

ORDINANCE NO. : 1358B

An Ordinance Amending Sections 14-1336 through 14-1382 of the Municipal Code of the City of Antigo.

The Common Council of the City of Antigo does ordain as follows:

Section I. Sections 14-1336 through 14-1382 are amended to read as follows:

Sec. 14-1336. - Adoption of codes.

(a) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Wis. Admin. Code ch. SPS 305	Credentials
Wis. Admin. Code ch. SPS 316	Electrical code
Wis. Admin. Code chs. SPS 320—325	Uniform dwelling code
Wis. Admin. Code chs. SPS 375—379	Existing building code
Wis. Admin. Code chs. SPS 382—387	Uniform plumbing code
Wis Admin. Code chs. SPS 327	Camping Units
Wis. Admin. Code chs. SPS 361—366	Wisconsin Enrolled Commercial Building Code

(b) Any act required to be performed or prohibited by an administrative code provision incorporated by reference in this section is required or prohibited by this section. Any future amendments, revisions or modifications of the administrative code provisions incorporated in this section are intended to be made part of this section to secure uniform statewide regulations in this city. A copy of these administrative code provisions and any future amendments shall be kept on file in the city inspector's office.

(Code 1999, § 15-1-3(a))

Sec. 14-1337. - Scope of uniform dwelling code.

(a) *Expanded.* For the purposes of this article, the provisions of the state uniform dwelling code are the standards for construction of the following:

(1) *Garages.* Detached garages greater than 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 inches in thickness. Reinforcement shall be a minimum of six inch by six inch, number ten wire mesh or fiber reinforced concrete. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab. Exempted are frostfree footings for detached residential accessory buildings. Wis. Admin. Code ch. SPS 322 shall not apply.

(2) *Other detached accessory buildings.* Concrete slabs, frostfree footings, etc., are not required, but if they are installed they shall follow subsection

(a)(1) of this section and/or Wis. Admin. Code ch. SPS 321.

(b) *Existing buildings.* The state uniform dwelling code shall also apply to buildings and conditions where:

(1) An existing building to be occupied as a one- or two-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 50 percent of the equalized value of the structure, such value to be determined by the city assessor.

(3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the city inspector shall comply with the requirements of this article for new buildings. Section 14-1373 shall also apply.

(4) Whenever more than 25 percent of the roof covering or exterior wall covering of a building is replaced in any 12-month period, all roof covering or exterior wall covering shall be in conformity with applicable sections of this article. (Code 1999, § 15-1-3(b), (c))

Sec. 14-1338. - Construction standards and codes adopted.

(a) *Portions of state building code adopted.* Wis. Admin. Code chs. SPS 361—365, the Wisconsin State Building Code, are adopted and made a part of this section with respect to those classes of buildings to which this article specifically applies. Any future amendments, revisions and modifications of such Wis. Admin. Code chs. SPS 361—365 incorporated are intended to be made a part of this article. A copy of such Wis. Admin. Code chs. SPS 361—365 and amendments thereto shall be kept on file in the office of the city inspector.

(b) *State plumbing code adopted.* The provisions and regulations of Wis. Stats. ch. 145 and Wis. Admin. Code chs. SPS 382, 383, 384 and 325 are made a part of this section by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the city. Any further amendments, revisions and modifications of such statute and administrative code are intended to be made part of this section.

(c) *State electrical code adopted.*

(1) Wis. Admin. Code ch. SPS 324 is adopted by reference and made a part of this section and shall apply to the construction and inspection of new one- and two-family dwellings and additions or modifications to existing one- and two-family dwellings.

(2) Subject to the exceptions set forth in this article, the electrical code found in Wis. Admin. Code chs. SPS 316 and 317 and the National Electrical Code, published by the National Fire Protection Association, are adopted by reference and made a part of this section and shall apply to all buildings, except those covered in subsection (c)(1) of this section.

(d) *Conflicts.* If, in the opinion of the city inspector and the common council, the provisions of the state building code adopted by subsection (a) of this section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the inspector and/or the city shall apply the most stringent provisions in determining whether the proposed building meets the requirements of this section.

