

ORDINANCE NO. 3774

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTERS 6, 7, 8, 9, 22, AND 27 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO UPDATES TO THE FIRE PREVENTION CODE, PROPERTY MAINTENANCE CODE, PLUMBING CODE, BUILDING CODE, WIRELESS COMMUNICATIONS CODE AND CITY WATER UTILITY CODE

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

Section 1. Section 6.01 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“6.01 ADOPTION OF CHAPTER SPS 314 AND NFPA1, FIRE PREVENTION CODE - 2012
Chapter SPS 314 of the Wisconsin Administrative Code, and all subsequent amendments thereto, is hereby adopted and incorporated herein by reference, except as amended by §6.03 of this chapter. The provisions of the National Fire Protection Association's Fire Code, 2012 Edition (NFPA1, Fire Code - 2012), is hereby adopted by reference to the same extent that it is adopted by Chapter SPS 314 of the Wisconsin Administrative Code and any subsequent amendments thereto.”

Section 2. Section 6.02 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“6.02 DEFINITIONS
(1) Whenever the term “Authority Having Jurisdiction” is used in the Fire Code, it means the City of Beloit.
(2) Whenever the term “attorney” or “corporation counsel” may be used in the Fire Code, it means the City Attorney.
(3) Whenever the term “Chief” or “Chief of the Bureau of Fire Prevention” may be used in the Fire Code, it means the Fire Chief, Fire Inspector, or authorized designee of either position.”

Section 3. The introductory sentence of section 6.03 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“Chapter SPS 314 of the Wisconsin Administrative Code is hereby amended in the following respects:”

Section 4. The introductory sentence of section 6.03(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“Section SPS 314.03(9)(a) and (b) of the Wisconsin Administrative Code are amended to read as follows:”

Section 5. Section 6.03(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(3) Section SPS 314.03(3)(b) of the Wisconsin Administrative Code is amended by adding thereto, in alphabetical sequence, the following:
- c. Candles may only be used on tables when set in hurricane type holders on heavy bases and with glass shields, well supported and so located as to avoid danger of ignition of combustible material. This paragraph shall not apply to dwellings or dwelling units but only to places of public gatherings. Where necessary for ceremonial purposes, the Fire Chief may permit open flame lighting under such restrictions as are necessary to avoid danger of ignition of combustible materials or injury to occupants.”

Section 6. Section 6.05(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) FIRE INSPECTOR. The Fire Inspector(s) shall be responsible for performing all fire prevention inspections required by state law. The Fire Inspector(s) shall be appointed by the Fire Chief and shall work under the direct supervision of the Fire Chief or their designee. Required training for Fire Inspectors shall comply with Wisconsin Administrative Code Chapter SPS 314.47(4)(a).”

Section 7. Section 6.12(8)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(a) If the privately owned fire alarm system malfunctions because of faulty equipment or improper installation or operation and a false alarm is generated requiring the Fire Department response, there shall be a charge for repeated false alarms. For any 3 responses to a premises where a false alarm has occurred, no offense shall be deemed to have occurred. Thereafter, false alarms shall be charged as established by City Council resolution. The charge shall not be imposed when the false alarm is caused by hurricane, tornado, earthquake, fire, electrical system failure, electrical storm or other violent conditions as determined by the Fire Chief. The owner of the property shall not be billed for false alarms which occurred while another person owned the property where the false alarm occurred.”

Section 8. Section 6.14(1)(b)2 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “2. Section SPS 321.09, Wis. Admin. Code, which is hereby adopted and incorporated herein by reference.”

Section 9. Section 6.14(5) of the Code of General Ordinances of the City of Beloit is hereby repealed.

