

STATE OF WISCONSIN

WAUKESHA COUNTY

VILLAGE OF WAUKESHA

ORDINANCE NO. 2022-11

**AN ORDINANCE TO REPEAL AND RE-CREATE CHAPTER 8 OF THE
VILLAGE OF WAUKESHA MUNICIPAL CODE ENTITLED "BUILDINGS AND
BUILDING REGULATIONS" TO UPDATE REFERENCES FROM TOWN TO
VILLAGE AND TO UPDATE THE REQUIREMENTS TO RECEIVE BUILDING
AND OCCUPANCY PERMITS**

WHEREAS, Chapter 8 of the Village of Waukesha Village Code creates standards and requirements for building and construction projects throughout the Village; and

WHEREAS, the Plan Commission and Village Board directed Village staff to revise sections of the Village Building Code to clarify the requirements for receiving a building permit when a private street must be constructed; and

WHEREAS, further, the Village of Waukesha has incorporated from a town to a village and this ordinance is making the necessary changes to reflect the same; and

WHEREAS, the Plan Commission and Village Board directed Village staff to update this Chapter of the Village Code to properly reference the Village throughout; and

WHEREAS, the Village Board finds that it is in the best interest of the health, safety and welfare of the Village of Waukesha to update the provisions of the Village Building Code to clarify the requirements to receive a building permit when a building is located on a private road, and to update all references to the Town in Chapter 8 to read as "Village."

NOW THEREFORE, the Village Board for the Village of Waukesha, Waukesha County, Wisconsin does hereby ordain as follows:

SECTION 1: Chapter 8 of the Village of Waukesha Village Code entitled, "Buildings and Building Regulations," is hereby repealed and re-created to read as indicated in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: CONTINUATION OF EXISTING PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect the following ordinances, rights, and obligations, which are hereby expressly saved from repeal:

- a. Any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

- b. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- c. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- d. Any permit issued prior to the effective date of this ordinance.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section of portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.


Passed and approved this 8th day of September, 2022.

VILLAGE OF WAUKESHA, WI

By:


Robert Stigler, Village President

ATTEST.


Kris Snyder, Village Clerk

Chapter 8 - BUILDINGS AND BUILDING REGULATIONS^[1]

Footnotes:

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State Law reference— Village building code enforcement, Wis. Stats. § 60.61(1m).

ARTICLE I. - IN GENERAL

Secs. 8-1—8-18. - Reserved.

ARTICLE II. - BUILDING CODES^[2]

Footnotes:

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State Law reference— One- and two-family dwelling code, Wis. Stats. § 101.60 et seq.; local building codes, Wis. Stats. § 66.1019.

Sec. 8-19. - Building code established.

- (a) *Title*. This article shall be known as the "Building Code of the Village of Waukesha" and will be referred to in this article as "this code," "this article" or "this ordinance."
- (b) *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 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. 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*. This code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, agricultural buildings and residential accessory buildings. Not covered by this code are children's play structures.

(Prior Code, § 15-1-1)

Sec. 8-20. - Building permits and inspection.

(a) *Permit required*.

- (1) *General permit requirements*. Prior to commencing any of the following work, the owner or his agent shall obtain a valid permit from the municipal building inspector:
 - a. New buildings.
 - b. Additions that increase the physical dimensions of a building, including decks.
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.

- d. Replacement of major building equipment, including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
 - e. Any electrical wiring for new construction or remodeling.
 - f. Any HVAC for new construction or remodeling.
 - g. Any plumbing for new construction or remodeling.
 - h. Agricultural buildings.
 - i. Exempt are normal repairs performed in subsection (a)(1)e through g of this section.
 - j. Exempt are re-roofing, re-siding and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the building inspector. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof.
- (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 article 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 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 article are complied with.
 - d. *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 or his designee and shall state the name and address of the owner of the land and also the owner of the building if different, 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 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 subdivision and required improvements are accepted by the Village board or per the developer's agreement. In the case of private roads, no building permit shall be issued until the first lift of asphalt pavement has been placed along the entire frontage of the lot or unit seeking a building permit.
- (d) *Utilities required.*
- (1) *Residential buildings.* No building permit shall be issued for the construction of any residential building until sewer, water, grading and the first lift of asphalt are installed in the streets necessary to service the property for which the permit is required.