(Code 1999, § 15-1-4)

Sec. 14-1339. - Definitions.

The following definitions shall be applicable in this article:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

Alteration means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

Department means the Department of Safety and Professional Services.

Dwelling means, in addition to the definitions in articles II, III and IV of this chapter:

(1) Any building, the initial construction of which is commenced on or after the effective date of the ordinance from which this article is derived which contains one or two dwelling units; or

(2) An existing structure or that part of an existing structure which is used or intended to be used as a one- or two-family dwelling.

Minor repair means repair performed for maintenance or replacement purposes on any existing one- or two-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.

One- or two-family dwelling means a building or structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

Uniform dwelling code means those administrative code provisions and any future amendments, revisions or modifications thereto contained in the following chapters of the Wisconsin Administrative Code:

Wis. Admin. Code ch. SPS 320	Administrative and enforcement
Wis. Admin. Code ch. SPS 321	Construction standards

Wis. Admin. Code ch. SPS 322	Energy conservation standards
Wis. Admin. Code ch. SPS 323	Heating, ventilating and air conditioning
Wis. Admin. Code ch. SPS 324	Electrical standards
Wis. Admin. Code ch. SPS 325	Plumbing
Wis Admin. Code ch. SPS 327	Camping Units

(Code 1999, § 15-1-3(d))

Cross reference— Definitions generally, § 1-2.

Sec. 14-1340. - Fees.

Fees for permits required under this article shall be as prescribed in section 1-22.

(Code 1999, § 15-1-60)

Sec. 14-1341. - Penalties and violations.

(a) Any building or structure erected, enlarged, altered or repaired or any use established after the effective date of the ordinance from which this article is derived in violation of this article shall be deemed an unlawful building, structure or use. The city inspector shall promptly report all such violations to the common council and city 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 article or to cause such building, structure or use to be removed. Any person in violation may also be subject to a penalty as provided in section 1-14. 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 city inspector or other city officials constitute a defense. Compliance with this article may also be enforced by injunctive order at the suit of the owner of any real estate within the jurisdiction of this article.

(b) If an inspection reveals a noncompliance with this article or the uniform dwelling code, the city inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Wis. Admin. Code § SPS 320.10(1)(c).

(1) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his/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 city inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(2) Each day each violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this article shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any section of this article or the uniform dwelling code.

(3) If any construction or work governed by this article or the uniform dwelling code is commenced prior to the issuance of a permit, double fees shall be charged.

(c) Any person feeling aggrieved by an order or a determination of the city inspector 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) Except as may otherwise be provided by the statute or ordinance, no officer, agent or employee of the city charged with the enforcement of this article 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 article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his/her duties under this article shall be defended by the legal representative of the city until the final determination of the proceedings therein.

(Code 1999, § 15-1-62)

Secs. 14-1342—14-1370. - Reserved.

DIVISION 2. - BUILDING CODE

Sec. 14-1371. - Purpose.

This article provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished after the effective date of the ordinance from which this article is derived and regulates the equipment, maintenance, use and occupancy of all such buildings and/or

structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(Code 1999, § 15-1-1(b))

Sec. 14-1372. - Scope.

(a) After the effective date of the ordinance from which this article is derived, new buildings erected in or any building moved within or into the city shall conform to all the requirements of this article, except as they are specifically exempted from part or all of this article. 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 termed a "new building" to the extent of such change. The sections of this article supplement the laws of the state pertaining to construction and use and article II of this chapter and amendments thereto to the date the ordinance from which this article is derived was adopted and in no way supersede or nullify such laws and article II of this chapter.

(b) This article applies to all dwellings, commercial buildings and structures, swimming pools, garages, structures, buildings and residential accessory buildings. Not included are children's play structures.

(c) This article is adopted under the authority granted by Wis. Stats. § 101.65.

(Code 1999, § 15-1-1(c))

Sec. 14-1373. - Building permits and inspections.