Section 10. Section 6.15(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(3) CONTAINMENT, CLEANUP AND RESTORATION. A person required to report under §6.15(2) herein shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of the area affected. All discharged hazardous substances and the resulting contaminated substances shall be analyzed upon direction of the Fire Chief and removed from the site and the City of Beloit not later than 90 days after the discharge or earlier upon direction of the Fire Chief. Any drums or other containers of said materials must be protected from freezing or leakage; containers not removed from the site immediately shall be secured to the extent necessary to prevent further environmental contamination or tampering with the materials until such materials can be disposed of; the container must be clearly marked with the name of the contractor or responsible party, including name, address and telephone number; must contain the date of placement into the container; and must contain such other information as required by law or directed by the Fire Chief. The required analysis of the materials shall be subject to the directions of the Fire Chief as to the parameters analyzed and the results thereof shall be provided forthwith to the Fire Chief. The Fire Chief shall approve the suitability of any facility proposed for such analysis, based upon considerations of competency and ability to provide timely results. The Fire Chief may delegate any of their duties provided herein to an authorized representative.”

Section 11. Section 6.15(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(4) CITY MAY TAKE REMEDIAL ACTION. In the event any person fails to engage the necessary personnel and equipment to comply with or to complete the requirements of this section, the Fire Chief or their authorized representatives may order or arrange for the required actions to be taken by public or private resources and jointly or severally recover from the responsible parties any and all costs, fees and expenses thus directly and/or indirectly incurred.”

Section 12. Section 6.15(6) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(6) SITE ACCESS. Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief and their authorized representatives including, but not limited to, other City officers, officials, employees and their authorized agents and representatives, both public and private, for all purposes in the ascertaining, cleanup, removal, transport, storage and other remedies.”

Section 13. Section 6.15(7) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(7) PUBLIC PROTECTION. Should any prohibited discharge occur that, in the sole discretion of the Fire Chief or their authorized representatives, imminently threatens or may tend to threaten the life, safety or health of the public or property at, near or around the hazardous situation or discharge, the Fire Chief or their authorized representatives on the scene of the emergency may order an evacuation of the area and take such other action as is necessary or appropriate to ensure the health, welfare and safety of persons and property.”

Section 14. Section 6.16 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “6.16 PETROLEUM PRODUCT STORAGE TANK PLAN EXAMINATION AND SITE INSPECTION. The Fire Department shall be responsible for the examination of plans and site inspections of petroleum product storage tank systems and components in accordance with the provisions of Ch. ATCP 93, Wis. Admin. Code.”

Section 15. Section 6.17 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “6.17 STORAGE TANK PERMIT FEES. Fees for the examination of plans and site inspections for tank systems and components used for the storage of flammable and combustible liquids, liquified petroleum gas, liquified natural gas and compressed natural gas shall be as established by City Council resolution in accordance with Ch. ATCP 93, Wis. Adm. Code. Fees shall be payable to the City Treasurer and shall be submitted at the time an application for approval is submitted. No plan examinations, approvals or inspections may be made until the fees are received.”

Section 16. Section 7.25(9) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(9) CARBON MONOXIDE DETECTORS. Sections 101.149 and 101.647, Wis. Stats., § SPS 321.097 and Ch. SPS 328, Wis. Admin. Code, and all subsequent amendments thereto, are hereby adopted and incorporated herein by reference.”

Section 17. Section 8.04 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “8.04 STATE PLUMBING CODE ADOPTED. The State Plumbing Code [Chs. SPS 381, 382, 384, 386 and 391, Wis. Admin. Code, and Ch. 145, Wis. Stats.] is hereby adopted and incorporated into this chapter by reference, except the penalty provisions of the State Plumbing Code.”

