

Municipal Code of the Village of Rochester, Racine County, Wisconsin

CHAPTER 11 BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODE

ARTICLE 1 GENERAL PROVISIONS

11-1. BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL REGULATIONS.

The provisions of this chapter shall apply to all building, plumbing, electrical and HVAC activities in the Village of Rochester, and shall be known as the "Building, Plumbing, Electrical and Mechanical Code" of the Village of Rochester. This chapter may also be referred to collectively as the "Building Code." Every person who is under the jurisdiction of this chapter and who furnishes or performs building, plumbing, electrical or HVAC services, or who owns, sells, leases or lets for hire, uses, designs, installs, repairs, operates, maintains or grants possession of any equipment, materials, or apparatus relating to said services in the Village shall comply with the provisions of this chapter.

11-2. AUTHORITY.

These Regulations are adopted under the statutory authority granted pursuant to Wis. Stat. chs. 101 and 145, including, but not limited to, Wis. Stat. ss. 101.65, 101.76, 101.86, 101.975 and 145.04.

11-3. PURPOSE.

- A. The purpose of these Regulations 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.
- B. These Regulations prescribe reasonable minimum standards, rather than specifications for building and mechanical installations and equipment generally. The provisions and requirements set forth in these Regulations are intended to require safe and stable construction, installation and maintenance of the various mechanical systems; and compliance with these standards, provisions and requirements is intended to result in buildings, structures, and mechanical installations reasonably free from hazards.
- C. Specifications are not complete when they merely require compliance with these Regulations, because the adequacy, suitability, operating efficiency, convenience, finish, appearance and value of buildings, structures and mechanical installations may vary greatly without departure from these Regulations.

11-4. DEFINITIONS.

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

"Building" means any structure erected or constructed of wood, metal, stone, plastic or other materials which is intended to be used by human beings for occupancy, vehicle storage, other storage, commerce, education, cultural activities or other purpose. The term does not include children's play structures.

"Building Inspector" means the individual(s) or firm appointed by the Village to exercise all of the powers and duties of a building and HVAC inspector under Wisconsin law and Village Ordinances.

"Construction" means any part or portion of the activity of installing, locating, siting, erecting or raising a building.

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“Contractor” means any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.

“Demolition” means the activity of completely or partially destroying a previously erected or constructed building.

“Electrical” means the trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections that tie a structure to the power grid of an electric generating utility and distributes the electricity through a structure to end uses, including any 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.

“Electrical Inspector” means the individual(s) or firm appointed by the Village to exercise all of the powers and duties of an electrical inspector under Wisconsin law and Village Ordinances.

“Fixture” means a plumbing device including, without limitation, the following: sinks, bathtubs, wash basins, water closets, shower stalls, urinals, laundry tubs, water heaters of any type, range boilers, floor drains, catch basins, bubblers, sumps, bar connections, soda fountains, ice boxes, machine waste connections, acid tanks, ejectors and all plumbing fixtures and water-connected appliances, together with all changes or alterations where inspections are necessary; and house drain, sewer, water and fire protection installations, when no plumbing fixtures are installed.

“HVAC” is 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.

“Occupancy” means 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.

“Owner” means the individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

“Plumbing” means the trade which relates to the design, installation and 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. Plumbing includes, but is not limited to:

- A. The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping; and
- B. The water service piping from the outside or proposed outside foundation walls of any building to the water utility service terminal; and
- C. The water pressure systems other than municipal systems as provided in Wis. Stat. ch. 281; and

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- D. A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.
- E. Plumbing does not include minor repairs to faucets or the removal of stoppages in solid or waste pipes.

“Plumbing Inspector” means the individual(s) or firm appointed by the Village to exercise all of the powers and duties of a plumbing inspector under Wisconsin law and Village Ordinances.

“Repairs” for purposes of maintenance or replacement in any existing building or structure which do not involve 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 aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

“Stop Work Order” means a directive issued with respect to a construction project by an 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 inspector has authorized the resumption of the construction project.

11-5. SCOPE.

These Regulations apply to all one and two family dwellings, commercial buildings and structures (including but not limited to multiple family dwellings and business, office, industrial, manufacturing, and institutional buildings and structures), swimming pools, decks, residential accessory buildings and storage buildings. Notwithstanding this section, these Regulations shall not apply to children's play structures.

11-6. PERMIT REQUIRED.

- A. No owner or contractor may commence construction of any building, mechanical, electrical or plumbing system prior to obtaining a valid permit from the Building Inspector, Plumbing Inspector, and/or Electrical Inspector. Application for a permit shall be made to the appropriate Inspector upon forms which the Inspector shall provide.
- B. The construction which shall require a permit includes, but is not limited to:
 - 1. New buildings including detached structures (decks) and detached accessory buildings.
 - 2. Additions that increase the physical dimensions of a building including decks.
 - 3. Alterations to the building structure (cost shall include market labor value), or alterations to the building's heating, electrical or plumbing systems.
 - 4. Replacement of major building equipment including furnaces and central air conditioners, water heaters and any other major piece of equipment shall require a permit except as noted in C.2. below.
 - 5. Any electrical wiring for new construction or remodeling.

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6. Any HVAC for new construction or remodeling.
7. Any plumbing for new construction or remodeling.
8. Any new or re-wired electrical service, including services for storage buildings.
9. Re-siding, re-roofing, major repairs, and window enlargement. Structural load-bearing calculations may be requested by the building inspector for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
10. Foundation repairs and damp proofing.
 - a. Repairs to foundations and damp proofing require a permit from the Building Inspection Department. Application for permit shall include a statement of the existing defects, and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.
 - b. Plans and/or specifications must be submitted for approval prior to issuance of a permit.
 - c. Except as otherwise permitted by the Building Inspector, foundation repair shall be performed in accordance with the most current edition of Best Management Standards for Foundation Repair.

