Chapter 18

BUILDINGS AND BUILDING REGULATIONS[1]

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ARTICLE I. IN GENERAL

Sec. 18-1. Violations; penalty; additional remedies.

(a) Any violation of this chapter after the issuance of a permit shall automatically revoke such permit, and any further work thereunder shall be unlawful and shall continue to be unlawful until a permit is reissued, excepting such other work especially allowed to be done pending the reissuance of the permit.

(b) Any work done in violation of this chapter or regulations adopted pursuant thereto shall be unlawful, and the building inspector or city attorney or other official designated by the council may bring action to enjoin such work, or cause building or the results of any such work removed.

(c) Any violation of this chapter shall also be subject to a forfeiture as provided in section 1-11.

(Code 1986, § 14.31)

Sec. 18-2. State dwelling and heating, ventilation and air conditioning codes adopted.

(a) The Wisconsin Administrative Code for one- and two-family dwellings, also known as the Uniform Dwelling Code, Wis. Admin. Code chs. COMM 20--25, and the Building and Heating, Ventilation and Air Conditioning Code, Wis. Admin. Code chs. COMM 50--64 and 69, are adopted by reference and made a part of this chapter as if fully set forth in this section. Any act required to be performed or prohibited by such codes incorporated by this section by reference is required or prohibited by this section. This section adopts such other Wisconsin Administrative Code provisions as may supersede, supplant or in any way modify, change or add to the Wisconsin Administrative Code as adopted.

(b) The city building inspector, as certified by the state department of commerce, is hereby authorized and directed to administer and enforce all of the provisions of this section and the Wisconsin Uniform Dwelling Code incorporated in this section by reference.

(Code 1986, § 14.05(1), (2))

Sec. 18-3. Building permit required; exception.

(a) No person shall build or cause to be built any one- or two-family dwelling without first obtaining a state uniform building permit for such dwelling from the city building inspector. A copy of any permit issued under this section shall be filed by the city building inspector with the city building department.

(b) A building permit shall be required for interior or exterior repairs, alterations, improvements, or enlargements of any building or structure when any of the following is true:

1. The total cost of labor and materials exceeds $1,000.00,

2. The repairs, alterations, improvements, or enlargements are in whole or in part to the exterior of the building or structure and the property is located in a historic district or is listed as a landmark, landmark site, or specially designated landmark under Chapter 62.

3. A structure or building is to be enlarged or an outbuilding is to be constructed.

(c) If a building permit is required under paragraph (b) (2) of this section, before the building permit is issued, a completed application for a certificate of appropriateness under Chapter 62 shall be submitted to the historic preservation commission for review and approval in accordance with section 62-36(10).

(Code 1986, § 14.05(3), Ord. 2005-31, Ord. 2005-03, Ord. 2015-03)

Sec. 18-4. Permit and inspection fees.

(a) The city council shall, from time to time, determine the amount of the fee to be charged for the issuance of building permits, plan review and on-site inspections under the provisions of this chapter in conformity with the provisions of the Wisconsin Uniform One- and Two-Family Dwelling Code. When application for a permit is made, the applicant shall pay the clerk-treasurer the permit and plan review fees and an amount required to reimburse the city for processing the application. Prior to issuance of the permit, the applicant shall deposit with the clerk-treasurer a sum estimated by the clerk-treasurer from information supplied by the city building inspector to cover the cost of all required inspections. If actual costs are less than the amount deposited, any excess shall be refunded to the permittee. If costs exceed deposits, the city building inspector shall not issue a certificate of occupancy until such deficiency has been paid.

(b) Permit and inspection fees shall be as established by the council from time to time by resolution and as set forth in appendix A.

(Code 1986, § 14.05(4); Ord. No. 1998-6, § 1, 6-9-1998)

Sec. 18-5. Zoning approvals.

Every applicant for a building permit under this chapter shall submit three sets of building plans in the form required by Wis. Admin. Code § COMM 20.09(4). One set of plans shall be referred to and reviewed as to zoning compliance by the zoning administrator, and no permit shall be issued for construction or occupancy until the zoning administrator has endorsed the plans as complying with the provisions of chapter 130. No plans shall be approved or conditionally approved or building or occupancy permits issued by the building inspector until such approval has been stamped on each set of plans.

(Code 1986, § 14.05(6))

Sec. 18-6. Razing of buildings.

Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match the lot grade within 30 days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights. Nothing within this section shall alter the requirement for obtaining approval from the historic preservation commission as required by section 62-36(11).

(Code 1986, § 14.29, Ord. 2005-31)

Secs. 18-7--18-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT[2]

DIVISION 1. GENERALLY

Sec. 18-31. Penalty; additional remedies; citations.

(a) *General penalty.* The provisions of section 1-11 shall apply to violations of any provision of this chapter.

(b) *Injunctional remedies.* Any building or structure erected, constructed or reconstructed in violation of this chapter shall be deemed an unlawful structure and a nuisance. The city attorney, upon complaint of any person performing inspection services under this chapter, may bring an action to enjoin or abate such construction and nuisance in the municipal court or in the circuit court for the county.

(c) *Citations.* The city building inspector shall issue citations for violation of this chapter in accordance with the provisions of Wis. Stats. ch. 800, subject to endorsement by the city attorney and to the schedule of deposits from time to time established by the municipal judge and approved by the city council.

(Code 1986, § 14.05(8))

Secs. 18-32--18-50. Reserved.

DIVISION 2. BUILDING INSPECTOR[3]

Sec. 18-51. Appointment.

The building inspector shall be appointed as provided in section 2-161.

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[2] **Cross references:** Administration, ch. 2.

[3] **Cross references:** Officers and employees, § 2-91 et seq.

(Code 1986, § 14.01(1))

Sec. 18-52. Powers and duties.

The building inspector shall enforce all provisions of this chapter and laws regulating building construction, and for such purpose he may request the assistance of the city attorney, the police department and other officers and departments of the city. He shall make periodic inspections of existing public buildings to determine their safety. He shall make inspections at the site of buildings damaged by any cause to determine the safety of the buildings affected.

(Code 1986, § 14.01(2), 14.30)

Sec. 18-53. Appeal of orders and decisions.

Appeals from orders or decisions of the city building inspector relating to granting or denying a building inspection or occupancy permit, or any other application of this chapter, may be taken pursuant to Wis. Stats. ch. 68. The zoning board of appeals shall act as the impartial decision-maker on such appeals; provided, however, that a determination of the board of appeals with respect to applications or construction subject to the Wisconsin Uniform Dwelling Code shall not entitle the applicant or permittee to a variance or exception until approved by the state department of commerce in accordance with the provisions of Wis. Admin. Code §§ COMM 20.19 and 20.21. Appeals to the department shall be taken within 14 days of the date on which the board of appeals' written determination is mailed to the applicant.

(Code 1986, § 14.05(5))

Secs. 18-54--18-80. Reserved.

ARTICLE III. ELECTRICAL CODE[4]

Sec. 18-81. State electrical code adopted.

The Wisconsin Electrical Code, Wis. Admin. Code chs. COMM 16 and 24, volume 1, parts 1 and 2, so far as applicable, is adopted by reference and made a part of this article.

(Code 1986, § 14.11)

Sec. 18-82. Compliance with article; authority to refuse utility service.

[4] **Cross references:** Utilities, ch. 126.

All electrical wiring done in the city shall comply with this article. The electric utility shall not furnish service when any wiring is done or exists which does not comply with this article.

(Code 1986, § 14.12)

Sec. 18-83. Affidavit of compliance.

Prior to furnishing of service, the municipal services superintendent or the building inspector may require an affidavit of proof of compliance with this article. Such affidavit shall not be required for repair work. Replacement of an existing item with an item of similar nature and capacity shall constitute repair work.

(Code 1986, § 14.13, Ord. 2014-02)

Sec. 18-84. Electrician's license.

No person shall do electrical wiring in the city for a fee or other remuneration or consideration unless he has a license from the city. No license shall be required of a trained electrician employee of any employer in the city to perform electrical wiring in or about such employer's place of business. Application for such license shall be made on the form provided by the city. All licenses shall expire on December 31. The initial license fee and the fee for the renewal of any license shall be as established from time to time by resolution and as set forth in appendix A. Any license shall be subject to revocation by the city council on proof that any wiring done by any licensee is not done in accordance with this article. Neither the initial fee nor the renewal fee shall be prorated.

(Code 1986, § 14.10)

Secs. 18-85--18-110. Reserved.

ARTICLE IV. PLUMBING CODE[5]

Sec. 18-111. State plumbing code adopted.

