sp.</i>	Viburnum: Arrowood, Wayfaringtree, Nannyberry		
<i>Hamanelis sp</i>	Common Witchazel		
<i>Evonymous Ic Astro Purporea</i>	Eastern Wahoo		
<i>Lonicera sp.</i>	Honeysuckle: Zabel, White Belle		
<i>Rhus</i>	Sumac: Smooth, Stagham		
<i>Salix Caprea</i>	Pussy Willow		

MEDIUM DECIDUOUS SHRUBS (5 Landscaping Points) (24" Tall/Wide Minimum)		MEDIUM EVERGREEN (5 Landscape Points) (24" Tall/Wide Minimum)	
<i>Botanical Name</i>	Common Name	<i>Botanical Name</i>	Common Name
<i>Corylus Americana</i>	American Filbert, Hazelnut	<i>Juniperus Chinensis</i>	Juniper Pfitzer
<i>Myrica pensylvanica</i>	Bayberry	<i>Juniperus lc. Communis</i>	Juniper Old Field Common
<i>Cotoneaster sp.</i>	Cotoneaster	<i>Picea glava</i>	Alberta Spruce
<i>Forsythia sp.</i>	Forsythia: Border, Early, Weeping	<i>Taxus sp.</i>	Yew Japanese
<i>Ligustrum</i>	Privet	<i>Thuja Woodwardi</i>	Globe Arborvitae
<i>Rosa sp.</i>	Rose: Virginia Rugosa		
<i>Spirea</i>	Spirea: Bridalwreath, Thunberg Vanhoutte		
LOW DECIDUOUS SHRUBS (3 Landscaping Points) (18" Tall Minimum)		LOW EVERGREEN SHRUBS (3 Landscaping Points) (18" Tall/Wide Minimum)	
<i>Botanical Name</i>	Common Name	<i>Botanical Name</i>	Common Name
<i>Amerlanchier</i>	Running Service Berry	<i>Juniperus sp.</i>	Juniper: Sargent, Creeping, Andorra
<i>Berberis thunbergitt</i>	Japanese Barberry	<i>Pinus Mugo</i>	Mugo Pine
<i>Cotoneaster</i>	Cranberry	<i>Nana</i>	Dwarf Japanese Yew
<i>Spiraea sp.</i>	Spirea: Froebel, Snowmound	<i>Juniper Sabina</i>	Savin Voniperi Broadmour, Tamarix
<i>Hydranga sp.</i>	Hydranga: Anabelle, Snowhill		
<i>Lonicera sp.</i>	Honeysuckle: Clavey's Dwarf Emerald Mound		

TABLE SOURCE: A Guide to Selecting Landscaping Plants for Wisconsin, Hasselkus, UW-Ext. Publication A2865

j) Requirements for Installation of Landscaped Areas.

- i. Installation. All landscaping material recommended by the provisions of these Standards and Guidelines shall be installed on the subject property, per the approved site plan, within sixty-five (65) days of the issuance of an occupancy permit for any building on the subject property or as determined by the Plan Commission but no later than the time period stated above.
- ii. Cash Deposit.
 - a. If the subject property is to be occupied prior to the installation of all required landscaping material, the property owner shall file, subject to approval by the Plan Administrator, a certificate of deposit or a certified check in the amount equal to 110% of the estimate of landscaping materials and installation cost. An enforceable contract, for all work on the subject property indicated on the detailed landscaping plan required under the provisions of these Standards and Guideline, from a qualified contractor (valid for 365-day period), shall be used to determine the amount of surety.
 - b. If part of a phased project approved per the requirements of the Standards and Guidelines, said amount may be split into amounts which are applicable to phases of the project.
 - c. Governmental units to which these bond and guarantee provisions apply, may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of these Standards and Guidelines.
- iii. Existing plant material which meets the recommendations of these Standards and Guidelines, and which will be preserved on the subject property following the completion of the development, may be counted as contributing to the landscaping recommendations.
- iv. All landscaping areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- v. The exact placement of required plans and structures depicted on the required detailed landscaping plan component of the required site plan shall be the decision of each property owner within the recommendations of this Subchapter, except that the following requirements shall be met:
 - a. Evergreen shrubs shall be planted in clusters in order to maximize their chance of survival.
 - b. Where a combination of plant materials, and/or berming and/or fencing is used, the fence and/or berm shall be located toward the interior of the subject property and the plant materials shall be located toward the exterior of the subject property.
 - c. In no manner shall landscaping materials be selected and/or located in a manner that results in the creation of a safety or visibility hazard.