C. Exceptions.

1. The following activities shall not require a permit:
 - a. 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, dimmers and fixtures unless further or additional HVAC, electrical, or plumbing work is deemed necessary or required under the provisions of this chapter.
2. No person manufacturing or requiring electrical apparatus and equipment, and employing a State electrical contractor's certification, shall be required to have an electrical permit for his or its testing equipment.
3. No electrical permit shall be required for private or public utilities engaged in the distribution and sale of heat, light, electricity and power.

11-7. ADOPTION OF CODES.

- A. Chapters 101 and 145 of the Wisconsin Statutes, along with the following chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Village and shall be enforced by the Building Inspector, Plumbing Inspector and/or Electrical Inspector.

Ch. SPS 305 Licenses, Certifications and Registrations

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Ch. SPS 316	Electrical
Chs. SPS 320-325	Uniform Dwelling
Ch. SPS 326	Manufactured Home Communities
Ch. SPS 328	Smoke Detectors and Carbon Monoxide Detectors
Ch. SPS 360	Erosion Control, Sediment Control and Storm Water
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Plumbing
Ch. PSC 114	Wisconsin State Electrical Code, Volume 1

- B. These Regulations are available on line at <http://www.legis.state.wi.us/rsb/code/codtoc.html>, as may be amended. Further, certain International Codes are adopted pursuant to the Wisconsin Administrative Code sections adopted herein, including but not limited to the IBC, International Building Code; the IECC, International Energy Conservation Code; the IMC, International Mechanical Code; the International Fuel Gas Code; and the IEBC, International Existing Building Code, and are subject to the modifications specified in the Wisconsin Administrative Code. Copies of said International Codes may be obtained as set forth in Wis. Admin. Code s. SPS 361.05.
- C. The provisions of these statutes and codes shall govern design and construction of all buildings within the Village, along with the additional provisions set forth in this chapter of this Municipal Code. In all instances where there appears to be a conflict between applicable provisions of the adopted codes with respect to any instance of design or construction of any building within the Village, the more restrictive provisions shall apply unless to do so would violate the municipal authority to adopt said codes.

11-8. EXISTING BUILDINGS AND STRUCTURES.

Unless otherwise specifically stated in these Regulations an existing building or structure, and every element, system or component of an existing building or structure shall be maintained to conform with the building and fire code requirements that applied when the building, structure, element, system or component was constructed, and shall comply with these Regulations wherever applicable.

11-9. CERTIFIED MUNICIPALITY STATUS.

The Village is authorized to perform Commercial Inspections as described in Wis. Admin. Code s. SPS 361.60(2)(d). The Village is not authorized to perform commercial plan review, and plans for commercial buildings required to be reviewed under state law and administrative code shall be reviewed by the State of Wisconsin Department of Safety and Professional Services prior to or in conjunction with application for permits hereunder.

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11-10. INSPECTORS.

- A. Appointment and Term. A Building Inspector, a Plumbing Inspector and an Electrical Inspector shall be selected and appointed by the Village Board to indefinite terms, the length of time determined by contract. A single person or a firm may be appointed to fill more than one position. The Inspector, with the approval of the Village Board, may appoint a Deputy Inspector to act in the event of his absence or inability to perform his duties, but such appointment shall not carry with it any increase in compensation.
- B. Certification. Each Inspector shall be certified for inspection purposes by the Department of Safety and Professional Services in the required categories specified under Wis. Admin. Code ch. SPS 305.
- C. Compensation. Each Inspector shall receive compensation for inspections, additional inspections and meetings as determined by the Village Board and which shall be set forth by contract with the Inspector.
- D. Duties. The Inspectors shall enforce all provisions of these Regulations, and all other State and Village provisions relating to construction, installation, alteration, repair and maintenance of buildings, structures, mechanical, electrical and plumbing systems within the Village, shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement, and shall have other such responsibilities as established by the Plan Commission and the Village Board.
1. The Building Inspector shall have the specific duties set forth in Wis. Admin. Code ss. SPS 320.10 and 361.41.
 2. The Electrical Inspector shall have the specific duties set forth in Wis. Admin. Code ss. SPS 316.940 and 320.10, and, where applicable, Wis. Admin. Code ch. PSC 114. In addition, if electrical service is ordered discontinued to any building by the Fire Chief, the Fire Chief shall notify the Electrical Inspector so the latter may inspect the premises and authorize reconnection of service. The Village Police and Fire Departments shall permit the Electrical Inspector or his authorized representative inside fire and police lines.
 3. The Plumbing Inspector shall have the duties and authority set forth as those of the plumbing "supervisor" in Wis. Stat. s. 145.05 and Wis. Admin. Code ss. SPS 320.10 and 382.21, and shall keep a record of all sewer connections and make drawings showing the location of the same and the position of all house drains, connections, junctions and other data necessary.
- E. Powers. Each Inspector or an authorized certified agent of the Inspector may, at all reasonable hours, upon presentation of proper credentials, enter upon any public or private premises for inspection purposes. The Inspector may require the production of the permit for any building, plumbing, electrical or HVAC work. No person shall interfere with or refuse to permit access to any such premises to an Inspector or his/her agent while in the performance of his/her duties. In the event that an Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Wis. Stat. s. 66.0119.
- F. Inspections. In order to permit inspection of a 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:

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1. Footing and foundation inspection.
 2. Rough inspections of:
 - a. General construction / carpentry, including framing.
 - b. Electrical, including service.
 - c. Plumbing.
 - d. Heating, ventilating and air conditioning.
 - e. Basement drain tiles / floor.
 3. Insulation.
 4. Final Inspection of carpentry, HVAC, electrical and plumbing
 5. Erosion Control.
 6. A recertification of footings and foundation may be required at the discretion of the Building Inspector.
- G. 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 appropriate Inspector, except as provided by the Wisconsin Administrative Code.
- H. 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 any inspection, will be the responsibility of the contractor and/or property owner.
- I. Records. The appropriate Inspector shall perform all administrative tasks required by the State under all codes adopted in this chapter. In addition, each Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. Each Inspector shall file monthly and annual reports as required by the Village Board, and such other reports as may be required by the Wisconsin Statutes or Administrative Code.
- J. The officials and staff of the Village of Rochester shall assist the Inspectors in the enforcement of these Regulations as necessary.
- 11-11. SUBMISSION OF PLANS.
- A. Except as set forth in s. 11-9, the owner or contractor shall, with respect to any proposed construction or demolition, submit three sets of building, HVAC, plumbing and/or electrical plans to the appropriate Inspector for any work which expands the size of a building, any new building, or as required by 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. An Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

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- B. At the option of the Building Inspector, the requirement for submission of certain plans, data, specifications or a survey with an application for permit to execute minor alterations or repairs to any building, structure or equipment may be waived by the Inspector, provided the proposed construction is sufficiently described in the application for the permit.
- C. The Plans required under s. 11-12 shall also be submitted.