The State Plumbing Code, Wis. Admin. Code chs. 82--87, and all amendments thereto adopted by the state department of commerce, is incorporated into this article by reference as if set forth in full in this section.

(Code 1986, § 14.15)

Sec. 18-112. Compliance with article; authority to refuse utility service.

All plumbing done in the city shall comply with this article. The utility need not furnish service when any plumbing done does not comply with this article.

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[5] **Cross references:** Utilities, ch. 126.

(Code 1986, § 14.16)

Sec. 18-113. Affidavit of compliance.

Prior to furnishing of service, the municipal services superintendent or plumbing inspector may require an affidavit or proof of compliance with this article. Such affidavit shall not be required for repair work. Replacement of an existing item with an item of similar nature and capacity shall constitute repair work.

(Code 1986, § 14.17, Ord. 2014-02)

Sec. 18-114. Residential and commercial business water softeners.

(a) All new or replacement water softeners installed in residential and commercial business served by the city sewer collection system must regenerate based upon demand-based cycles. Demand-based softeners can be either of the flow demand type or the sensor demand type. New or replacement water softeners shall meet the following minimum requirements:

(1) Flow-based water softeners:

a. Complete unit shall include pressure resin tank, brine tank, and demand-based automatic flow meter. Cabinet or free-standing units are equally acceptable.

b. Demand-based automatic flow meter shall initiate resin tank regeneration based upon a preset volume of water softened through the unit. A dial or dials, or other means, shall be provided on the face of the meter to allow selection of volume to trigger regeneration. Volume shall be selected based on the capacity of the resin tank, estimate of the grains of hardness in water, number of people in the household, and typical water use per person (70 gallons per person per day is typical).

$$V = (A: B) – (C \times D)$$

Where:

V	=	Preset volume to trigger regeneration, gallons
A	=	Resin tank capacity, grains
B	=	Water hardness, grains/gallon
C	=	Number of persons in household
D	=	Water use per person, gallons/person/day

Value of D shall be selected based upon best estimate of use in household.

c. Regeneration may be delayed to a preset time (such as 2:00 a.m.) provided reserve volume is allocated to allow continued softening of water from time preset volume is reached to time of regeneration. Regeneration cycle time delay start shall be triggered by preset volume as described above.

d. Demand-based meter valves may be of brass or approved plastic construction, and shall contain all required controls for setting regeneration volume.

(2) Sensor-based water softeners:

a. Complete unit shall include pressure resin tank, brine tank, and demand-based sensor installed in the resin bid. Cabinet or free-standing units are equally acceptable.

b. Sensor type softener shall be capable of sensing the degree of capacity remaining or used in the resin bed and regenerating the resin bed based upon sensed capacity used or remaining. The unit shall allow for a reserve capacity to allow regeneration during nonuse periods. This reserve shall be calculated based upon the capacity of a portion of the bed to be used for reserve.

c. A positive means shall be provided in the unit to troubleshoot problems with the sensor and allow for removal of the sensor probe as necessary.

(b) Twin resin tank type water softening systems are encouraged for residential use, but not required. Twin resin tank softeners that allow continuous water service and volume triggered regeneration without the need for setting preset regeneration time or calculating reserve volumes. New commercial and industrial establishments shall evaluate use of twin resin tank type softening systems when selecting a softening system.

(c) The city, by its building inspector, may upon review of an applicant's situation, allow an exemption to this section if treatment of iron is a consideration in the operation of the softening units. This situation will be reviewed on a case-by-case basis.

(Ord. No. 2000-10, § 1(14.18), 5-9-2000)

Secs. 18-115--18-140. Reserved.

ARTICLE V. FENCES[6]

Sec. 18-141. Penalty; condemnation of unlawful fences.

The provisions of section 1-11 shall apply to violations of this article. The building inspector may condemn any fence erected or maintained in violation of this article.

(Code 1986, § 14.21(8))

Sec. 18-142. Exemptions.

(Code 1986, § 14.21(7), deleted by Ord. 2007-10)

Sec. 18-143. Permit.

No person shall install, erect, construct, or relocate or alter a fence within the city without first obtaining a permit from the building inspector. No permit shall be issued if the building inspector determines that the proposed fence does not meet any of the

[6] **Cross Reference:** Section 130-540 Fences

requirements of this code. A sketch or design of the proposed fence, including a description of materials to be used and specification of height, shall be submitted with the application for a permit. Any person aggrieved by a decision of the building inspector may appeal to the board of appeals. There shall be a fee for a fence permit as established by the council from time to time by resolution. No fee shall be charged for a fence permit issued for outdoor swimming pool enclosures at the time of issuance of a pool permit under article VI of this chapter.