k) **Requirements of Maintenance.** The continued and continual maintenance of all required landscaping materials shall be a requirement of these Standards and Guidelines and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of these Standards and Guidelines shall constitute an agreement by the property owners to comply with the provisions of these Standards and Guidelines. Upon failure to comply with the provisions of these Standards and Guidelines, upon failure to comply with these provisions, the Village may enter upon the property for the purpose of evaluating and maintaining all required landscaping materials and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of these Standards and Guidelines and shall be subject to any and all applicable enforcement procedures and penalties.

l) **Use of Required Landscaped Areas.** Any and all required landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike, or equestrian trails provided that: (1) no required materials are eliminated; (2) the total width and area of required landscaping is maintained; and (3) all other regulations of these Standards and Guidelines are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation use be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

m) **Utility Easements.** Landscaping materials, fences and berms that are located within a duly-recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscape requirement. However, the width of such areas may be counted as part of a landscaping requirement.

n) **Calculating Landscaping Recommendations.** In calculating the number of recommended landscaping points under the provisions of these Standards and Guidelines, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plan derived from the required calculations of these Standards and Guidelines (for example, 23.3 points shall be rounded up to the nearest whole 24 points).

7) **EXTERIOR LIGHTING STANDARDS.** These standards are intended to protect motorists and surrounding areas from excessive light or glare. This Section is not, however, intended to apply to public street lighting.

a) **Internal Lot Lighting.** Lighting standards and luminaries for parking lots, internal roads, drives and walkways shall conform to the following requirements:

TYPE OF LUMINARIE*	PERMITTED ILLUMINATION	MAXIMUM HEIGHT
No cut-off	2 foot-candles	12 feet
Cut-off	3 foot-candles	28 feet

*See description of types of luminaries in Paragraph 3 below.

- b) Method of Light Measurement. Illumination shall be measured in foot-candles at six (6) inches above the ground level in a horizontal position at the lot line. A direct reading portable light meter with color and cosine corrected sensor and multiple scales shall be used. The meter shall have been tested and calibrated to an accuracy of plus or minus five percent (5%) within one (1) year between “lights on” measurements and “lights off” measurements shall be used to determine the illumination, thereby eliminating the effects of ambient light.
- c) Types of Luminaries. Luminaries and lighting which may be used:
- i. Not Cut-Off Luminaire. This is a luminaire whose light source is visible from above a line parallel to the ground running through the center of the luminaire (i.e., an angle of greater than ninety (90) degrees). Such luminaries have the maximum glare potential.
 - ii. Cut-Off Luminaire. This luminaire has a cut-off of less than ninety (90) degrees, so that at the centerline of the street, the luminaire is totally shielded from view. This fixture reduces glare to a minimum. Except as in Paragraph iii below, all cut-off fixtures shall be designed and located so that the cut-off line is at least ten (10) feet within the lot line.
 - iii. Floodlighting. Floodlighting of buildings shall not exceed three (3) foot-candles measured from a height equal to one-half (0.5) the building height at the face of the building and shall be focused on the building with fugitive light leaving the fixture (shielded).
- d) Additional Lighting Regulations. Notwithstanding any other provision of this Section to the contrary:
- i. No flickering or flashing lights shall be permitted.
 - ii. Light sources, or luminaries, shall not be located within buffer yard areas except on pedestrian walkways.
- 8) EXTERIOR SITE USAGE. Outside Storage of Materials and Equipment. In all non-residential districts and non-residential uses, outside storage of materials and equipment may be permitted subject to the following:
- a) Storage area is allowed in the rear yard only as determined by the Plan Commission. The side yard could be used if the Plan Commission determines rear yard is not a practical location with screening of the side yard.
 - i. Storage area shall not be visible from any public right-of-way.
 - ii. Storage area shall be enclosed with a six (6) foot high wooden fence or a chain link fence with evergreen plantings on the street side at the height of the fence at planting to screen/break up the view of the fence from the public.

iii. Storage area shall not exceed twenty percent (20%) of the lot area.

iv. Stored items shall be accessory to the approved business operation.

b) Outside Display of Merchandise.

i. In the Business and Industrial Zoning Districts the outside display of merchandise may be permitted subject to the following:

a. Scaled Site Plan requires approval by the Village Plan Commission and Village Board.

b. Display area is allowed in any yard with layout and use detailed on a Plat of Survey and approval by the Plan Commission and Village Board.

c. Display area shall not exceed thirty percent (30%) of lot area.

d. Displayed items shall be in working condition and displayed in a neat and orderly condition at all times so that the premises will not detract from the neighboring premises.