Section 18. Section 8.08 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “8.08 PLAN REVIEW AND APPROVAL BY WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES.
- (1) WHEN PLAN REVIEW AND APPROVAL REQUIRED. Section SPS 382.20, Wis. Admin. Code, requires that plans and specifications for certain types of plumbing work be reviewed and approved by the Wisconsin Department of Safety and Professional Services. No plumbing permit shall be issued for any plumbing work requiring review and approval by the Wisconsin Department of Safety and Professional Services unless that department certifies in writing that such review and approval has occurred.
 - (2) PLANS TO BE SEALED OR STAMPED. All plans and specifications requiring approval by the Wisconsin Department of Safety and Professional Services shall be sealed

or stamped by an architect, engineer or plumbing designer registered in the State. A master plumber may design and submit for approval plumbing plans and specifications for a plumbing system which he is to install. Each sheet of plans and specifications the master plumber submits shall be signed, dated and include his Wisconsin master plumber license number. Where more than one sheet is bound together into one volume, only the title sheet or index sheet need be signed and dated by the master plumber responsible for their preparation, providing the signed sheet clearly identifies all of the other sheets comprising the bound volume.

- (3) PLAN CHANGES. After written approval is granted, plans and specifications shall not be changed without the written consent of the Wisconsin Department of Safety and Professional Services and the architect, engineer, designer or master plumber responsible for the design. All installations shall conform to approved plans.
- (4) PLANS TO BE ON SITE. One set of the approved plans, bearing the seal of approval of the Wisconsin Department of Safety and Professional Services, shall be kept at the construction site until the work has been completed and approved."

Section 19. Section 9.04(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- "(1) The State Uniform Dwelling Code contained in Chapters SPS 320 through 325, Wis. Admin. Code, and Subchapter II of Chapter 101, Wis. Stats., including any subsequent amendments thereto, are hereby adopted by reference and incorporated herein as if they were fully set forth and made a part hereof."

Section 20. Section 9.04(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- "(2) Chapter SPS 320 through 325, Wis. Admin. Code, and Subchapter II of Chapter 101, Wis. Stats., shall apply to one- and 2-family dwellings whose initial construction is undertaken on or after the dates specified in those regulations."

Section 21. Section 9.05 of the Code of General Ordinances of the City of Beloit is hereby amended to repealed and recreated to read as follows:

- "9.05 ADOPTION OF STATE BUILDING CODES. The Wisconsin Administrative Code for One- and Two-Family Dwellings, also known as the Wisconsin Uniform Dwelling Code, including, but not limited to, Chapters SPS 320-325 and for Commercial Buildings, including, but not limited to, Chapters SPS 360-366, as from time to time amended or renumbered, is adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by such code incorporated hereby by reference is required or prohibited by this chapter. This section adopts such other Wisconsin Administrative Codes as may supersede, supplant or in any way amend, modify, change or add to the Wisconsin Administrative Code as adopted above."

Section 22. Section 9.06(2)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(e) The requirements of §SPS 321.03, Wis. Admin. Code, shall apply to exits in existing one-family and 2-family buildings.”

Section 23. Section 9.06(2)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(f) The requirements of § SPS 321.09, Wis. Admin. Code, shall apply to the installation and maintenance of smoke detectors.”

Section 24. Section 9.11(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) Wherever any work is being done contrary to the provisions of this chapter or before having obtained a permit authorized by the Planning and Building Services Division, the Planning and Building Services Division may order the work stopped by notice in writing served upon the permittee or their agent or any contractor engaged in doing the work or causing such work to be done, or by posting such stop order in a conspicuous place on the premises and any person shall stop such work until authorized by the Planning and Building Services Division to proceed with the work.”

Section 25. Section 9.13(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) Applications for permits to construct new one- and 2-family dwellings shall be made in the manner provided by § SPS 320.09, Wis. Admin. Code.”

Section 26. Section 9.14(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) Inspections of newly constructed one- and 2-family dwellings shall be conducted in the manner provided in § SPS 320.10, Wis. Admin. Code.”

Section 27. The introductory paragraph of section 9.14(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(2) For construction other than regulated by subsection (1) above, the Planning and Building Services Division shall, upon notification from the contractor or their agent, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or their agent wherein the same fails to comply with this chapter:”

Section 28. Section 9.16(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(2) The Director of Planning and Building Services and their authorized representative is empowered to act for the City under §66.0413, Wis. Stats., relating to condemnation and razing of buildings.”