(a) *General permit requirement.* No building of any kind shall be moved within or into the city and no new building or structure or any part thereof shall be erected or ground broken for the building or structure or enlarged altered, moved, demolished, razed or used within the city after the effective date of the ordinance from which this article is derived, except as provided in this article, until a permit therefor shall first have been obtained by the owner or his/her authorized agent from the city inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit:

(1) New buildings.

(2) Additions that increase the physical dimensions of a building, including decks.

(3) Alterations to the building of structure, the cost of which shall include market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for re-siding and reroofing.

(4) Any electrical wiring for new construction or remodeling.

(5) Any HVAC for new construction or remodeling.

(6) Any plumbing for new construction or remodeling.

(7) Permits are required for all outdoor solid fuel heating devices (see section 1-22).

(b) *Alterations and repairs.* The following shall apply to buildings altered or repaired:

(1) *Alterations.* When not in conflict with any regulations, alterations to any building or structure existing on the effective date of the ordinance from which this article is derived and accommodating a legal occupancy and use, but of a 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 such, the existing construction shall be made to conform to the minimum requirements of this article applicable to such occupancy and use and the given type of construction.

(2) *Repairs.* Repairs for purposes of maintenance or replacements in any building or structure existing on the effective date of the ordinance from which this article is derived which do not involve the structural portions of the building or structure or which do not affect room arrangement; light and ventilation; access to or efficiency of any exit stairways; or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use shall be deemed minor repairs.

(3) *Prohibited alterations.* When any existing building or structure which, for any reason whatsoever, does not conform to of this article has deteriorated from any cause whatsoever to an extent greater than 50 percent 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.

(4) *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. Thereafter, no further occupancy or use of the building or structure shall be permitted until the sections of this article are complied with.

(5) *Extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the city inspector.

(c) *Application for permit.* Application for a building permit shall be made in writing upon a form furnished by the city inspector or his/her designee and shall state the following:

(1) The name and address of the owner of the land and also the owner of the building,

(2) Such other information as the city inspector may require.

(d) *Utilities required.* Utilities are required as follows:

(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.

(2) *Nonresidential buildings.* No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

(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) *Plans.* With such application for a building permit there shall be submitted two complete sets of plans and specifications, including the following:

- (1) A plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed;
- (2) Dimensions of the lot;
- (3) Dimensions showing all setbacks of all buildings on the lot;
- (4) Grade of the lot and of the street abutting the lot;
- (5) A construction erosion control plan setting forth proposed information and procedures needed for the control of soil erosion, surface water runoff and sediment disposition at the building site.

Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter inch to one foot (fireplace details to three-quarters inch to one foot). One set of plans shall be returned after approval as provided in this article. The second set shall be filed in the office of the city inspector. Plans for buildings involving the state building code shall bear the stamp of approval of the Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the office of the city inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wis. Admin. Code § SPS 320.09(4).

(f) *Approval of plans.* Procedures for approval of the plans are as follows:

- (1) If the city inspector determines that the building will comply in every respect with all ordinances and orders of the city and all applicable laws and orders of the state, he/she shall issue a building permit, which shall state the use to which such building is to be put and 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 such ordinances, laws or orders or which involves the safety of the building or the occupants, except with the written consent of the city inspector.
- (2) If adequate plans are presented for part of the building only, the city 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.

(g) Inspections. Inspections shall be made in accordance with the following:

(1) The following inspections shall be requested 24 hours (business workday) in advance by the applicant, contractor or property owner, as applicable:

- a. Footing/foundation.
- b. Rough carpentry, HVAC, electric and plumbing.
- c. Drain tile/basement floor.
- d. Underfloor plumbing/electric service.
- e. Insulation.
- f. Final carpentry, HVAC, electric and plumbing.
- g. Erosion control.

(2) Failure to request any inspection will be the responsibility of the contractor and/or property owner, whomever is the holder of the permit.

(h) *Permit lapses.* A building permit shall lapse and be void unless building operations are commenced within six months or if construction has not been completed within 12 months from the date of issuance thereof.