9) **MODIFYING AND/OR TERMINATION OF SITE PLAN OR PLAN OF OPERATION.** If any item of the site plan or plan of operation does not continue in conformance with the approved plan or operation, the use and site plan approval may be modified and/or terminated by action of the Village Board. Notwithstanding the foregoing, prior to any decision made by the Village Board which would result in the modification and/or termination of the use and site plan as previously approved, the property owner shall be given written notice of the proposed action to be taken by the Village Board, and shall be afforded an opportunity to present evidence and be heard by the Village Board prior to any final action being taken by the Village Board which could result in the modification or termination of the use and site plan.

22.18 UNSAFE BUILDINGS.

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.0413, Wis. Stats.

22.19 RAZING & DEMOLITION.

1) **DEMOLITION PERMIT REQUIRED.** No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or

entity may undertake any steps to demolish the structure prior to receiving a permit. Demolition permits shall expire in 180 days from issuance.

2) APPLICATION. An application for a permit to demolish all or part of a building shall include the following information:

- a) The name and address of the owner of the building on date of application and, if different, on the date of demolition;
- b) The name, address and telephone number of the contractor(s) performing the demolition work;
- c) The date upon which demolition is to commence;
- d) The date by which demolition shall be complete;
- e) A list of all hazardous waste and hazardous and toxic substances (as defined by Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Wis. Stats.), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
- f) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
- g) A description of the method of demolition to be used; and
- h) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amount of dust from the site; and
- i) Along with the application for permit and demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- j) Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

3) CLEARING AND LEVELING THE SITE.

- a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.

- b) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - c) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted.
- 4) **REMOVAL AND DISPOSAL.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

22.20 REGULATIONS FOR MOVING BUILDINGS.

1) GENERAL REQUIREMENTS.

- a) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways or the Village without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate a route to be take, the conditions to be complied with and shall limit the time during which aid moving operations shall be continued.
- b) A report shall be made by the Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk prior to the issuance of the moving permit.
- c) Issuance of a moving permit shall further be conditioned on approval of the moving route by the Village Board.

2) MOVING DAMAGED BUILDINGS. No building shall be repaired, altered, or moved within, or into, the Village that has deteriorated or has been damaged by any cause (including moving and separation from its foundation, garage, and service connections in case of moved buildings) forty percent (40%) or more of its fair market value, and no permit shall be grant to repair, alter, or move such building within, or into, the Village. Furthermore, in the event the fair market value of the building proposed to be moved within, or into, the Village will not, after the building has been moved and improvements completed, equal or exceed the fair market value of those properties immediately adjoin and contiguous to the property on which the building has been moved, and no permit shall be granted to move the building within, or into, the Village.

- a) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All

of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- b) Street Repair. Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- c) Conformance with Code. No permit shall be issued to move a building within or into the Village and to establish it upon a location with said 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 said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- d) Bond.
 - i. Before a permit is issued to move any building public way in the Village, the party applying therefor shall give a cash deposit to the Village in the sum to be recommended by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), to be approved by the Village Board or conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the 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.
 - ii. Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the deposit required

by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- e) Insurance. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Million Dollars (\$1,000,000.00) and for one accident, aggregate not less than Five Million Dollars (\$5,000,000.00), together with property damage insurance in a sum of not less than One Million Dollars (\$1,000,000.00), or such other coverage as deemed necessary.
- f) Village Board Approval.
 - i. No such permit shall be issued unless it has been found as a fact by the Village Board of the municipality by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or 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 in the character of the applicable district established by the zoning ordinances or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash deposit to the Village Clerk, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in Subsection hereof to the effect that he/she will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This cash deposit shall be in addition to any other cash deposit, bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
 - ii. Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board, may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard. The Village Board shall, in writing, approve, conditionally approve or deny the application required by this ordinance hereof and file it in the office of the Village Clerk, who shall send a copy of it to the Building Inspector.