Section 29. Section 9.20(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(2) Materials and methods used in the construction of dwellings regulated by the Uniform Dwelling Code shall comply with the requirements of § SPS 320.18, Wis. Admin. Code.”

Section 30. Section 9.21 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“9.21 DEFINITIONS.

In addition to the definitions set forth in §§ SPS 320 and SPS 321, Wis. Admin. Code, the following terms, phrases, words, abbreviations and their derivatives shall have the meaning indicated in this section unless otherwise expressly stated. Where terms are not defined, they shall have their ordinary accepted meanings or such as the context may imply.

- (1) ACCEPTED ENGINEERING PRACTICES. That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.
- (2) CURB HEIGHT OR LEVELS. The elevation of the established curb measured at right angles to the reference point. Where no curb is established, the grade at the centerline of the street shall be used.
- (3) FOOTING. That portion of the foundation which spreads and transmits loads directly to soil or pilings.
- (4) FOUNDATION. The supporting structure, below the floor nearest and above grade, upon which the superstructure of a building or structure rests.
- (5) SHALL. A term for mandatory use under the provisions of this chapter.
- (6) VALUE. That price which the building or work will sell for on negotiations between a seller, willing but not obliged to sell, and a buyer, willing but not obliged to buy.
- (7) WRITING. Shall include handwriting, typewriting, printing, photo-offset or any other form of reproduction in legible symbols or characters.
- (8) WRITTEN NOTICE. Notification in writing delivered in person to the individual or to the parties intended, or delivered at or sent by certified mail to the last business address known to the party giving notice.”

Section 31. Section 9.23(6)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(b) Whenever a building is hereafter erected, enlarged or increased in height so that a wall, along or within 3' of a lot line, extends above the top of an existing chimney or vent of an existing adjoining building, the owner of the building so erected, enlarged or increased in height shall carry up, at their own expense and with the consent of the adjoining property owner, either independently or within their own building, all chimneys and vents

connected to liquid or solid fuel burning appliances. The construction of an extended chimney shall conform to the requirements of new chimneys.”

Section 32. Section 9.23(6)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(d) Wherever a party wall is exposed the owner of the new or altered property shall preserve the party wall from damage and support it at their own expense. The wall shall be made weatherproof and structurally safe by adequate bracing until such time as permanent structural supports have been provided. Beam holes in party walls, exposed as a result of the work, shall be bricked up and wall anchors bent over at beam ends at the expense of the owner of the building or structure under work. No party wall balcony or horizontal exit shall be destroyed or rendered useless until a substitute means of egress has been approved by the Planning and Building Services Division.”

Section 33. Section 9.23(8)(b)3 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “3. If license to enter is not afforded, then the adjoining owner shall have the entire responsibility of providing both temporary and permanent support of the premises at their own expense.”

Section 34. Section 9.23(8)(b)4 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “4. If the person who causes the work to be done has reason to believe that an adjoining building or structure is unsafe, they shall forthwith notify the Planning and Building Services Division in writing. The Planning and Building Services Division shall inspect such premises, and if the structure is found to be unsafe, the inspector shall order it repaired or razed.”

Section 35. Section 9.24(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(c) Fire Separation. Attached garages shall be separated from dwelling units as provided in § SPS 321.08(1), Wis. Admin. Code.”

Section 36. Section 9.24(3)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(d) Roofs and Ceilings. Roofs and ceilings shall conform to the requirements of §§ SPS 321.27 and SPS 321.28, Wis. Admin. Code.”

Section 37. Section 9.24(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(4) HEADERS. Headers in garages and accessory structures shall be as set forth in § SPS 321.25(3), Wis. Admin. Code.”