- (2) *Occupancy.* No person shall occupy any building until sewer, water, grading and the first lift course of asphalt 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) *Submission of plans.* Three sets of building plans shall be submitted to the inspector for any work which expands the size of a building, any new building or as required by the inspector. If a new building or building addition is proposed, then a to scale plot plan showing such proposed work and existing buildings and property lines shall be submitted. A third set of commercial plans is required for the fire inspector.
- (f) *Waiver of plans; minor repairs.* If the building inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$2,000.00.
- (g) *Approval of plans; permit issuance.*
- (1) *Culvert installation.* Prior to a building permit being issued for any new principal structure as defined by chapter 42, on a vacant lot, the Village will install a culvert at the property owner's expense. The property owner shall file a cash deposit and pay the culvert fees established by resolution at the time of building permit application. Actual cost will be applied to the building permit at the time of issuance if over or under the deposit amount.
- (2) *Permit issuance.* If the building inspector determines that the building will comply in every respect with all ordinances and orders of the Village and all applicable laws and orders of the state, he 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. The inspector shall issue the requested permit after all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. 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.
- (3) *Partial authorization.* In case adequate plans are presented for part of the building only, the building inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (h) *Inspections.*
- (1) *Inspections to be requested in advance.* The following inspections shall be requested 48 hours in advance or per state administrative code by the applicant/contractor or property owner as applicable:
- Footing.
 - Foundation.
 - Rough carpentry, HVAC, electric and plumbing.
 - Drain tile/basement floor.
 - Underfloor plumbing.
 - Electric service.
 - Insulation.
 - Final carpentry, HVAC, electric and plumbing.
 - Erosion control.
- (2) *Failure to request inspection.* Failure to request any inspection will be the responsibility of the contractor and/or property owner.

- (i) *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 two years from the date of issuance thereof.
- (j) *Revocation of permits.*
 - (1) The building inspector or the Village board may revoke any building, HVAC, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this article 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 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.
 - 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, 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) The notice revoking a building, HVAC, 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 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 building inspector.
 - (4) After the notice is served 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 section, 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 article. However, such work as the building inspector may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (k) *Report of violations.* Village officials shall report at once to the building inspector any building which is being carried on without a permit as required by this section.
- (l) *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.
- (m) *Permit issuance questions.* If the building inspector has any questions regarding the issuance of a building permit to any applicant, the same shall be referred by the building inspector to the plan commission for their review and determination. The building inspector shall follow the recommendations of the plan commission in granting or refusing to issue such building permit.
- (n) *Permit fees.* Permit fees established by resolution shall be paid prior to permit issuance.

(Prior Code, § 15-1-2)

Sec. 8-21. - State codes adopted.

- (a) *Adoption of codes.* The following provisions as now or hereafter amended are adopted for municipal enforcement:
- (1) Wis. Admin. Code ch. SPS 302—Plan Review Fee Schedule.
 - (2) Wis. Admin. Code ch. SPS 305—Licenses, Certifications and Registrations.
 - (3) Wis. Admin. Code ch. SPS 316—Electrical Code.
 - (4) Wis. Admin. Code chs. SPS 320—325—Uniform Dwelling Code.
 - (5) Wis. Admin. Code chs. SPS 361—366—Commercial Building Code.
 - (6) Wis. Admin. Code chs. SPS 375—379—Historic Building Code.
 - (7) Wis. Admin. Code chs. SPS 381—387—Uniform Plumbing Code.
 - (8) Wisconsin Association of Foundation Repair Professionals, best management standards for foundation repair.
- (b) *Scope of Uniform Dwelling Code expanded.* For the purposes of this article, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:
- (1) Additions, alterations and major equipment replacements for one- and two-family dwellings built prior to June 1, 1980.
 - (2) Detached accessory buildings greater than 200 square feet serving one- and two-family dwellings.
 - a. Frost protection for footings and foundations.
 1. Grade-beam slabs are required for structures with a continuous floating slab of reinforced concrete. Slab 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 by using 1½ pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab.
 2. Structures not constructed with a floating slab shall have footings and foundations placed below frost penetration level, but in no case less than 48 inches below grade per Wis. Admin. Code ch. SPS 321.
 - (3) Detached accessory buildings less than 200 square feet in size. Concrete slabs, frost-free footings and the like are not required, but if they are installed they shall follow subsection (b)(2) of this section and/or Wis. Admin. Code ch. SPS 321. Wood bearing beams, walls or members in contact with the ground shall be pressure treated or decay-resistant type wood per Wis. Admin. Code SPS 321.10.
- (c) *Method of enforcement.*
- (1) *Certified inspector to enforce.* The building inspector and his 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 department in each of the categories specified under Wis. Admin. Code SPS 320.10.
 - (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 article 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 agent while in performance of his duties.
- (5) *Records.* The building inspector shall perform all administrative tasks required by the department 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- and two-family dwellings shall be kept.