22.21 EXTERIOR FINISH REQUIRED.

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable.

22.22 FENCE REGULATIONS.

- 1) Residential fences shall be set back not less than two (2) feet from the property line so as to allow for maintenance of said fences.
- 2) FENCE CONSTRUCTION REQUIREMENT.
 - a) Fence Materials. Fences may be constructed of approved materials, such as commercial fence materials, concrete block or treated lumber, but may not include sheet metal, salvage materials or be electrified. Fence posts and supporting framework shall be on the interior side of the fence. A fence constructed of a single strand wire or wires forming a single horizontal member is prohibited.
 - b) Use of Barbed Wire. Barbed wire may be used on fences associated with commercial, manufacturing or industrial uses and municipal and other public properties requiring security, provided the barbed wire is no closer than six (6) feet above the adjacent grade and is contained entirely within the boundaries of the property line.
 - c) Maintenance. All fences shall be kept in good repair and maintained as necessary to protect the general welfare and preserve the aesthetic character of the neighborhood and the community.
 - i. Obstructions Prohibited.
 - ii. Purpose. Obstructions on private property, which substantially impair or interfere with the visibility of pedestrian or vehicular movement on and along public streets and alleys, create an unreasonable risk of death, personal injury and for property damage and otherwise interfere with the unobstructed and safe use of the public right-of-way, so that it is necessary to enact these regulations for the protection of the public health, safety and general welfare.
 - iii. Streets and Driveways. Obstructions adjacent to intersecting streets, driveways or other right-of-way, either private or public, shall not be more than two and a half (2 1/2) feet above the curb grade within the triangular area identified in Sec. 5.1 as adopted herein.
- 3) PERMITS. No person shall construct, install or substantially alter (50% of value of fence) unless permits have first been obtained from the Building Inspector. The fence permit fee shall be accompanied by plans drawn to scale showing fence location, distance from lot lines and type of material to be use.

22.23 REPEALED.

22.24 VIOLATIONS & PENALTIES.

- 1) PROHIBITION. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provisions of this ordinance.
 - a) Every person, firm or entity which violates this code shall, upon conviction forfeit not less than \$25.00 nor more than \$500.00 for each day of non-compliance, together with the costs of prosecution.
 - b) Violations discovered by the Building Inspector shall be corrected within thirty (30) days, or more if allowed by the Building Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
 - c) Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance which may be enjoined in civil action.

22.25 STOP WORK ORDER.

The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the Village Board. The Village Board shall hear the appeal within thirty (30) days. The Village Board shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the adopted building code.

22.26 VARIANCE.

The Village Board shall hear requests for variances from the building code to the extent the Village Board has authority to hear and grant variances. The Village Board shall approve, conditionally approve, or deny a requested variance. The Village Board may grant a variance from a Code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

22.27 APPEALS.

Any person feeling aggrieved by an order of the Building Inspector may, within thirty (30) days thereafter, appeal from such order to the Village. The Municipality will follow procedures explained in Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 321.

22.28 DISCLAIMER AND NON-LIABILITY FOR DAMAGES.

This ordinance shall not be construed as an assumption of liability by the Municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

22.29 SEVERABILITY.

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

22.30 DRIVEWAY AND CULVERT REGULATION.

- 1) Driveways regulated. Any new driveways or any alterations to existing driveways, in which such driveways shall connect from private property to a public right-of-way, shall require the issuance of a permit by the Village/Town of Bloomfield Road Foreman prior to the beginning of such construction or alteration for a fee of \$75.00. The applicant, who may be the owner, agent, or contractor, shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures. The plan shall be submitted to the Bloomfield Road Foreman on a form approved by the Village/Town Board.
 - a) Bloomfield Road Foreman shall not issue a permit to an applicant unless the applicant's plan complies with the following specifications:
 - i. Minimum driveway surface width: 12 feet
 - ii. Minimum height clearance of trees, wires, etc.: 18 feet.
 - iii. Maximum grade: 10 percent.
 - iv. Maximum driveway surface at the roadway not to exceed 35 ft. per parcel.
 - v. At least one 25 feet in length and 18 feet in width segment of road surface shall slope away from the public length to provide for the safe passage of meeting the vehicles.
 - vi. If grade conditions allow, the driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1 percent and a maximum of 5 percent to prevent erosion onto the public road.
 - vii. An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Road Foreman in

considering an application for driveway approval. If culverts are required, they shall meet the design standards identified in Section 22.30(2) of this ordinance.

