

# Title 15 ► Chapter 1

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## Building Code

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### **Sec. 15-1-1 Building Code Established.**

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Elk Mound" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures in the Village of Elk Mound. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(c) **Scope; Applicability; Statutory Authority.**

- (1) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Village of Elk Mound, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village of Elk Mound and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
- (2) **Applicability.** This Building Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings and accessory buildings. Not included are children's play structures and agricultural buildings on agricultural zoned parcels.
- (3) **Statutory Authority.** These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

## **Sec. 15-1-2 Building Permits and Inspection.**

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Village of Elk Mound and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee, as appropriate. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
  - a. New buildings.
  - b. Re-siding projects and additions that increase the physical dimensions of a building including decks.
  - c. Alterations to the building structure, with cost determinations including market labor value, or alterations to the building's heating, electrical or plumbing systems.
  - d. Any electrical wiring for new construction or remodeling.
  - e. Any HVAC for new construction or remodeling.
  - f. Any plumbing for new construction or remodeling.
  - g. The repair or replacement of an external roof surface, including without limitation shingles, metal roofing, tiles, or rubber membrane. Any structural repair to a roof

or the replacement of trusses or sheeting shall also require a building permit. Unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.

- h. Permits are required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or natural gas supply systems when altered.
  - i. Exempted is finishing of interior surfaces, installation of cabinetry, and minor repairs as deemed by the Building Inspector. [See Subsections (a)(2)b and (g)(2)].
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
  - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, contact information (email address and fax, telephone and cellphone numbers), the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector or Village officials may require.
- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements and phasing are accepted by the Common Council.
- (d) **Utilities Required.**
- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical connection is presented to the Building Inspector. The Village Board determines the areas of availability of public utilities in the Village.
  - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let and financial assurances to the Village filed, for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. The Village Board determines the areas of availability of public utilities in the Village of Elk Mound.
  - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (e) **Elevations.** The first floor minimum elevation of a house shall be eighteen (18) inches above the curblin at the high side. The maximum driveway elevation shall be twelve percent (12%) from the flag of the curb to the threshold of the garage door.
- (f) **Submission of Plans.**
- (1) **Basic Application Information.** Two (2) sets of building plans shall be submitted to the Building Inspector for any work which expands the size of a building, involves a new building, or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction, building moving, or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

- (2) **Required Plot Information.** The above-described plot plan for a new building shall be a parcel survey [one (1) original with surveyor's signature and stamp plus two (2) copies] or other form of plot plan acceptable to the Building Inspector. Said plot plan or survey shall show the following:
    - a. Location and dimensions of all existing and proposed buildings.
    - b. Lot dimensions and all lot corner elevations using USGS datum.
    - c. Building setbacks.
    - d. The elevation of the proposed structure using USGS datum (must be in accordance with the approved grading plan).
    - e. Elevation of the lot and relation to sidewalk, street, etc. using USGS datum.
    - f. Elevation and setback of adjacent buildings using USGS datum.
    - g. Type of monuments at lot corners (i.e., I.P.).
    - h. Water courses, existing drainage ditches, easements and drainae patterns.
    - i. Seal and signature of surveyor or professional engineer or a certificate signed by the applicant.
  - (3) **Erosion Control Plan.** A construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site shall also be filed if needed for the project.
  - (4) **Scale.** Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot].
  - (5) **Filing of Plans.** One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State (Commercial) Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional Services. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.
  - (6) **Additional UDC Requirements.** Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09, Wis. Adm. Code.
  - (7) **Foundation Elevation and Location Confirmation.** The Village may issue a building permit as a result of the above submittals, subject, however, to verification by the Building Inspector of the actual elevations, location and setbacks of the foundation once installed.
- (g) **Waiver of Plans; Minor Repairs.**
- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).