(Prior Code, § 15-1-3)

Sec. 8-22. - Certified municipality status.

The Village has adopted the certified municipality status as described in Wis. Admin. Code SPS 361.70.

- (1) *Responsibilities.* The Village shall assume the following responsibilities for the department of safety and professional services ("department"):
 - a. Provide inspection of commercial buildings with certified commercial building inspectors.
 - b. Provide plan examination of commercial buildings with certified commercial building inspectors.
- (2) *Plan examination.* Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the Village shall be submitted, if the plans are for any of the following:
 - a. A new building or structure containing less than 50,000 cubic feet of total volume.
 - b. An addition to a building or structure where the total volume after construction of the addition is less than 50,000 cubic feet.
 - c. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - d. An alteration of a space involving less than 100,000 cubic feet of total volume.
 - e. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the department for review and approval.
 - f. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

(Prior Code, § 15-1-4)

Sec. 8-23. - Unsafe buildings.

Whenever the building inspector or Village board find any building or part thereof within the Village 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, they 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. § 455.0413.

(Prior Code, § 15-1-5)

Sec. 8-24. - Abandonment of wells.

- (a) The purpose of this section is to require abandonment of all unused wells in accordance with the provisions of Wis. Admin. Code chs. NR 111 and 112.
- (b) All obsolete, unused, unsafe or improperly constructed wells or drill holes shall be abandoned by the owner of the premises on which the well or drill hole is located. Within 30 days after the well or drill hole has been abandoned, the owner of the premises shall promptly fill the well or drill hole in accordance with the requirements of Wis. Admin. Code NR 111.26 and 112.21.
- (c) In the event an owner fails to comply with the provisions of Wis. Admin. Code NR 111.26 and 112.21 within 30 days after receiving notice in writing by the Village, the Village may thereafter complete or cause to be completed any work necessary to bring the property in compliance with this provision and the provisions of the state administrative code, and charge the cost thereof to the owner of the premises as a special assessment against the property.

(Prior Code, § 15-1-6)

Sec. 8-25. - Cross connections.

- (a) Every person owning or occupying any premises receiving a municipal water supply, including, but not limited to, water supplied by the City of Waukesha Water Utility, shall maintain such municipal water supply free from any connections, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance in which water or a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping system of the municipal water system. All private fire protection systems having cross connections with private supplies shall maintain the double check and gauge valves, installed by order of the state department of safety and professional services, free from leakage or defect of any nature.
- (b) The regulations of the City of Waukesha Water Utility, with respect to those premises receiving municipal water supply from that utility, are hereby adopted by reference and incorporated in this code as if set forth in full.

(Prior Code, § 15-1-7)

Sec. 8-26. - Disclaimer on inspections.

The purpose of the inspections under this article are to improve the quality of housing in the Village. 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 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."