11-12. ISSUANCE OF PERMIT.

- A. The appropriate 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 location visible from the street.
- B. Expiration.
 - 1. New Residential and Commercial Structures. A permit for a new Residential or a new Commercial principal structure or an addition to such a structure shall expire 24 months after issuance if the dwelling exterior has not been completed or the exterior shell of the commercial building has not been enclosed. In the event that a Permit expires, a new application must be submitted and a new permit obtained, with fees therefore charged based upon the current fee schedule. Failure to apply for a new permit within 30 days of the date of permit lapse shall result in penalties pursuant to s. 11-50.
 - 2. Alterations to Residential and Commercial Structures.
 - a. A permit for interior alteration of a Residential principal structure shall expire 12 months after issuance. In the event that a Permit expires, a new application must be submitted and a new permit obtained, with fees therefore charged based upon the current fee schedule. Failure to apply for a new permit within 30 days of the date of permit lapse shall result in penalties pursuant to s. 11-50.
 - b. Pursuant to Wis. Admin. Code s. SPS 361.36 and the provisions therein for the expiration of state-approved plans, a permit for interior renovation or HVAC construction of a Commercial principal structure that does not include any associated building construction shall expire 12 months after issuance if the work is not completed in that year, and a permit for a fire protection system in a Commercial principal structure that does not include any associated building construction shall expire two years after issuance. In the event that a Permit expires, a new application must be submitted and a new permit obtained, with fees therefore charged based upon the current fee schedule. Failure to apply for a new permit within 30 days of the date of permit lapse shall result in penalties pursuant to s. 11-50.
 - 3. Accessory Structures. A permit for construction or renovation of any Accessory Structure shall expire 12 months after issuance if the structure exterior has not been completed or the exterior shell of a building has not been enclosed. In the event that a Permit expires, a new application must be submitted and a new permit obtained, with fees therefore charged based upon the current fee schedule. Failure to apply for a new permit within 30 days of the date of permit lapse shall result in penalties pursuant to s. 11-50.

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- C. By accepting a permit, the applicant, owner or contractor grants the Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
- D. 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.
- E. No permit shall be issued to any person who is in violation of these Regulations until such violation has been corrected, nor to any person who owes the Village any permit fees.
- F. No permit shall be issued to any person against whom an order issued by an Inspector is pending.
- G. It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.
- H. Contractor Certification.
 - 1. Except for an owner of a dwelling who resides or will reside in the dwelling, no person may obtain a Building Permit unless the person annually obtains a Certificate of Financial Responsibility from the Wisconsin Department of Safety and Professional Services in compliance with Wis. Stat. s. 101.654.
 - 2. Except for an owner of a single-family building owned and occupied by him as his or her home or farm building, or as otherwise excepted under Wis. Stat. s. 145.06, no person may obtain a Plumbing Permit unless the person is licensed or registered pursuant to Wis. Stat. ch. 145.
 - 3. Except for an owner of a single-family building owned and occupied by him as his or her home, or unless otherwise exempted by law, no person may obtain an Electrical Permit unless that person is licensed pursuant to Wis. Stat. s. 101.82.
- I. Construction site requirements.
 - 1. Refuse Containers.
 - a. For new construction, the permittee shall be responsible for the provision at the construction site of a rear load refuse bin (dumpster), and, where appropriate, a recycling container, of sufficient size to adequately contain the waste and recyclable material generated at the site, or, if approved by the Building Inspector, shall provide an adequate method of on-site recycling at such site.
 - b. For improvement, remodeling, reconstruction, addition, or partition, of an existing structure, the permittee shall be responsible for the placement on the site of a rear load refuse bin (dumpster), and, where appropriate, a recycling container, of a sufficient size to handle the refuse and recyclable material generated, if, in the determination of the Building Inspector, a dumpster and/or recycling container are required based upon the nature and extent of the work to be accomplished.

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2. Restroom Facilities.
 - a. For new construction, portable restroom facilities shall be provided by the permittee.
 - b. For improvement, remodeling, reconstruction, addition, or partition, of an existing structure, the Building Inspector may order that portable restroom facilities be provided by the permittee based upon the nature and extent of the work to be accomplished and the availability of restroom facilities in the immediate vicinity of the project.
3. Drain Tile. The permittee shall notify the Village of Rochester immediately any time a drain tile is damaged or cut during excavation. Drain tile shall be repaired or rerouted at the expense of the owner of the property. Repairs shall be done in accordance with the instructions of the Building Inspector or Department of Public Works representative.

11-13. OCCUPANCY BOND.

A deposit in an amount determined by the Village Board and set forth in the Fee Schedule is required for all new construction projects where the total cost, including labor, materials and supplies, will equal or exceed \$50,000. The deposit shall be refunded after the project is completed and the Inspectors have found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection and the issuance of an occupancy permit, or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within two years of the date the permit is issued.

11-14. OCCUPANCY PERMIT.