- (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work without a building permit on certain projects. In addition to projects specified in Subsection (a)(1)h-i above, the following projects do not require a building permit:
- a. Minor repairs and alterations with a fair market value less than Five Hundred Dollars (\$500.00), as determined by the Building Inspector, which do not change occupancy, area, structural strength, fire protection, exits, natural light, roofing or ventilation.
- (h) **Site Plan Approval.**
- (1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Subsection. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
  - (2) **Administration.** The Building Inspector shall make a preliminary review of applications and plans under this Subsection and refer them along with a report of his/her findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Plan Commission to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.
  - (3) **Requirements.** In acting on any site plan approval application, the Plan Commission shall consider the following:
    - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the useage of adjoining land areas.
    - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, be satisfied that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
    - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
    - d. The landscaping, lighting and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants

and/or grass lawn/medians, and that the site be effectively screened so as not to impair the value of adjacent properties nor the intent or purposes of this Chapter.

- (4) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials/consultants, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue its final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.
- (5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Village Clerk-Treasurer within ten (10) days of the denial.
- (i) **Permit Issuance – New Non-UDC Projects.** If the Building Inspector in the case of non-UDC projects determines that the building will comply with all applicable ordinances of the Village and all applicable laws and orders of the State of Wisconsin, the Building Inspector or his/her designee shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (j) **Approval of Plans; Permit Issuance for UDC Projects.**
  - (1) **Building Permit Issuance.**
    - a. The Building Inspector shall issue the requested building permit for UDC projects if the owner or contractor demonstrates that all state and local submission requirements are satisfied, and upon payment of appropriate fees. If a permit card is issued, it shall be posted at the job site in a visible location from the street.
    - b. Upon completion of the foundation, the Building Inspector shall verify foundation setbacks and elevations.
  - (2) **Right of Inspection Access.** By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
  - (3) **Building Permits Conditioned Upon Compliance with Codes.** All permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable building codes, zoning ordinances and setback requirements on constructing the building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants.

- (4) **Partial Building Permit.** In case adequate plans are presented for part of a UDC-classified building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (k) **Inspections.**
- (1) **Required Inspections.** The following inspections for UDC projects shall be requested forty-eight (48) hours (business work days) in advance by the applicant/contractor or property owner, to the Building Inspector, as applicable:
- a. Footing/foundation.
  - b. Rough carpentry, HVAC, electric and plumbing.
  - c. Drantile/basement floor.
  - d. Underfloor plumbing/electric service.
  - e. Insulation.
  - f. Final carpentry, HVAC, electric and plumbing.
  - g. Erosion control.
- (2) **Failure to Request Inspections.** The requirement to request any inspections is the responsibility of the contractor and/or property owner.
- (l) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months and if construction has not been completed within twelve (12) months from the date of issuance thereof.
- (m) **Revocation of Permits.**
- (1) **Grounds for Revocation.** The Building Inspector or the Village Board may revoke any building, plumbing, HVAC or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- a. Whenever the Building Inspector or other Village authority finds at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to the permit holder.
  - b. Whenever the continuance of any construction becomes dangerous to life or property.
  - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
  - d. Whenever, in the opinion of the Building Inspector or other Village authority, there is inadequate supervision provided on the job site.
  - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

- (2) **Permit Revocation.** The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
- (3) **Permit Revocation Placard.** A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector or designee.
- (4) **Construction Unlawful Following Permit Revocation.** After the notice is delivered upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Building Inspector may require for the preservation of life and safety.
- (n) **Report of Violations.** Village officers and officials shall report at once to the Building Inspector or City office any building which is being carried on without a permit as required by this Chapter.
- (o) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- (p) **Inspection Warrants.** If the Building Inspector is denied access to inspect a property, he/she may request the Village Attorney to seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.

### Sec. 15-1-3 State Uniform Dwelling Code Adopted.

- (a) **Adoption of Codes.**
- (1) **Wisconsin Administrative Codes Adopted.** The following Wisconsin Administrative Codes and subsequent revisions pertaining to construction activity are adopted by reference for municipal enforcement and incorporated herein:
- |             |  |
|-------------|--|
| SPS 316     | Electrical Code  |
| SPS 320-325 | Uniform Dwelling Code  |
| SPS 326     | Manufactured Home Communities  |
| SPS 360-366 | Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code |
| SPS 367     | Rental Unit Energy Efficiency  |
| SPS 375-379 | Buildings Constructed Prior to 1914  |
| SPS 381-387 | Uniform Plumbing Code  |