Section 38. Section 9.24(5)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(a) Freestanding Sheds. Freestanding sheds not exceeding 70 square feet in area need not be built on a foundation, but shall be anchored to resist displacement and movement by wind, large animals and vandals. They shall be designed to support all loads as set forth in § SPS 321.02, Wis. Admin. Code.”

Section 39. Section 9.24(6)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(a) Patios and carports shall be designed and constructed to resist all loads as specified in § SPS 321.02, Wis. Admin. Code.”

Section 40. Section 9.25(2)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(d) Attorney Approval. Before a permit is issued the required insurance and bond shall be forwarded to the City Attorney, who shall approve or disapprove such insurance or bond upon their opinion of adequacy of protection.”

Section 41. Section 9.25(4)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(e) Trimming of Trees. Where it is necessary to trim or remove trees along the route such trimming or removal shall be under the supervision of the Public Works Director, or their authorized representative.”

Section 42. Section 9.26(6)(c)3. of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “3. Disinfection methods using materials other than chlorine compounds shall be subject to the approval of the Public Works Director or their authorized representative.”

Section 43. Section 9.26(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(a) Electrical Service and Wiring. The provisions of § SPS 316, Wisconsin Electrical Code, Volume 2, and Article 680 of the National Electrical Code regarding minimum requirements for installation of electrical wiring and equipment in or related to swimming pools or hot tubs are hereby adopted by reference and made part of this Municipal Code.”

Section 44. Section 9.26(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(b) Electrical Conductor Clearance. Clearance from overhead or underground electrical conductors, whether private or utility owned, shall be in conformance with § SPS 316 of the Wisconsin State Electrical Code, Volume 2, and Article 680 of the National Electrical Code which are hereby adopted by reference and made a part of this Municipal Code.”

Section 45. Section 9.28(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) REQUIRED. Before receiving a building permit, the owner or their agent shall pay a fee as established by City Council resolution. No permit fee shall be required for a permit for work done in connection with a public works contract or other contract issued by the United States, the State of Wisconsin, the County of Rock or the City of Beloit.”

Section 46. Section 22.04(3)(b)1.c. of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “c. A copy of the FAA determination, the FCC license and the State of Wisconsin Department of Safety and Professional Services building plan approval indicating that the proposed tower, antenna or equipment facility complies with rules administered by those agencies.”

Section 47. Section 27.05(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) PLUMBING PERMIT REQUIRED. No person shall do any plumbing or pipe-fitting work in connection with the public water utility unless that person is authorized to perform such work in accordance with §145.06, Wis. Stats., and §§SPS 305.90 to SPS 305.97, Wis. Adm. Code. All plumbing and pipe-fitting work shall comply with state and local plumbing codes.”

Section 48. Section 27.14(1)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(a) Chapters NR 811 and SPS 382, Wis. Adm. Code, require protection of the public water system from contamination caused by cross-connection of private water systems to the public water system.”

Section 49. Section 27.14(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(2) CROSS-CONNECTION PROHIBITED. No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No person shall connect water from a private, auxiliary or emergency water supply with the public water supply or public water distribution system unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City and by the Wisconsin Department of Natural Resources in accordance with §NR 811.09, Wis. Adm. Code, and by the Department of Commerce in accordance with §SPS 382.41, Wis. Adm. Code.”

Section 50. Section 27.17(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(2) DEMOLITION OF BUILDING RECEIVING WATER UTILITY SERVICE. When the owner or other person intends to demolish a building served by the public water utility, that person

must obtain a demolition permit from the Division of Planning and Building Services and must comply with the requirements of §SPS 384.40, Wis. Adm. Code, pertaining to the removal of public water utility service.”

Section 51. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 52. This ordinance shall be in force and take effect upon passage and publication.

Adopted this 17th day of January, 2023.

CITY COUNCIL FOR THE CITY OF BELOIT

Regina Dunkin, President

ATTEST:

Marcy J. Granger, City Clerk-Treasurer

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Chapters 6, 7, 8, 9, 22 and 27 = ORD 20221221 (22-1191)