- A. If the Building Inspector, after all required inspections are completed, performs a final inspection and 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. No person may have occupancy of a building until an occupancy permit is issued. In lieu of a Temporary Permit, the Building Inspector may set forth the requirements for completion of the work and accept a financial surety, payable to the Village, to ensure that the work is completed within a specified time frame, and may issue an Occupancy Permit. A fee for an Occupancy Permit, in an amount established by the Village Board, shall be paid prior to the issuance of the Occupancy Permit pursuant to this subsection.
- B. All of the following restrictions must be complied with before an occupancy permit is issued:
 1. All debris on road surface must be properly disposed of during construction.
 2. All pavement or road surfaces which are damaged during construction must be repaired at property owner expense.
 3. Where street lights are not available, owners must install a decorative photo cell operated light, either next to the curb and gutter in Fox Knoll Subdivision, or not more than 20 feet nor less than ten feet from the lot line in Weber Estates, or as required by the Village in

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other areas. This light must be 100 minimum to 150 maximum wattage, incandescent light or equivalent.

4. All exteriors must be completed within two years of issuance of a building permit.

11-15. FEES.

- A. At the time of issuance of a permit applied for under these Regulations, the applicant shall pay fees as established periodically by the Village and set forth in the Fee Schedule. Said fee schedule shall include fees for plan review as set forth therein.
- B. In instances where a building permit covers primarily the construction of church buildings to be used for congregational gatherings, or for schools for the education of individuals in grades pre-school through the twelfth grade, the fee shall be calculated pursuant to the "Commercial" category and then shall be reduced to two thirds of the calculated amount in such instance.
- C. Where additional inspections are necessary due to condemned work resulting from faulty construction or repairs, or where additional inspections are necessary because of the failure to make corrections in work found faulty or defective, a reinspection fee, in the amount set forth in the Fee Schedule, shall be paid.
- D. There shall be added to the fee schedule as from time to time adopted and revised by the Village Board of the Village of Rochester a provision allowing for the compensation of the Building Inspector, Plumbing Inspector, and Electrical Inspector of the Village of Rochester, a fee for each inspection which is accomplished by any such inspector at the direction of the Village of Rochester, inclusive of any follow-up involved in that same inspection process, the said direction to be provided by the Village Board, the Village Plan Commission, the Village Health Officer, the Village President, or the Village Attorney.
- E. In the event any work shall be commenced, for which a permit is required, prior to obtaining such permit from an Inspector, the same shall constitute a violation of these Regulations, double fees shall be charged, and the violator shall be subjected to the penalties as set forth in s. 11.50 and Ch. 50 of this Municipal Code, and further, every day of the continuance of the circumstance hereinabove described shall constitute a separate violation of these Regulations.
- F. Permit fees shall become the property of the Village and shall not be refundable.

11-16. DISCLAIMER AND NON-LIABILITY FOR DAMAGES.

- A. Village Not Liable. These Regulations shall not be construed to relieve or lessen the responsibility or liability of any person supplying building, HVAC, electrical or plumbing services or materials, or selling, renting, leasing, owning, distributing, connecting, disconnecting or maintaining any building, HVAC, electrical or plumbing equipment for damages to persons or property caused by any defect therein or therefrom; nor shall the Village be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate or by reason of the approval or disapproval of any such equipment, plans or applications, information or schedules in these Regulations; nor shall the Village be held liable for any damages resulting from enforcement of these Regulations.
- B. Village Officials Not Liable. Where action has been taken by any Inspector or his duly authorized representative, or by any member of the Plan Commission or Village Board, or by any other

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Village official or duly authorized representative, to enforce these Regulations, such action or act shall be considered as done in the name of and on behalf of the Village; and any such person so acting for the Village shall not be judged as liable for any damage that may accrue to persons or property as the result of any such act committed in the discharge of his duties.

- C. These Regulations shall not be construed as an assumption of liability by the Village or any Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

ARTICLE 2 ADDITIONAL BUILDING CODE PROVISIONS

11-20. SCOPE OF UNIFORM DWELLING CODE EXPANDED.

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

- A. Additions, alterations and major equipment replacements for one and two family dwellings built prior to the enactment of current Uniform Dwelling Code.
- B. Detached accessory buildings greater than 200 sq. ft. serving one and two family dwellings.
 - 1. Frost Protection for Footings and Foundations.
 - 2. Grade-beam slabs are required for structures with a continuous floating slab of reinforced concrete. The slab shall not be less than four inches in thickness. Reinforcement shall be a minimum of six by six inch, number ten wire mesh or by using 1.5 pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab.
 - 3. Structures not constructed with a floating slab shall have footings and foundations placed below frost penetration level, but in no case less than 48 inches below grade or as otherwise provided in Wis. Admin. Code ch. SPS 321.
- C. Detached accessory buildings less than 200 square feet in size. Concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow B. above and/or Wis. Admin. Code ch. SPS 321. Wood bearing beams, walls or members in contact with the ground shall be pressure treated or decay resistant type wood per Wis. Admin. Code s. SPS 321.10.
- D. Bath or toilet rooms shall be not less than fourteen square feet in area with a minimum width of three feet and shall have at least 100 cubic feet of air space for each water closet and urinal, in addition to the space required for other fixtures in the toilet room. To conform with conditions in older existing buildings, this requirement is subject to variance upon application to and approval by the Board of Appeals.
- E. Construction sites. The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each work day and placed in containers which will prevent litter from being carried away from the premises by the elements.

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1. For major construction projects, i.e.: roof replacement, siding replacement, major modification as determined by the building inspector and including, but not limited to, razing or new construction there shall be a dumpster, the size to be determined by building inspector, on site in which to place all debris and litter.
2. Noise from Remodeling, Repair, Construction, Excavation or Demolition. It is unlawful and shall be considered a nuisance for any person to engage in the construction, including excavation and demolition, alteration, remodeling or repair of any building or structure; the construction of any roadway or other public improvements; or the operation or startup of any pile driver, power shovel, backhoe, bulldozer, pneumatic hammer, derrick, steam or electric hoist, or other construction machinery, the noise of which can be heard beyond the property lines, or the vibration of which can be felt beyond the property lines, other than between the hours of seven a.m. and seven p.m., Monday through Friday, or between the hours of eight a.m. and five p.m. on Saturdays without the approval of the Village board. No such work is permitted on Sundays and the following national holidays: Christmas, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day.
 - a. This subsection does not preclude individual homeowners from doing work on buildings and structures located on the property on which they reside during daylight hours.
 - b. In the case of urgent necessity in the interest of public health and safety, the chairperson of the Village Public Works Committee or Village President can give written approval for such work. Such approval may be granted for a period not to exceed three days or less while the emergency continues and which may be renewed for periods of three days or less while the emergency continues. If the chairperson of the Public Works Committee or Village President should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation of streets and highways within the hours of six p.m. and seven a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of seven p.m. and seven a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

11-21. ARCHITECTURAL CONTROL.