(Code 1986, § 14.21(6), Ord. 2007-10)

Sec. 18-144. Maximum height.

(Code 1986, § 14.21(1), deleted by Ord. 2007-10)

Sec. 18-145. Electric fences.

(Code 1986, § 14.21(2), deleted by Ord. 2007-10)

Sec. 18-146. Barbed wire fences.

(Code 1986, § 14.21(3), deleted by Ord. 2007-10)

Sec. 18-147. Safety or traffic hazards.

(Code 1986, § 14.21(4), deleted by Ord. 2007-10)

Sec. 18-148. Construction on property of another.

(Code 1986, § 14.21(5), deleted by Ord. 2007-10)

Secs. 18-149--18-170. Reserved.

ARTICLE VI. SWIMMING POOLS

Sec. 18-171. Permit.

No person shall commence the construction of any swimming pool without first obtaining a permit therefor from the building inspector. The fee for such permit shall be as established by the council from time to time by resolution and as set forth in appendix A.

(Code 1986, § 14.20(3))

Sec. 18-172. Construction, equipment and maintenance standards.

All outdoor swimming pools shall be constructed, equipped and maintained in such manner as to meet the requirements of the state department of health and family services and the state department of commerce and all applicable ordinances and codes of the city.

(Code 1986, § 14.20(1))

Sec. 18-173. Enclosure.

Every outdoor swimming pool constructed in the city shall be enclosed with a fence or wall not less than four feet high and of such design and construction that it cannot be climbed through or over or under. Entrance shall be designed such that small children cannot open it and which shall be self-closing and self-latching to prevent uncontrolled access. It shall be at the discretion of the building inspector as to whether or not a gate or door meets the requirements of this section.

(Code 1986, § 14.20(2), Ord. 2004-23)

Sec. 18-174. Definitions and exclusions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Swimming pool means any structure, above or below ground, which is designed to contain water in excess of twelve inches and is primarily used for recreational activities of wading and/or swimming.

(b) Section 18-173 does not apply to the following:

(1) An above-ground swimming pool, provided that the owner of the property on which the pool is located has written documentation to show that the owner has an insurance policy that covers claims for injuries sustained while on the property, the insurer that provided the insurance policy is aware of the presence of the pool, and the insurer has not excluded claims for injuries related to the pool from the coverage of the insurance policy.

(2) A small, portable, plastic wading or kiddie pool.

(Ord. 2004-23)

Secs. 18-174--18-190. Reserved.

ARTICLE VII. GARAGES

Sec. 18-191. Definitions.[7]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attached private garage means a private garage so constructed as to form an integral part of the principal building or portion of the principle building designed, arranged, used or intended to be used exclusively for parking or temporary storage of passenger vehicles, trucks and trailers of the occupant.

[7] **Cross references:** Definitions generally, § 1-2.

Detached private garage means a private garage entirely separated from the principal building.

(Code 1986, § 14.25(1); Ord. No. 2002-4, § 1, 4-9-2002)

Sec. 18-192. Location of detached garages.

Detached garages shall be governed by the following unless otherwise provided for in appropriate zoning codes: Garages shall be located not less than ten feet from any residence building.

(Code 1986, § 14.25(2))

Sec. 18-193. Maximum area of detached garages.

All detached garages shall be limited in area as follows: 850 square feet.

(Code 1986, § 14.25(3))

Sec. 18-194. Foundation and footings.

Attached private garages shall be provided with the same type footings and foundations as required for the principal building. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four inches in thickness. Reinforcement shall be a minimum of six-inch by six-inch no. 10 × 10 wire mesh. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab. Exterior wall curbs shall be provided not less than four inches above the finished ground grade adjacent to the garage. Bolts three-eighths inch in diameter with nuts and washers attached, six inches long, shall be embedded three inches in the concrete curb of detached garages eight feet on centers.

(Code 1986, § 14.25(4))

Sec. 18-195. Floor surface.

The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage.

(Code 1986, § 14.25(5))

Sec. 18-196. General construction.

Private garages shall be constructed as follows:

(1) Loadbearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated in this chapter, except as stated in this article.