viii. All driveways entering onto Bloomfield roads shall be at least five (5) feet off of the nearest side lot line at the point where the property line meets the Bloomfield road right-of-way unless approved by the Village/Town Board.

b) CONCRETE SURFACING OF PRIVATE DRIVEWAYS. If a driveway is installed as a concrete driveway, the concrete shall not extend beyond the lot line. The area between the concrete driveway and the traveled portion of the roadway shall be paved with asphalt.

c) NUMBER OF APPROACHES LIMITED. The number of road accesses shall be limited as follows: No more than one driveway entrance and approach shall be constructed for any parcel or premises except when additional road accesses are approved by the Village/Town Board. Where the Village/Town Board approves more than one road access, any two approaches shall be at least seventy-five(75) feet apart unless waived by the Board.

d) DRIVEWAY PLAN. A driveway plan shall be approved by the Bloomfield Road Foreman before any construction permits can be issued.

e) The Village/Town Board may waive any requirements of this subsection;

2) CULVERT REGULATIONS.

a) COMPLIANCE REQUIRED

i. Prohibition. No person shall install a culvert unless the culvert fully complies with the regulations of this ordinance.

ii. Culvert required. Culverts must be properly installed prior to an occupancy permit being issued. The installation of all culverts in the Village/Town of Bloomfield shall be done by the property owner or its agent or designee.

iii. Purpose. The intent of this subsection of this ordinance is to assure drainage ditch preservation and to assure adequate surface and storm water drainage.

b) DEFINITION

Culvert: Culverts are those structures which function to convey surface water through an embankment or under a roadway or under a driveway.

c) DESIGN SPECIFICATIONS

i. Bloomfield Engineer's Determination.

a. The location and grade of culverts shall be determined by Bloomfield Engineer, consistent with the criteria stated in this ordinance.

- b. The size and specification of culverts shall be determined by Bloomfield Engineer, consistent with the criteria stated in this ordinance.
 - c. The inspection of culverts, after installation, shall be made by Bloomfield Engineer, consistent with the criteria stated in this ordinance.
- ii. Special Design Criteria.
- a. Apron ends shall be provided on cross-road culverts and driveway culverts.
 - b. All driveway culverts shall be at least 15-inches in diameter and no driveway culvert shall be less than 24 feet long and 2 feet past driveway width on each side.

iii. Standard Material and Construction Specifications.

The applicable portions of the most current edition of the State of Wisconsin, Department of Transportation, Division of Highways, Standards Specifications for Road and Bridge Construction shall govern, except as herein amended.

iv. Special Material Specifications.

All culverts must be made of reinforced concrete ,corrugated metal or aluminum pipe.

v. Private Entrance Culvert Location.

- a. In cases of a single entrance to the property, the culvert as located in the ditch shall be a minimum of three (3) feet off of side lot line, as extended.
 - b. Where a joint access is required, the culvert is to be centered on the line between the two properties as extended to the ditch. The driveways where they cross into the respective properties shall be a minimum of five (5) feet off the property line.
 - c. The Village Board may waive the location requirements of this subsection, where the Village Road Foreman finds that compliance with these requirements is not reasonable due to topography or other natural features.
 - d. **CULVERT MAINTENANCE AND REPAIR.** Every property owner will have the continuing responsibility and obligation to maintain and repair the culvert(s) servicing their property. Should any culvert become in such a condition or state of disrepair or be damaged to such an extent that the flow of the drainage or access by motor vehicles is affected thereby, the property owner shall take whatever actions are necessary to repair or replace said defective culvert.
 - e. **CULVERT INSTALLATION MAY BE REQUIRED IN EXISTING DRIVEWAYS.** Where the public welfare requires a suitable culvert for an existing driveway, the Village/Town Board shall notify, in writing, the property owner, that the Village Road Foreman will install a culvert at the expense of the abutting property. The property owner shall deposit a sum in an amount equal to the estimated cost of installing such culvert within ten (10) days from the date of notice. If the deposit is not made, and if the cost of the installation to the abutting property is not paid to the Treasurer on or before November 1st, the same shall be entered on the tax roll as a special charge against the property.
- d) **OBLIGATION FOR CORRECTIVE WORK.** If any culvert is installed, driveway access is built, alteration is made in a right-of-way, or other unauthorized condition exists in violation of this chapter, the violation shall be corrected by the owner of the property, at the property owner's sole expense. If the violation of this ordinance is not corrected after ten (10) days written notice from the Village Building Inspector, the Village/Town may make all necessary corrections, including removing the culvert or fill or other cause of the violation, and rebuilding conforming improvements if deemed necessary by the Village Building Inspector, and restoring the right-of-way, and bill the property owner for all of the expenses incurred by the Town in said corrective work. If said property owner