No building permit required by the Village Building Code adopted by reference in this chapter shall be issued unless it has been approved by the Plan Commission pursuant to the Architectural Control provisions of this Section and ch. 35, Planning and Zoning, unless the work to be performed under the building permit is exempted from review under this section or that chapter, or does not change the exterior facade or character of the structure.

- A. Compliance. For the purpose of promoting compatible development, aesthetics, stability of property values, and to prevent impairment or depreciation of property values in the Village of Rochester, no structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed in such a manner as to violate the principles set forth in subsection B. of this Section.

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- B. Principles. To implement and define criteria for the purposes set forth in subsection A, the following principles are established:
1. The design or exterior appearance of a building or sign 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 is not permitted.
 2. The design or exterior appearance of a building or sign which is so identical with those adjoining as to create excessive monotony or drabness is not permitted.
 3. Any exposed facade or roof of a building or a sign that is not constructed or faced with a finished material that is aesthetically compatible with the other facades, roofs or signs and presents an attractive appearance to the public and to surrounding properties is not permitted.
 4. No building or sign shall be permitted to be sited on a property in a manner which would 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 structures on adjoining properties.
- C. Administration. The Building Inspector shall require that each building permit application in any district be accompanied by plans showing the exterior elevations, including roofs, of all existing and proposed structures on the property; a description of the proposed materials to be used; and proposed floor elevations of all structures.
1. The Building Inspector shall review permit applications for minor exterior alterations, siding permits, roofing permits, and permits for decks and accessory structures less than 200 square feet in size pursuant to the standards set forth in Section 35-22 of Chapter 35 and subsection B. of this Section. If, in the Building Inspector's judgment and experience the standards have been met, he may issue the permit according to the requirements of this Code. If, in the Building Inspector's judgment and experience the standards have not been met or are in question, or he has a concern regarding the application of the standards, he may, in his discretion, refer the application to the Plan Commission pursuant to subsection C.2 of this Section.
 2. The Building Inspector shall transmit all building permit applications not exempted in subsection C.1. and their accompanying plans to the Village Plan Commission for the Plan Commission's review and determination, with the exception that structures reviewed by the Historic Preservation Committee pursuant to Chapter 38, or reviewed previously via site plan or developer's agreement; and permits that do not affect the exterior structure may be excluded.
 3. See also Section 35-22.
- D. Review and Findings. The Plan Commission shall review the referred plans at a subsequent meeting; but not more than 45 days after the original application for a building permit. The Plan Commission shall not approve any building plans unless it finds after viewing the application that the structure, as planned, will not violate the principles set forth in Section 35-22 of Chapter 35 and subsection B. of this Section. If an application is rejected, the Commission shall set forth the reasons for the rejection in writing.

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- E. Appeals. Any person or persons aggrieved by any decisions of the Plan Commission related to architectural control may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Village Clerk within 30 days after the filing of the decision with the Building Inspector.

11-22. FIRE BREAK IDENTIFICATION REQUIREMENTS.

- A. Location of Fire Walls to Be Shown on Plans. In every instance in which this chapter requires the provision for installation of fire walls or fire breaks, the location of each such fire wall or fire break shall be clearly shown on the architectural plans for the proposed construction.
- B. Fire Walls to Be Identified. In conformance with Wis. Admin. Code s. SPS 362.0706, Fire Wall Identification and pursuant thereto, the Village of Rochester shall require owners to identify the location of a fire wall at the exterior wall of a building with a sign as provided therein and in subsection C, below.
- C. Sign Requirements.
 - 1. General. The sign shall consist of three circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material which is affixed to the building.
 - 2. Size of Circle. Each circle shall be the same size. The diameter of the circle shall be at least one and one half inches, but no greater than two inches.
 - 3. Spacing. The circles shall be spaced equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be twelve inches.
 - 4. Color. The color of the circle shall be limited to the colors red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.
 - 5. Location. The top of the sign shall be located on the face of the exterior wall of the building and located no more than twelve inches below the eave, roof edge, fascia or parapet.

11-23. ANTENNA FACILITIES.

No antenna facility, including a "dish" antenna 40 inches or more in diameter, an antenna 40 inches or more in diameter or diagonal measurement, an antenna that extends higher than 12 feet above the roofline, or any mast that extends higher than 12 feet above the roofline, shall be erected or placed on any property within the Village until a permit shall have first been obtained from the Village Board, provided, however, that if the provisions of sections 35-150 or 35-151 of this Code apply to the type of antenna facility that is the subject of the application conflict with the provisions of this section, the provisions of this section do not apply and the Inspector shall work in cooperation with the Zoning Administrator for permit issuance within the time limits and other restrictions set forth therein.