- (2) **Commercial and Pre-1914 Buildings Codes.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379, Wis. Adm. Code (Existing Pre-1914 Buildings Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the Building Inspector.
  - (3) **Adoption of Additional Codes.** By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
    - a. **IBC.** The *International Building Code*®, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
    - b. **IECC.** The *International Energy Conservation Code*®, subject to the modifications specified in SPS 363, Wis. Adm. Code.
    - c. **IMC.** The *International Mechanical Code*®, subject to the modifications specified in SPS 364, Wis. Adm. Code.
    - d. **IFGC.** The *International Fuel Gas Code*®, subject to the modifications specified in SPS 365, Wis. Adm. Code.
  - (4) **Violations; Amendments.** Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in the Village of Elk Mound. A copy of these administrative code provisions and any future amendments shall be kept on file in the Building Inspector's Office.
- (b) **Scope of Uniform Dwelling Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of the following:
- (1) **Additions.** Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
  - (2) **Detached Garages.** New construction detached garages shall comply with the standards in Section 15-1-10 or the following requirements, whichever is more restrictive. Detached garages greater than two hundred (200) square feet serving one and two family dwellings. Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten (10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) SPS 322, Wis. Adm. Code, shall not apply.

- (3) **Other Detached Accessory Buildings.** Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow Subsection (b)(2) above and/or SPS 321, Wis. Adm. Code.
- (c) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
  - (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings — Whenever more than thirty-five percent (35%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
  - (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
  - (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
  - (3) **Building Inspector.** The State-certified inspector who performs UDC inspections in the Village of Elk Mound. For purposes of this Chapter, the title shall also include the official performing plumbing, electrical and HVAC plan reviews and inspections.
  - (4) **Department.** The Wisconsin Department of Safety and Professional Services.
  - (5) **Dwelling.**
    - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;  
or
    - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
  - (6) **Minor Repair.** A repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does 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 does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

- (7) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (8) **Person.** An individual, partnership, firm or corporation.
- (9) **Uniform Dwelling Code (UDC).** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

SPS 320	Administration and Enforcement
SPS 321	Construction Standards
SPS 322	Energy Conservation
SPS 323	Heating, Ventilating and Air Conditioning
SPS 324	Electrical Standards
SPS 325	Plumbing

(e) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services in each of the categories specified under SPS 326.06, Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the State under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

## Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Commercial Building Code Adopted.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. SPS 360-366, Wis. Adm. Code, incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Codes and amendments thereto shall be kept on file in the office of the Village Building Inspector.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Chs. H 81, H 82, H 83 and SPS 325, Wis. Adm. Code, are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village of Elk Mound. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
- (1) SPS 324, Wis. Adm. Code, and the currently adopted version of the National Electric Code, are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
  - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (c)(1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector, the provisions of the State Commercial Building Code adopted by Subsection (a) of this Section and/or the Uniform Dwelling Code adopted in Section 15-1-3, shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

## Sec. 15-1-5 Electrical Permits and Inspections.

- (a) **Code Compliance.** Except as otherwise provided by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Wisconsin Statutes, this Chapter and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this Chapter or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the

National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.

(b) **Permit.**

(1) No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.

(2) A permit shall be required for the installation of any outlet and any electrical wiring for use on any circuit including wiring for so-called low-voltage wiring for control of heating, ventilating, cooling, lighting, signal and communication equipment, excepting signal systems operated by, and/or in conjunction with, communication systems installed and maintained by a public utility.

(c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. All wires which are to be concealed shall be inspected before the concealment, and no other craft shall cover up or conceal such wires until the installation has been inspected and approved and officially tagged to this effect by the Electrical Inspector. If the Building Inspector finds that the work conforms to the State Electrical Code, the Inspector shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until such certificate has been issued.

## **Sec. 15-1-6 Plumbing Permits and Inspections.**

(a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:

(1) As defined in Sec. 145.01(1)(a), (c), (d) and (e), Wis. Stats.; and

(2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.