(Prior Code, § 15-1-8)

Sec. 8-27. - 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 400 square feet within the Village 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 performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete (maximum six months);
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by the state administrative code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used;
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site; and
 - (9) Along with the application for permit for demolition, the applicant shall present 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. This permit shall be valid for only six months.
- (d) *Clearing and leveling the site.*
 - (1) Foundations from demolished buildings shall be removed to a depth of three feet below grade and the basement floor is to be broken up into two feet by two feet size pieces or smaller to allow water to move freely. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The building inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the building inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before any filling of excavation. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.
 - (2) 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.
 - (3) Within six months from issuance of the razing permit:
 - a. The site of any demolition shall be properly cleared of debris, rubbish and pavement.
 - b. The area shall be graded to conform with the adjoining grade of the neighboring property.
 - c. The area shall be seeded and mulched, sodded or treated in some other manner acceptable to the building inspector so as to prevent blowing dust, dirt, or sand.

- d. The building inspector shall be notified for the final inspection.
- (e) *Removal and disposal.* Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the building inspector 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

(Prior Code, § 15-1-9)

Sec. 8-28. - Illicit discharges and connections.

- (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:

Illicit connection means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge, including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency prior to the adoption of the ordinance from which this article is derived.

Person means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or owner's agent.

Storm drain system means publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and humanmade or altered drainage channels, reservoirs, and other drainage structures.

- (b) *Storm sewer lateral.* Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (c) *Discharges prohibited.* No person shall discharge, spill, or dump substances or materials which are not entirely composed of stormwater into receiving bodies of water or onto driveways, sidewalks, parking lots, or other areas that drain into the storm drainage system. 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 or any other property. Discharge water pipes need to terminate a minimum of 15 feet from any lot line so as not to flood neighboring property.
- (d) *Connections prohibited.* The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of the ordinance from which this article is derived, regardless of whether the connection was permissible under law, or practice applicable or prevailing at the time of connection.
- (e) *Exemptions.* The following activities are exempt from the provisions of this section unless found to have an adverse impact on the stormwater:
 - (1) Discharges authorized by a permit issued by the state department of natural resources.
 - (2) Discharges resulting from firefighting activities.
 - (3) Discharges from uncontaminated groundwater, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential

car washing, water main and hydrant flushing, and swimming pools if the water has been dechlorinated.

- (f) *Enforcement.* Whenever the building inspector finds that a person has violated a prohibition or failed to meet a requirement of this section, the building inspector may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property;
 - (4) In the event any person fails to eliminate the illicit connections or discharges, fails to cease and desist in discharge, practices or operates in violation of this section, or fails to abate or remediate the stormwater pollution or contamination hazards, such person may be subject to a forfeiture pursuant to section 1-7.

(Prior Code, § 15-1-11)

Sec. 8-29. - Duplex service connections.

Each unit of a duplex shall have separate water and sewer services.

(Prior Code, § 15-1-12)

Sec. 8-30. - Regulations for moving buildings.

- (a) *General requirements.*
- (1) No person shall move any building or structure greater than 200 square feet upon any of the public ways of the Village without first obtaining a permit therefor from the building inspector and upon the payment of the required fee. Every such permit issued by the building inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
 - (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 a 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, garage, and service connections in case of moved buildings) 40 percent or more of its fair market value, and no permit shall be granted to repair, alter, or move such building within, or into, the Village. Furthermore, in the event the fair market value of the building proposed to be moved within, or into, the Village will not, after the building has been moved and improvements completed, equal or exceed the fair market value of those properties immediately adjoining and contiguous to the property on which the building has been moved, and no permit shall be granted to move the building within, or into, the Village.
- (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 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 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 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 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 on a public way in the Village, the party applying therefor shall give a cash bond to the Village in a sum to be fixed by the building inspector and which shall not be less than \$5,000.00, 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 12 years of age unlikely, the bond required by subsection (f)(1) of this section shall be further conditioned upon the permittee erecting adequate barriers and within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the building inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (g) *Insurance.* The building inspector shall require, in addition to the said bond above indicated, public liability insurance covering injury to one person in the sum of not less than \$1,000,000.00 for one accident, aggregate not less than \$5,000,000.00, together with property damage insurance in a sum not less than \$1,000,000.00, 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 shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village board, which shall not be less than \$5,000.00, to be executed in the manner provided in subsection (f)(1) of this section to the effect that he 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 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 shall request a meeting of the Village board to consider application for moving permits which he 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. The Village board shall give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within 48 hours after the close of the hearing, the Village board shall, in writing, make or refuse to make the finding required by this subsection (h) and file it in the office of Village clerk-treasurer, who shall send a copy of it to the building inspector.