(i) *Revocation of permits.* Permits may be revoked as follows:

(1) The city inspector or the common council may revoke any building, plumbing or electrical permit, certificate of occupancy or approval issued under this article and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances whenever:

- a. The city inspector shall find 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 has been issued to him/her.
- b. The continuance of any construction becomes dangerous to life or property.
- c. There is any violation of any condition or provisions of the application for the permit or of the permit.

d. In the opinion of the city inspector, there is inadequate supervision provided on the job site.

e. Any false statement or misrepresentation has been made in the application for the permit or in the plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.

f. There is a violation of any of the conditions of an approval or occupancy given by the city inspector for the use of all new materials, equipment, methods or construction devices or appliances.

(2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, the owner of the premises and his agent, if any, and on the person having charge of construction.

(3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the city inspector.

(4) After the notice is served upon such persons 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. Before any construction or operation is again resumed, a new permit, as required by this article, shall be procured and fees paid therefor. Thereafter the resumption of any construction or operation shall be in compliance with this article. However, such work as the city inspector may order as a condition precedent to the reissuance of the building permit may be performed or such work as he/she may require for the preservation of life and safety.

(j) *Report of violations.* City officers and employees shall report at once to the city inspector any building which is being carried on without a permit as required by this article.

(k) *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.

(Code 1999, § 15-1-2; Ord. No. 1127B, § 1, 10-12-2005)

Sec. 14-1374. - Method of enforcement.

(a) *Authority of inspector.* The city inspector and his/her delegated representatives are authorized and directed to administer and enforce all of the provisions of the uniform dwelling code. The city inspector shall be certified for inspection purposes by the department in each of the categories specified under the Wisconsin Administrative Code.

(b) *Subordinates.* The city inspector may appoint, as necessary, subordinates as authorized by the common council.

(c) *Duties.* The city inspector shall administer and enforce all sections of this article and the uniform dwelling code.

(d) *Inspection powers.* The city 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 hvac work. No person shall interfere with or refuse to permit access to any such premises to the city inspector or his/her agent while in performance of his/her duties.

(e) *Records.* The city inspector shall perform all administrative tasks required by the department under the uniform dwelling code. In addition, the city 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- and two-family dwellings shall be kept.

(Code 1999, § 15-1-3(e))

Sec. 14-1375. - New methods and materials.

(a) All materials, methods of construction and devices designed for use in buildings or structures covered by this article and not specifically mentioned in or permitted by this article shall not be so used until approved in writing by the Department of Safety for use in buildings or structures covered by the state building code, except sanitary appliances, which shall be approved in accordance with the state plumbing code.

(b) 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 Department of Safety and Professional Services. The data, tests and other evidence necessary to prove the merits of

such material, method of construction or device shall be determined by the Department of Safety and Professional Services.

(Code 1999, § 15-1-5)

Sec. 14-1376. - Unsafe buildings.

Whenever the city inspector or common council finds any building or part thereof within the city to be, in his/her or its 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 building or part thereof, he/she or it 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 Wis. Stats. § 66.0413.

(Code 1999, § 15-1-6)

Cross reference— Public safety, ch. 30.

Sec. 14-1377. - Disclaimer on inspections.

The purpose of the inspections under this article is to improve the quality of housing in the city. The inspections and the reports and findings issued after the inspections are not intended nor are they to be construed as a guarantee. In order to advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this article: "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."

(Code 1999, § 15-1-7)

Sec. 14-1378. - Garages.

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

Attached private garage means 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.

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

(b) *Locations.* Locations of garages shall be in conformance with the following:

(1) Unless otherwise regulated under applicable zoning, detached garages of wood frame construction shall be located not less than ten feet from any residence building, except that such distance may be reduced to not less than five feet when the interior walls of such garage adjacent to a residence building are protected with not less than one-hour fire resistive construction.

(2) Garages of masonry wall construction shall not be located less than five feet from any residence building.