fails to pay the Village/Town's expenses, the charge shall be placed upon the tax roll and collected as a special tax under §66.0627, Wisconsin Statutes.

22.31 PROPERTY MAINTENANCE CODE.

- 1) TITLE. This Chapter shall be known and cited as the Property Maintenance Code of the Village of Bloomfield.
- 2) LEGISLATIVE INTENT.
 - a) PURPOSE. It is hereby declared that in order to arrest or prevent the deterioration of properties which can spread to surrounding properties and result in the depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety and welfare of the public, the Village of Bloomfield hereby adopts this Section.
 - b) SCOPE. The provisions of this Section shall apply to all residential structures and lots in the Village.
- 3) DEFINITIONS.
 - a) Where terms are not defined in this Section and are defined other Chapters of this Municipal Code presently in force in the Village, they shall have the meaning ascribed to them as in such Chapters. When the terms are not defined under the provisions of this or any other Village Ordinance, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.
 - b) Whenever the words, “building,” “premises,” or “structures” are used in this Section, they shall be construed as though they were followed by the phrase “or any part thereof.”
- 4) INSPECTION OF PROPERTY.
 - a) Inspections shall be made only under the following circumstances:
 - i. When the Building Inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this Section which affect the health, safety or welfare of the public, residence or potential residence.
 - ii. Upon a complaint in writing being made about the building or premises.
 - b) In the event the Building Inspector is denied voluntary access during a reasonable hour to any premises covered by this Section for the purpose of determining conditions that may be adverse to public health, safety and welfare, he may order an inspection in writing or secure a warrant under the terms of sec. 66.0119 of the Wisconsin Statutes.

5) SERVICE OF NOTICES AND ORDERS.

- a) Violations of this Section, as determined by the Building Inspector, shall be outlined in written form and shall be mailed by certified mail to the address registered with the Village Treasure for receipt of Real Estate Taxes and posted on the property at the main entrance, so as to provide notice to any potential tenants.
- b) Such notices and orders shall include:
 - i. An adequate description of the real estate so affected.
 - ii. A statement of the alleged violation, including the corresponding reference to this Section's requirements.
 - iii. An order for remedial action to correct such violation.
 - iv. A reasonable time for compliance to this Section's requirements.

6) EMERGENCY ORDERS. If the Building Inspector determines that a building or premises is in such condition that it constitutes a public nuisance or that there is great and immediate danger to public health, safety and welfare; or, that the building is unsanitary or unfit for human habitation, occupancy or use, he may post a notice on the premises to that effect, in accordance with the terms of sec. 66.0413 of the Wisconsin Statutes, in the same manner as described therein. In addition to posting such property as unfit, unsafe and/or unsanitary, he shall order the building or that portion of it so affected to be vacated in the manner prescribed by the applicable provisions of sec. 66.0413 of the Wisconsin Statutes. No person shall remove or deface any placard placed by the Building Inspector on any building which has been declared unfit or unsafe for human habitation or use.

7) MAINTENANCE AND WORKMANSHIP

- a) MAINTENANCE. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. All building systems (building, electrical, plumbing, mechanical, structural, and nonstructural), components, devices and/or safeguards installed at the construction, alteration or repair of any building or structure shall be maintained in good working order and in compliance with this Section in effect when installed and/or in accordance with the applicable manufacturer's requirements. The owner or owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this section, the building official shall have the authority to require a building or structure to be re-inspected. The requirements of this section shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings or structures.
- b) WORKMANSHIP. Installations, alterations, repairs, and maintenance work which are caused directly or indirectly by the enforcement of this Section shall be executed and installed in a workman like manner and in accordance with the manufacturer's installation instructions.