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- A. Application. Application for an antenna facility permit shall be made in writing to the Village Clerk who shall in turn submit it to the Plan Commission. With such application, there shall be submitted a fee in an amount set by the Village Board and a complete set of plans and specifications, including a plot plan showing the location of the proposed antenna facility with respect to adjoining alleys, lot lines and buildings. If such application shall be approved by the Plan Commission, it shall then be submitted to the Village Board at its next regular meeting for final approval. The Plan Commission shall act on all such applications within a period of 45 days.
- B. Location of Antenna Facilities. In order to protect public safety and the safety of the adjoining residences, any such antenna facility approved for placement within the Village may only be located in the rear yard of a residential lot and at such a distance from the adjoining lots as to prevent encroachment on the adjoining lots in case of collapse. It shall also be placed as close to the residence as is reasonably possible. Placement in other districts shall be approved by the Plan Commission. When determining the location of any antenna facility, distance from power lines and any other safety factors shall be considered, and shall be a basis for rejection of a permit or a requirement that the antenna facility be located in a specific location.
- C. Connection to Electrical Lines. All electrical lines, cables and conduits running to or from any such antenna facility shall be buried. If an antenna facility is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits shall also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for permit.
- D. Wind Pressure. Each antenna facility shall be securely anchored to withstand a maximum wind pressure anticipated, taking into consideration the size, shape and weight of all of its components.
- E. Temporary Placement. An antenna facility may be placed in a yard on a trial basis for a period not exceeding ten days.
- F. See also s. 35-150, Tower Facilities, of this Municipal Code.

11-24. SWIMMING POOLS.

- A. Definition. "Swimming pool" shall mean any depression in the ground, either temporary or permanent or a container of water, either temporary or permanent and either above or below the ground, in which water of 32 or more inches in depth at any point is contained, or which has a diameter of ten feet or more. Spas, hot tubs, in ground, aboveground and public pools are included in this definition.
- B. Permits.
 - 1. Permits Required.
 - a. The construction of a swimming pool, as defined herein, except as set forth in subsection b., requires permits which include evaluation under the Building Code, the Electrical Code, the Plumbing Code and the Zoning Code. One application for a "Pool Permit" as set forth herein, shall be accepted for review under the Building Code, the Plumbing Code and the Zoning Code. A separate application for evaluation under the Electrical Code, as set forth in s. 11-44, is required. A separate Deck and/or Fence Permit is required, even when the deck

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and/or fence is constructed at the same time as the swimming pool.

- b. Those swimming pools classified as public swimming pools and requiring state permits pursuant to Wis. Admin. Code chs. SPS 390, Design and Construction of Public Swimming Pools and Water Attractions, and DHS 172, Safety, Maintenance and Operation of Public Swimming Pools and Water Attractions, shall not be required to obtain the pool permit required herein.
2. Application. An applicant for a Pool Permit shall provide the following information, along with the Permit Fees set forth in the Fee Schedule, as follows:
- a. Survey or accurate drawing of the property, in duplicate, showing property dimensions, including square footage, all existing structures, proposed swimming pool location, including distances to all existing structures, filter and wastewater disposal locations, fencing if required, proposed decking, and overhead or underground electrical wiring.
 - b. Type of pool installation, aboveground or in ground, including dimensions and volume in gallons.
 - c. Pool height above highest point of grade if aboveground installation.
 - d. Fences. This fencing requirement is applicable to all private swimming pools, including those constructed before enactment of this Municipal Code.
 - (1) Every private swimming pool shall be completely surrounded by a fence or wall not less than 42 inches in height, be of sufficient strength to prevent accidental access, and shall be constructed so as to not have openings, holes or gaps larger than 42 inches in any one dimension, which would allow ease of access by unauthorized persons, except for door or gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors be equipped with an inside self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
 - (2) A temporary fence (such as a snow fence or similar fence) may be used while a pool is under construction. A permanent fence must be constructed within 30 days after water is in the pool.
 - (3) Aboveground pools with self-provided fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of minimum required height and design as heretofore specified. All access from grade to above ground pools having ladders, stairs, or ramps shall not have less than equal safeguard protection than that provided the pool proper.
 - (4) The requirement of a fence may be waived by the Building Inspector if the pool is an aboveground pool and if the deck of said pool is at least four feet above grade and the Building Inspector determines from an on-site inspection that, except for ladders or other access devices, the

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outside pool wall or decking is at least four feet above grade and provides no direct access to the pool.

- e. Type and support of decking, if proposed.
 - f. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
 - g. Any change in finished grades near the pool.
 - h. Two copies of a brochure which shows the type and style of the pool to be installed.
 - i. Prior to making the application for a pool permit, the applicant shall check subdivision or homeowner's association regulations regarding swimming pools and shall include those regulations with the application. The Village shall not enforce, and shall not be responsible for the enforcement of, said subdivision or homeowner's association regulations, but when it is made aware of them, may include them in its consideration of the application.
3. Issuance. An applicant shall be issued a pool permit if the submitted plans are in conformance with the applicable sections of this Municipal Code. For storable pools, the pool permit shall be valid for subsequent years if the pool is re-erected in the same location and uses the same power source listed in the application. If a storable pool is erected in a different location or uses a different power source in any subsequent year, a new permit shall be applied for.
4. Inspections. The Inspectors shall perform inspections of pool construction as required by state statute, administrative code, and this Code.

11-25. 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, the Inspector shall recommend to the Village Board an order be sent to the owner to raze and remove all or part thereof, or to repair the same if such structure can be made safe and sanitary by reasonable repairs. Upon consideration of the Inspector's recommendation, the Village Board may direct the Inspector to issue a raze order or a raze or repair order. Such orders and proceedings shall be as provided in Wis. Stat. s. 66.0413. See also s. 20-1 of this Municipal Code.

11-26. RAZING AND DEMOLITION.

- A. Demolition Permit Required. No person 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 may undertake any steps to demolish the structure prior to receiving a permit.
- B. Application. An application for a permit to demolish all or part of a building shall include the following information:
 - 1. The name and address of the owner of the building on the date of the application and, if

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- different, on the date of the demolition;
2. The name, address and telephone number of the contractor(s) performing the demolition work;
 3. The date upon which demolition is to commence;
 4. The date by which demolition shall be complete;
 5. A list of all hazardous waste and hazardous and toxic substances (as defined by Wis. Admin. Code ch. NR 706, as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Wis. Admin. Code chs. NR 445 and 447), 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;
 6. 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);
 7. A description of the method of demolition to be used;
 8. 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 amounts of dust from the site; and
 9. Along with the application for permit for demolition, the applicant shall present releases 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.
- C. Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- D. Clearing and Leveling the Site.
1. 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 30 consecutive days after demolition is completed, and shall be protected from entry until filled.
 2. 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 72 hours, inspect each excavation, or part thereof, before the excavation is filled.
 3. It shall be unlawful to fill any such excavation without inspection and approval of the

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Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the 72 hours after written notice; the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Clerk at least 48 hours before filling of the excavation commences.