(b) **Required Inspections.**

(1) **Inspection System.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed

- until the Inspector has completed his/her examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of SPS 382.21, Wis. Adm. Code, is necessary, he/she may require a water or air test on all or part of the installation. The plumber in charge shall make such arrangements as will enable the Inspector to reach all parts of the building readily, and shall have present the proper apparatus and appliances for making the test and performance of plumbing work. Failure to respond promptly to official communications shall be deemed a sufficient reason for withholding permits and the plumber shall be held responsible for the violation of these regulations by himself/herself or any of his/her employees.
- (2) **Responsibility of Property Owners for Repairs.** Repairs of any drainage or waste pipe carrying domestic sewage from outside the foundation walls of any building or structure to and including the connection with the "Y" in the sewer main, including private domestic sewage treatment and disposal systems, such as stoppage of leaks in supply or waste pipes, clearing stoppages in waste pipes and repairing valves or faucets in the drainage or waste pipe, shall be the sole responsibility of the property owner except that in the event such leak or stoppage or defective valve or faucet is located between the "Y" (including its connection with the "Y") in the sewer main and the end of the sewer service lateral to the curb or other disposal terminal, then the Village shall be responsible for such repairs but shall charge the cost of such repairs to the property owner.
- (c) **Applications and Permits.**
- (1) **Application.** No plumbing shall be installed in the Village of Elk Mound without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the Village before such building may be connected to the Village sewer or water system. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner as his/her home.
- (2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish financial assurances (letter of credit, bond, etc.) when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.

## **Sec. 15-1-7 New Methods and Materials.**

- (a) **Approval Requirements for New Methods and Materials.** All materials, methods of construction and devices designed for use in buildings or structures covered by this Section

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and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

- (b) **Manufacturer's Installation Requirements.** Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

### **Sec. 15-1-8 Unsafe Buildings.**

Whenever the Building Inspector, Village Board and/or their designees find any building or part thereof within the Village of Elk Mound to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, such Village authorities shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

### **Sec. 15-1-9 Disclaimer on Inspections.**

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Elk Mound. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

### **Sec. 15-1-10 Garages.**

- (a) **Definitions.** As used in this Chapter:
  - (1) **Attached Private Garage.** A private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or a private garage so constructed as to form an integral part of the principal building.

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- (2) **Detached Private Garage.** A private garage entirely separated from the principal building.
  - (3) **Three-Quarter-Hour Fire Resistive Construction.** Construction which shall include the following assemblies and materials.
    - a. Two (2) inch brick or stone veneer.
    - b. Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
    - c. Five-eighths (5/8) inch of vermiculite plaster board.
    - d. Five-eighths (5/8) inch fire code gypsum plaster board.
- (b) **Locations.**
- (1) Unless otherwise regulated under applicable zoning, detached garages of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the interior walls of such garage adjacent to a residence building are protected with not less than one (1) hour fire resistive construction.
  - (2) Garages of masonry wall construction shall not be located less than five (5) feet from any residence building.
- (c) **Footings and Foundations.**
- (1) **Detached Garage.** Detached private garages shall have either footings and foundation walls which are established to the frost line, or be constructed on a reinforced concrete slab not less than four (4) inches in thickness.
  - (2) **Attached Garages.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building.
  - (3) **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.
- (d) **Construction.**
- (1) **All Private Garages.** Private garages shall be constructed as follows:
    - a. Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
    - b. Detached private garages of wood frame construction shall be constructed with the following minimum requirements:
      1. Studs may have a maximum spacing of twenty-four (24) inches on centers.
      2. Diagonal corner bracing may be applied on the inside surface of studs.
      3. Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
      4. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
    - c. Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code of Ordinances.
  - (2) **Attached Private Garages.** Private garages may be attached to or made a part of residential buildings when all walls in common between the principal building and the

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attached private garage are not less than one (1) hour fire resistive construction rating on the garage interior.

**Sec. 15-1-11 Regulation and Permit for Razing Buildings.**

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Village of Elk Mound shall apply for and obtain a demolition permit from the Building Inspector prior to undertaking any steps to demolish the structure.
- (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 date of application and, if different, on date of 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 NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
  - (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; and
  - (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;
  - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (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 same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
- (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/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
  - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her 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 Village Clerk-Treasurer at least forty-eight (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 seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
  - (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
  - (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
  - (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.

- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

### **Sec. 15-1-12 Basements; Excavations.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

### **Sec. 15-1-13 Discharge of Clear Waters.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting,

draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Sump Pump Discharge.**
  - (1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall within sixty (60) days of installation discharge into a storm sewer wherever available. Storm sewers shall be considered "available":
    - a. In existing streets with storm sewers when storm sewer laterals are installed.
    - b. In non-existing streets and in existing streets without storm sewers when storm sewers are installed.
  - (2) Storm sewers shall not be considered "available" in existing streets with storm sewers until such time as sewer laterals are installed. If no storm sewer is available sump pumps shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than ten (10) feet from the building and is above permanent grade.
  - (3) No sump discharge shall be allowed to flow on or across a public sidewalk. Sump discharge shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 each year.
  - (4) The provisions contained herein shall be in addition to those required and imposed by the State Plumbing Code, Chapters H81, H82 and H83, Wis. Adm. Code, and Chapter 145, Wis. Stats., and shall not amend or alter the provisions therein except insofar as is necessary for the application and enforcement of this Subsection.
- (f) **Conducting Tests.** If the Building Inspector or his/her designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision

of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

### **Sec. 15-1-14 Duplex and Multi-Service Connections.**

- (a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one (1) unit without disturbing the second unit.
- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

### **Sec. 15-1-15 Regulations for Moving Buildings.**

(a) **General Requirements.**

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Village of Elk Mound without first obtaining a permit therefor from the Building Inspector and upon the payment of the fee prescribed in Section 1-3-1. 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.
- (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.

- (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) fifty percent (50%) or more of its equalized assessed value and 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 twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be

granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Village Assessor.

- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All 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.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused 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 said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (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/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (f) **Bond.**
  - (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Elk Mound in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by

the Village in connection therewith arising out of the removal of the building for which the permit is issued.

- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.
- (h) **Village Board Approval.**
  - (1) No such permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village Board, which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall

be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of Village Clerk-Treasurer who shall send a copy of it to the Building Inspector.

### **Sec. 15-1-16 Construction Sites; Maintaining Clean Streets.**

Village streets are to be kept clean of dirt and debris from all construction sites. The primary contractor and/or permit applicant (owner) for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Village of Elk Mound will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor and/or permit applicant (owner) for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

### **Sec. 15-1-17 Fees.**

- (a) **Permit Fees.** Fees for permits issued pursuant to this Section shall be based on the square footage of the work to be done. This value will be based on current costs of construction as determined by the Building Inspector. Permit fees shall be as prescribed in Section 1-3-1.
- (b) **Administrative Fee.** In addition to the permit fee, an administrative fee will be charged based on the following formula: 10% of permit fee (minimum \$10.00; maximum \$50.00).
- (c) **Commencing Work Without a Permit.** If the required permit is not obtained prior to commencement of construction or installation, the above fees shall be doubled.

## **Sec. 15-1-18 Severability.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

## **Sec. 15-1-19 Penalties and Violations.**

- (a) **Violations.** Any building or structure in the Village of Elk Mound erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of Section 1-1-6 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) **Compliance; Penalties.**
- (1) **Notice of Noncompliance.** If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to SPS 320.10, Wis. Adm. Code.
  - (2) **Stop-Work Orders.** If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
  - (3) **Each Day a Separate Offense.** Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village of Elk Mound from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
  - (4) **Double Permit Fees for Violations.** If any construction or work governed by the provisions of this Chapter, the Uniform Dwelling Code, or other applicable Codes

adopted and incorporated in this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.

(c) **Appeals.**

(1) **UDC Appeals.** Any person feeling aggrieved by an order or determination of the Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services for a UDC interpretation.

(2) **Board of Appeals Review.** Any person feeling aggrieved by a non-UDC order or a determination of the Building Inspector and/or other Village official administering this Chapter may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(d) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Elk Mound charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.