(2) Detached private garages of wood frame construction shall be constructed with the following minimum requirements:

a. Studs may have a maximum spacing of 24 inches on centers.

b. Diagonal corner bracing may be applied on the inside surface of studs.

c. Corner posts may consist of two two-inch by four-inch studs or a single four-inch by four-inch stud.

d. Horizontal bracing and collar beams may be two inches by six inches with a maximum spacing of four feet on centers.

(3) Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.

(Code 1986, § 14.25(6))

Sec. 18-197. Fire protection for attached garages.

Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:

(1) All walls in common with a principal building and attached private garage shall be of not less than one-hour fire-resistive construction on the garage interior.

(2) Where a private garage is part of a building having habitable rooms over such garage, there shall be provided a horizontal and vertical separation between the two occupancies of not less than two-hour fire-resistive construction, except that, in lieu thereof, the space between the joists and studs of the floor and wall shall be filled with approved noncombustible material four inches in thickness and protected with one-hour fire-resistive construction.

(Code 1986, § 14.25(7))

Secs. 18-198--18-220. Reserved.

ARTICLE VIII. MOVING BUILDINGS[8]

Sec. 18-221. Permit required.

No person shall move any building or structure upon any of the public ways of the city without first obtaining a permit therefore from the building inspector and paying the required fee. Every such permit issued by the building inspector for the moving of a building shall designate the route to be taken and the conditions to be complied with, and shall limit the time during which the moving operations shall be continued.

(Code 1986, § 14.28(1))

Sec. 18-222. Approval by building inspector.

No permit shall be issued to move a building within or into the city and to establish it upon a location within the city until the building inspector has made an investigation of

[8] **Cross references:** Environment, ch. 46.

such building at the location from which it is to be moved, and is satisfied from such investigation that the building is in a sound and stable condition and of such construction that it will meet the requirements of the building code in all respects. A complete plan of all 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 the building code and that, when such repairs, improvements and remodeling are completed, the building as such will comply with the building code. If a building is to be moved from the city 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.

(Code 1986, § 14.28(4))

Sec. 18-223. Approval by plan commission.

No permit shall be issued for moving a building or structure unless it has been found as a fact by the plan commission 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 building, and in case it is proposed to alter the exterior of the 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 plan of the building, as related to buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by the zoning ordinances of the city, or any ordinance amendatory thereof or supplementary thereto, will not cause a substantial depreciation in the property values of the neighborhood within the applicable district. In case the applicant proposes to alter the exterior of the building after moving the building, he shall submit with his application papers complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the city plan commission, which shall not be less than $5,000.00, to be executed in the manner provided in section 18-224, to the effect that he will, within a time to be set by the plan commission, complete the proposed exterior alterations to the building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the city. No occupancy permit shall be issued for the building until the exterior alterations proposed to be made have been completed.

(Code 1986, § 14.28(7))

Sec. 18-224. Bond.

(a) Before a permit is issued to move any building over any public way in the city, the party applying therefor shall give a bond to the city in a sum to be fixed by the building inspector, which shall not be less than $5,000.00. The bond shall be executed by a corporate surety or two personal sureties to be approved by the council or its designated agent, conditioned upon, among other things, the indemnification of the city 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 city in connection therewith, arising out of the removal of the building for which the permit is issued.

(b) 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 12 years of age unlikely, the bond required by subsection (a) of this section shall be further conditioned upon the permittee erecting adequate barriers, and, within 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 in this subsection.

(Code 1986, § 14.28(5))

Sec. 18-225. Insurance.

The building inspector shall require, in addition to the bond indicated in section 18-224, public liability insurance covering injury to one person in a sum of not less than $100,000.00 and for one accident in a sum not less than $300,000.00, together with property damage insurance in a sum not less than $50,000.00, or such other coverage as deemed necessary.

(Code 1986, § 14.28(6))

Sec. 18-226. Continuous movement required; obstruction of streets; leaving building on street at night.

The movement of building 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 any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

(Code 1986, § 14.28(2))

Sec. 18-227. Repair of damage to streets.

Every person receiving a permit to move a building shall, within one day after the building reaches its destination, report that fact to the building inspector, who shall thereupon, in the company of the city highway commissioner, inspect the streets and highways over which the building has been moved and ascertain their condition. If the removal of the building has caused any 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 permittee to do so within ten days thereafter to the satisfaction of the council, the council shall repair the damage done to

such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment for such repair.

(Code 1986, § 14.28(3))