- E. 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 72 hours' written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

11-27. MOVING BUILDINGS.

- A. General. No person shall move any building or structure upon any of the public rights-of-way of the Village without first obtaining a permit therefore from the Building Inspector and upon the payment of required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. This section does not apply to manufactured homes per the Federal Fair Housing Act.
- B. 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 such moving and separation from its foundation and service connections in case of moved buildings) 50 percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within 10% of the surrounding buildings within 1,000 feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within 10% of the lowest equalized value of any of the surrounding buildings.
- C. Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by 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 public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- D. Street Repair and Inspection. Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and the Chairperson of the Public Works Committee on an inspection of the route the building will travel within the Village limits. The applicant shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the Chairperson of the Public Works Committee, inspect the streets and highways over which said building has been moved and ascertain the condition. If the movement of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten days thereafter to the satisfaction of the Village Board, the Village Board shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same.

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- E. Conformance with Code. No permit shall be issued to move a building within or into the Village and to establish it upon a location within the 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 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 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 of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.
- F. Cash Deposit.
1. Before a permit is issued to move any building over any public way in this Village, the party applying for said permit shall post a performance bond in the form of a cash deposit with the Village in a sum to be fixed by the Village. Said performance bond shall be held for indemnification of 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 or expenses incurred by the Village in connection therewith, arising out of the movement of the building for which the permit is issued. The bond shall be released if, after the building is moved, the Building Inspector and Chairperson of the Public Works Committee have found that the permit was complied with and no damages were caused by the move.
 2. The release of the bond required by subsection 1. shall be further conditioned upon the permittee erecting adequate barriers and within 48 hours, filling in any 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. The Building Inspector may waive the time lines in this paragraph if the Building Inspector, after investigation, determines that the excavation exposed by the removal of a building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly children under 12 years of age.
- G. Insurance. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than \$500,000.00 and for one accident, aggregate not less than \$1,000,000.00, together with property damage insurance in a sum not less than \$500,000.00, or such other coverage as deemed necessary.
- H. Village Board Approval Required.
1. Before any permit to relocate a building may be issued, the Village Board shall examine the application for the permit and approve the application by a majority vote.
 2. The application shall include exterior elevations of the building at its proposed new location; 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 a site plan showing the location of the building on the final resting site.

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3. The Village Board shall not grant a permit unless the Board has taken a view of the building proposed to be moved and of the site at which it is to be located at a public meeting.
4. The Village Board may not grant a permit for relocation of a building unless it finds that the exterior appearances and design of the building to be moved or moved and altered, will be consistent with the exterior appearance and design of the buildings already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the Village. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.
5. In case the applicant proposed to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash deposit or performance bond of not less than \$5,000 with the Village to secure the timely completion of all proposed exterior alterations to said building as set forth in the plans and specifications. This cash deposit or performance bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. The cash deposit shall be refunded after the exterior alterations are completed and the Building Inspector has found the building exterior complies with the approved plans and within the time frame set by the Village Board. The deposit shall be forfeited if the exterior of the building does not comply with the approved plans or if the time frame for completing the work is not adhered to.
6. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
7. Whenever an application for relocation of a building is made to the Building Inspector, he shall place the consideration of the application on the agenda of the next regularly scheduled Village Board meeting. The Building Inspector shall inform the Village whether or not the application complies, in all respects, with all other ordinances of the Village. The Village may, if it desires, hold a public hearing on the permit.

ARTICLE 3 ADDITIONAL PLUMBING CODE PROVISIONS

11-30. EXISTING UNSANITARY INSTALLATIONS.

See ss. 10-7 and 25-2 of this Municipal Code.¹

11-31. CONNECTIONS TO THE PUBLIC SEWERAGE SYSTEM.

- A. Connection Fee. No connection to the public sewerage system may be made unless the connection fees as established by the Village Board have been paid.
- B. Licensed Plumber to Do Work. Except as provided in Wis. Stat. s. 145.06, no person except a plumber licensed therefor shall be permitted to tap or make connections with the general sewerage system or any part thereof.

¹ Amended 10-13-2014, Ordinance #2014-5

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- C. Location of Drain Junctions. Such information as the Plumbing Inspector, the Public Works Committee or the Village Engineer may have with regard to the location of sewer junctions or slants shall be furnished to plumbers, the Village assuming no risk as to the accuracy of the same. If the junction is not found using the measurements furnished by the Village Engineer or Plumbing Inspector, connection shall be made as provided in Wis. Admin. Code ch. SPS 382.
- D. Existing Drains or Sewers. Whenever it is necessary to disturb a drain or sewer in actual use, the same shall not be obstructed or disconnected without the permission of the Plumbing Inspector; and no person shall make any new connection with, or extension to, any old drain without the permission of the Plumbing Inspector.
- E. Connecting During Freezing Weather. No opening in the street for making connection with a main sewer shall be permitted when the ground is frozen, except when the Plumbing Inspector judges such connection necessary. If such permission is granted, the work shall be done as directed in the permit therefor.
- F. Sewer Connections. No work shall be done to connect any building to any public sewer utility until such building is completely enclosed by roof, the outside walls backfilled to rough grade, all sanitary sewer lines within buildings to be connected that will be covered by basement floors having been inspected and approved by the Building Inspector of the Village and a functional sump and sump pump having been installed in the basement, if required. In buildings without basements the permit shall be issued after the footing and subfloor have been constructed. No permit shall be issued for the connection with the public sewer of any basement floor drain in any building located within the 100 year flood plain as established and determined under the Village flood plain ordinance. Buildings within the 100 year flood plain shall not have public sewer service for any floor located below the exterior finished grade.