(c) *Footings and foundations.* Footings and foundations shall be as follows:

(1) *Detached garages.* Detached private garages shall comply with section 14-1337(a).

(2) *Attached garages.* Attached private garages shall be provided with the same type footings and foundations as required 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 per current Uniform Dwelling Code.

(d) *Construction.* Construction shall be as follows:

(1) *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 except as stated in this section.

b. Attached and detached private garages shall be of a type of construction approved by Department of Safety and Professional Services.

(2) *Attached private garages.* Private garages may be attached to or made a part of residence buildings when in compliance with the following:

a. All walls in common with a principal building on an attached private garage shall have not less than 45 minutes of fire resistive construction on the garage interior.

b. An attached private garage may have a door connecting directly into the principal building, provided that the door shall be a door with a 20-minute rating.

(Code 1999, § 15-1-8)

Sec. 14-1379. - Basements; excavations.

(a) *Basement subflooring.* First floor subflooring shall be completed within 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 to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four 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 months shall be deemed abandoned and a nuisance. The city 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 publication in the official newspaper for two consecutive publications at least ten days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the city inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate special assessment and shall bear interest at a rate

established by the common council from the date of the report by the city inspector on the cost thereof, pursuant to statute.

(d) *Fill dirt.* Fill dirt used at a site shall be graded within four weeks.

(Code 1999, § 15-1-10)

Sec. 14-1380. - 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 such 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 declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the city and to the protection of property.

(c) *Groundwater.* Where deemed necessary by the city inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration. Where the building is not serviced by a storm sewer, it shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or it shall discharge onto the ground surface in such other manner as will not constitute a nuisance.

(d) *Stormwater.* 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 stormwaters 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.

(e) *Sump pump discharge.* Discharges from sump pumps shall be in accordance with the following:

(1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall, within 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 nonexisting 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, dry well or onto the ground at a point which is not less than three feet from the building and which is above the permanent grade.

(3) No sump discharge shall be allowed to flow on or across a public sidewalk or be directed on to another person's property.

(4) This subsection shall be in addition to those required and imposed by the state plumbing code in Wis. Admin. Code chs. SPS 382 and 384 and Wis. Stats. ch. 145 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 city inspector or his/her designated agent suspects an illegal clear water discharge as defined by this section 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.

(Code 1999, § 15-1-11)

Sec. 14-1381. - Duplex and multiservice water and sewer connections.

(a) A duplex structure shall be allowed a common water service to the curbstop, but each unit of such duplex shall have a separate outside curbstop for the purpose of shutting water off in one unit without disturbing the second unit.

(b) Structures over two units, if metered separately, shall also have individual outside curbstops for the purpose of shutting water off in one unit without disturbing other units.

(c) A common sewer service can be used for duplex and multiple-unit structures from the sewer main to the structure.

(Code 1999, § 15-1-12)

Sec. 14-1382. - Outdoor wood furnaces.

(a) *Definitions.*

Outdoor solid fuel heating device (furnace): A device designed to generate heat, hot water or both for the interior of a building by solid fuel combustion where the enclosure in which the combustion takes place is located outside the building for which the heat, hot water, or both is to be generated. This definition includes but is not limited to outdoor wood burning heating units.

Regularly occupied by people: Used in whole or in part as a place of assemblage, lodging, trade, occupancy or use by persons.

Stack or chimney: A vertical structure, flue or flues that carry off smoke or exhaust from a solid fuel fired heating device; especially that part of such structure extending above the roof.

(b) *Design standards.*

(1) The furnace shall be constructed with self-contained weatherproofing with no additional structure enclosing it.

(2) It shall be listed by a nationally recognized testing laboratory acceptable to the and shall meet all ASME, Department of Safety and Professional Services, and ASTM standards.

(3) It shall be designed for operation at atmospheric pressure and be properly vented to prevent a positive pressure condition.