(Prior Code, § 15-1-13)

Sec. 8-31. - Swimming pools.

- (a) *Private swimming pools.* No person shall construct, install, or enlarge a swimming pool not enclosed in a permanent building in the Village except in accordance with the regulations of this section.
- (b) *Definitions.* The term "private swimming pool" means a receptacle for water, or an artificial pool of water, having at any point a depth of more than 30 inches, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, for bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 260 square feet in area and four feet in depth which are dismantled and removed for the winter are excluded from this section.
- (c) *Permit.* No person shall construct, install, enlarge or alter any private swimming pool unless permits have first been obtained from the building inspector. The pool permit fee shall be as established by resolution. Application shall be on forms provided by the building inspector, and shall be accompanied by plans drawn to scale showing pool dimensions and volume of water in gallons; location and type of water waste disposal system; location of pool on lot and distance from lot lines; and fencing and landscaping plan or a combination thereof.
- (d) *Construction of pool.* A private swimming pool shall be constructed in accordance with the following requirements:
 - (1) The pool must be contained within setback and offset lines. The area of the pool shall not exceed five percent of the area of the lot.
 - (2) The pool shall not be nearer than ten feet to any residence or to an overhead electrical wire.
 - (3) The pool must be completely fenced before filling, by a fence or wall not less than 3½ feet in height, constructed of a minimum number nine gauge woven wire mesh, corrosion-resistant material, or enclosed wooden fence approved by the building inspector. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts

shall be decay- or corrosion-resistant and shall be set in concrete bases. A pool erected on top of the ground before filling shall have the pool construction completely and adequately screened from the view of abutting properties by means of a solid fence of redwood, basket-weave, landscaping, or a combination thereof, or other material approved as equivalent by the building inspector.

- (4) Above ground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of a minimum required height and design as heretofore specified. Permanent access from grade to above ground pools having stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates as are provided by the pool proper.
- (5) No direct connection shall be made to the sanitary sewer or septic system.
- (6) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
- (7) There shall be an unobstructed concrete areaway around the entire pool of at least three feet on in-ground pools.
- (8) There shall be an unobstructed areaway around the entire pool of at least three feet on above ground pools.
- (9) Heating units, pumps, and filter equipment shall in no case be less than 20 feet from any property line and shall be adequately housed and muffled. Requirements for heating units shall be equal to those required for residential installation.

(Prior Code, § 15-1-14)

Sec. 8-32. - Occupancy permit.

If no noncompliances are found by the building inspector, then the inspector shall issue an occupancy permit. If minor noncompliances, other than health or safety items, are in existence, the inspector may issue a temporary occupancy permit for a specified term. Occupancy may not be taken until an occupancy permit is issued.

(Prior Code, § 15-1-15)

Sec. 8-33. - Ditch and occupancy bond.

- (a) Deposit required. No building permit shall be issued by the building inspector for construction of a building on any vacant land adjacent to a public street until a deposit in the amount of \$2,000.00 has been made by the applicant for such building permit. The deposit shall be made to the building inspector at the time an application is made for issuance of the building permit.
- (b) The sums deposited shall be retained by the Village clerk-treasurer until after permanent landscaping of the street yard, the driveway approach is hard surfaced per section 36-73 and any drainage ditch has been completed. In the event any damage is done to the drainage system or road servicing the property as a result of the construction activities, the deposit shall be used to defray the Village's expense to repair any such damage. The balance of the deposit, after deducting such expenses incurred by the Village to repair the damage, shall be returned to the property owner after the landscaping has been completed. The deposit is also subject to the project being completed with no non-compliances found by the inspector, including the address permanently installed per section 36-14, the driveway approach being hard surfaced per section 36-73 and all other fees are paid. It may be forfeited if occupancy occurs before final inspection or occupancy extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within two years of permit issuance. In the event application for reimbursement of a ditch bond is not made within two years of issuance of the final occupancy permit, or in the event application is made but refused

because of the failure of the applicant to comply with the ordinances of the Village, such bond shall be forfeited, and the money shall be placed in the general fund of the Village.