11-33. PLUMBING REQUIRING STREET EXCAVATIONS.

See s. 6-6 and ch. 10 of this Municipal Code.

11-34. DAMAGING PLUMBING PROHIBITED.

No person shall intentionally, willfully or maliciously damage or obstruct any sewer, house drain, catch basin or any plumbing fixture or apparatus, pipe or other part of any plumbing in actual use, or any sewer or gas pipe, or any part or apparatus connected therewith, laid or constructed in a street, alley or other public place or under any sidewalk of the Village.

11-35. SWIMMING POOLS.

- A. Definition. In this section, "Swimming Pool" shall have the meaning set forth in s.11-24.A. of this Chapter.
- B. Permit Required. See s. 11-24B of this chapter.

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ARTICLE 4 ADDITIONAL ELECTRICAL CODE PROVISIONS

11-40. EXISTING UNSAFE CONDITIONS.

The Electrical Inspector shall make periodic inspections of all electrical wires and appliances installed within the Village, except in occupied dwellings. When such wires or appliances are found to be in a dangerous or unsafe condition, he shall notify the person owning, using, operating or installing the same to place them in a safe condition. Any person failing or refusing to complete the necessary repairs or changes within fifteen days after receipt of such notice shall be subject to penalties pursuant to s. 11-50 for each day that elapses after the expiration of such period; and the Electrical Inspector may order the discontinuance of electrical service to such defective wires or appliances until they have been repaired, removed or changed as directed by the Electrical Inspector, subject to the limitations of this chapter.

11-41. STATE CERTIFICATION OF ELECTRICIANS REQUIRED.

Wis. Stat. ss. 101.82, 101.87 and 101.88 and Wis. Admin. Code ch. SPS 305, relating to the State certification of electricians, are adopted and by reference made a part of this chapter with the same force and effect as though set forth in full.

11-42. TEMPORARY SERVICE.

An application for a permit for temporary service shall specify a period of time for which such wiring is to remain in service. Service shall be cut off at the end of such period and shall not again be connected without written permission from the Electrical Inspector. For buildings in which conduit wiring is required, special permits for temporary service may be granted by the Electrical Inspector for the installation of open work and exposed wiring, lights, power for building operations, display, decorative lighting, etc., for use for a limited period, subject to discontinuance and complete removal at the expiration and subject to condemnation and revocation within such period.

11-43. EMERGENCY SERVICE.

- A. Report. For emergency service or work, the person doing such work or causing such work to be done shall report the same to the Electrical Inspector immediately after beginning work on forms furnished by the Electrical Inspector for such purpose; and such work shall be done in accordance with the provisions of this chapter.
- B. Inspection Fee. Any fee for inspection of such emergency service shall be determined in each individual case by the Village Board.

11-44. SWIMMING POOLS.

- A. Definition. In this section, "Swimming Pool" shall have the meaning set forth in s. 11-24.A. of this Chapter.
- B. Permit Required. The electrical work, wiring and connections for swimming pools as defined herein shall require an Electrical Permit in conformance with this chapter.

11-45. COMPLAINTS.

Complaints on improper or defective electrical equipment shall be investigated and action shall be taken.

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Where complaints disclose inadequacy of electrical equipment, the Electrical Inspector shall notify the owner of the premises to that effect and in writing inform such owner as to the changes, repairs, modifications or additions necessary for compliance with this chapter. Upon failure of the owner to comply with the order of the Electrical Inspector within ten days after receiving such notice, the latter may enter upon the premises with such assistance as may be necessary, causing the existing conditions to be corrected; and the cost thereof shall be charged against the property and shall be a lien thereon and shall be assessed and collected as a special charge pursuant to statute.

ARTICLE 5 ADMINISTRATIVE PROVISIONS

11-48. VARIANCES.

The Zoning Board of Appeals shall hear requests for variances from the provisions of this chapter to the extent that Board has authority to hear and grant variances, as set forth in ch. 35, Planning and Zoning, of this Municipal Code. The Board of Appeals shall approve, conditionally approve, or deny a requested variance. The Board of Appeals 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.

11-49. APPEALS.

Any person aggrieved by an order of an Inspector may, within 20 days thereafter, appeal from such order to the Zoning Board of Appeals pursuant to ch. 35, Planning and Zoning, of this Municipal Code and not through the provisions of Wis. Stat. ch. 68. Appeals of decisions of the Board of Appeals may be made to the Circuit Court, pursuant to Chapter 35. Appeals of final determinations may be reviewed as set forth in Wis. Admin. Code s. SPS 320.21. The ruling of the Inspector shall be enforced until reversed or modified by the Board of Appeals.

11-50. VIOLATIONS AND PENALTIES.

- A. Prohibition. No person may construct, remodel, demolish or repair any building, structure or mechanical system in a manner which violates any provision or provisions of these Regulations.
- B. Stop Work Order. Any Inspector may issue a stop work order for a project to prevent further non-complying work. No person may continue a construction project after a stop work order has been issued. The person who receives such a stop work order may contest the validity of the same by requesting a hearing before the Zoning Board of Appeals, as set forth in s. 11-49. The Zoning Board of Appeals shall affirm the stop work order unless the appellant shows that the Inspector erred in determining that the construction project violated a provision or provisions of these Regulations or the State Codes.
- C. Every person who violates these Regulations or any regulation, rule, or order made hereunder shall, upon conviction, be subject to penalties as set forth in ch. 50.
- D. Violations discovered by an Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Inspector.
- E. Compliance with the requirements of these Regulations is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings.

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Therefore, violation of these Regulations shall constitute a public nuisance which may, in addition to prosecution and/or the issuance of a stop work order, be enjoined in a civil action.

- F. The Village Law Enforcement Agency, Inspectors, Health Officer and/or Clerk, or their authorized representatives, shall inquire into violations of these Regulations and shall report the same to the appropriate official for investigation and prosecution.

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