(4) All furnaces installed in the city are required to meet emission standards as set by the Environment Protection Agency (EPA). Standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

(c) *Code compliance.* The furnace and all parts accessory to it, including, but not limited to pressure safety controls, shall be installed to meet applicable mechanical codes and the manufacturer's listing. All electrical wiring serving such unit shall be installed in accordance with the National Electric Code, NEC Chapter 70 as modified by the Wisconsin Electrical Code, SPS 316.

(d) *Permit.* A heating permit is required prior to installation per subsection 14-1373(a)(7). A site plan indicating the furnace's location on the property and information to determine compliance with applicable standards and codes shall be filed with the permit application. The installation shall be inspected for compliance with all standards and approved plans before it is put into operation.

(e) *Installation requirements.*

(1) All furnaces will be installed and operated according to "best burn practices" as listed in subsection (k) below.

(2) The furnace shall have an attached permanent stack (chimney) conforming to the requirements listed under subsection (k)(5) below.

(3) All stacks (chimneys) shall be designed, constructed, and maintained to withstand horizontal wind pressures of not less than 30 pounds per square foot and also in accordance with the manufacturer's listing.

(4) All owners of outdoor solid fuel heating devices shall secure a source of wood which has been stored and dried for at least a year and shall provide an acceptable storage structure adjacent to the furnace to maintain wood dryness.

(5) All furnaces utilizing forced air induction shall be equipped with a chimney screen or cap to prevent emission of burning embers from unit which could ignite adjacent roofs or other combustible materials.

(6) The minimum stack height shall be at least 15 feet above grade.

(f) *Location on property.*

(1) Setback from any property line adjoining any developed or developable lot shall be ten feet from the side line and ten feet from the back line and at least 50 feet from any door, operable window or air intake vent of a building regularly occupied by people, other than the building where the unit is being installed.

(2) The furnace may not be located in any front yard or corner side yard.

(3) The furnace shall be enclosed by fencing or other barrier to prevent access by unauthorized persons.

(g) *Public nuisance.* Dense smoke, noxious fumes, gas and soot, cinders or live sparks produced by such furnaces that interfere substantially with the comfortable enjoyment of life, health or safety of another person or the public may be declared a public nuisance by a properly designated authority and ordered abated.

(h) *Existing furnaces.* Any furnace existing prior to the effective date of this section that does not conform to the requirements of this section, shall, upon the complaints of neighboring residents, be removed, replaced, or modified to meet the requirements of this section within 45 days of the notification of noncompliance from the building inspector, police department or other city officer or agent.

(i) *Disconnection or removal.* If a furnace is determined to be unsafe or in violation of any part of this section, the building inspector, police department or any other agent of the city may order the permanent disconnection and removal of the furnace if the unit is not modified to meet the standards set forth in this section.

(j) *Repairs.* Repairs to the furnace shall be made in accordance with the manufacturer's recommendations.

(k) *Outdoor solid fuel heating devices—"Best Burn Practices".*

(1) Read and follow all operating instructions supplied by the manufacturer.

(2) Fuel used. Only those fuels recommended by the manufacturer of the unit should be used. Never use the following: Trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products, particle board, railroad ties, treated wood, leaves, paper products and cardboard.

(3) Loading fuel. For a more efficient burn, pay careful attention to loading times and amounts. Follow the manufacturer's written instructions for recommended loading times and amounts.

(4) Starters. Do not use lighter fluids, gasoline or chemicals.

(5) Location. It is recommended that the furnace be located with due consideration to the prevailing wind direction.

(l) *Penalty.* Any person who installs an outdoor solid fuel heating device without a permit, or fails to remove, replace or modify any outdoor solid fuel heating device that does not meet the requirements of this section shall forfeit \$25.00 per day for each day the non-complying unit remains on the premises.


(Ord. No. 1126B, § 1, 10-12-2005)

Secs. 14-1383—14-1410. - Reserved.

Section 2. This Ordinance shall be in force and effect from and after its passage and publication.

ADOPTED: December 13, 2023.

APPROVED: December 13, 2023.



Terence V. Brand, Mayor

ATTEST:

Kaye M. Matucheski
Kaye Matucheski, City Clerk