- 8) **RESPONSIBILITY OF PROPERTY OWNER.** The property owner shall be responsible for satisfaction of the requirements and terms of this Section.
- 9) **MINIMUM STANDARDS FOR BUILDINGS AND STRUCTURES.** All structures and appurtenances shall be maintained in good repair as to prevent deterioration and infestation by rodents and insects and to prevent individuals from living in squalor. The exterior of all structures shall be maintained and not permitted to be a blighting influence to the surrounding properties, the neighborhood or the Village.
- a) **Roofs, Walls, Foundations, Floors, Etc.**
- i. All roofs, walls (including siding), and/or floor systems shall be weather tight and rodent proof, capable of affording privacy and maintained in good repair.
 - ii. Exterior surfaces, to include, but not limited to, roofs, walls, siding, flooring and appurtenances to include, but not limited to, eaves, soffits, chimneys, porches, decks, guardrails and handrails, shall be weather tight and painted or provided with a comparable finish in order to prevent deterioration, exclude insects and rodents and preserve the visual aesthetic character of the neighborhood.
- b) **Windows, Doors and Other Openings.**
- i. All windows and doors, to include storms and screens to windows and doors, and all other openings shall be weather tight, rodent- and insect-resistant and maintained in good repair.
 - ii. Exterior openings, to include but not limited to, windows, doors, storms, etc., shall be painted or provided with comparable finish in order to prevent deterioration and preserve the visual aesthetic character of the neighborhood.
- c) **Porches, Decks, Stoops, Stairs, Etc.**
- i. Every porch, deck, stoop, and all appurtenances thereto, to include, but not limited to, guardrails, handrails and steps shall be maintained in good repair.
 - ii. Stairways shall be maintained with uniform risers and proper guardrails and handrails.
- d) **Garages and Other Accessory Structures.**
- i. Every garage and other accessory structure shall be maintained as stated in subsections (a) through (d).
 - ii. Garages and accessory buildings shall have weather tight, secure and properly operating overhead, service and other access doors.

- e) Corrosion of Metal.
 - i. All ferrous (metal) equipment, trim, metal parts or other shall be protected and maintained free of rust or corrosion.
 - ii. Rusted/corroded metal equipment, trim or metal parts are not permitted.
- f) Plumbing Requirements. All structures and/or units used as a residence shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold-water lines, as required, and to an approved water and sanitary system. Water pressure shall be available at all fixtures as specified in the State Plumbing Code.
- g) Water Heating Facilities. All structures and/or units used as a residence shall have supplied water heating facilities which are properly installed and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 120°F.
- h) Electrical. All structures and/or units used as a residence shall be supplied with electrical service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code.
- i) Heating. All structures and/or units used as a residence shall be supplied with a heat source, properly installed and adequate to provide sufficient heat to each room of the residence so as maintain a temperature of 67°F in the middle of the room.

10) MAJOR REPAIRS – DEMOLITION ORDERED

- a) The Building Inspector may order the owner of premises upon which is located any building or part thereof which, in his judgment, is so old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for habitation and unreasonable to repair the same, to raze and remove such building or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove, at the owner's option.
- b) Major Alterations and/or Repairs. If alterations and/or repairs as determined by the Building Inspector exceed fifty percent (50%) of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the Department of Revenue for the Village of Bloomfield are made to any existing building or structure within any period of twelve (12) months, the entire building or structure shall be made to conform with the requirements provided for in this Chapter for new construction.
- c) Cessation of Construction. If there has been a cessation of normal construction of a building for a period of more than 2 years, the Building Inspector may order the owner of the building to raze the building.

11) FAILURE TO COMPLY. The Building Inspector is authorized to swear out a complaint to the Village Police Department, requesting a citation be issued to enforce the provisions of this Section and/or may refer this matter to the Village's Attorney for the commencement of other legal action to enforce the provisions herein.

12) PENALTY. Any person, firm or other legal entity convicted of a violation of any provisions of this Section shall be punished by a forfeiture of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and the costs of prosecution. Each day that a violation of a provision of this Section continues after notice has been served shall be deemed a separate offense.