- (c) The building inspector shall receive a fee established by resolution from the deposit, or such other sum as may be approved by the Village board from time to time, to defer the cost of inspecting the premises to ensure compliance with this article, as well as other applicable regulations and ordinances of the Village.

(Prior Code, § 15-1-16)

Sec. 8-34. - Severability.

If any section, clause, provision or portion of this article, or of the state administrative code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(Prior Code, § 15-1-17)

Sec. 8-35. - Penalties and violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this article 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 article or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in section 1-7. 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 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) Violations.
 - (1) If an inspection reveals a noncompliance with this article 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 30 days after written notification unless an extension of time is granted pursuant to Wis. Admin. Code SPF 320.10(4).
 - (2) If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his 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 each violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this article or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of 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 building inspector may appeal from such order or determination to the Village board. Those procedures customarily used to effectuate an appeal to the board shall apply.
- (d) Except as may otherwise be provided by the statute or ordinance, no officer, agent or employee of the Village charged with the enforcement of this article shall render himself 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 duties under this article. 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 duties under this article shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

(Prior Code, § 15-1-18)

Sec. 8-36. - Exterior finish required.

All buildings shall have a permanent weather-resistant finish.

(Prior Code, § 15-1-19)

Sec. 8-37. - Maintenance of yards.

Yards shall be kept free of noxious weeds, construction debris, trash and open storage.

(Prior Code, § 15-1-20)

Secs. 8-38—8-62. - Reserved.

ARTICLE III. - MINIMUM PROPERTY MAINTENANCE STANDARDS

Sec. 8-63. - Minimum property maintenance standards.

- (a) *Policy.* There exist in the Village, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village.
- (b) *Purpose.* The purpose of this article is to protect public health, safety and welfare by establishing minimum property maintenance standards. This article does not replace or modify standards otherwise established by other portions of this Code for construction, repair, alteration or use of buildings. This article is meant to be remedial and this article shall be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this article shall be deemed to be a public nuisance.
- (c) *Scope.* These standards apply to all structures located in a residential zoned area and to all structures and sites used for residential purposes but zoned for other uses.
- (d) *Minimum standards.* It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy for use of any building, structure or premises which does not comply with the requirements of this article.

(Prior Code, § 15-2-1)

Sec. 8-64. - Definitions.

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

Abandoned dwelling means a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of 12 consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

Accessory structure means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

Blighted area means any area in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

Building means any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.

Deterioration means the condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.

Dilapidated describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term "dilapidated" implies a hazard to life or property.

Dwelling means any enclosed space which is wholly or partly used or intended to be used for having or sleeping by human occupants.

Nuisance means any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the state or this Code. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (2) In any other way render the public insecure in life or in the use of property.

Occupant means any person living, sleeping or having actual possession of a building.

Owner means any person who, along or jointly or severally with others:

- (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Person means any natural individual, firm, trust, partnership, association or corporation.

Premises means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon.

Refuse means all putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes and dead animals.

Rubbish means nonputrescible solid wastes (excluding ashes) consisting of either:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood; or

- (2) Noncombustible wastes such as tin cans, glass or crockery.

(Prior Code, § 15-2-2)

Sec. 8-65. - Prohibition of litter, rubbish or debris.

No owner or occupant shall accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn or ground cover of vegetation, hedges or bushes. All areas not covered by any of the foregoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

(Prior Code, § 15-2-3)

Sec. 8-66. - Housing appearance.

- (a) *Minimum standards.* No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following subsections.
- (b) *Foundations, exterior walls and roofs.* No person shall be an owner or occupant of any premises which does not comply with the following requirements:
- (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers.
 - (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than 30 percent deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within 90 days from the date of the first application. Paint shall be uniform in color.
 - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 - (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
 - (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
 - (6) The foundation shall be substantially watertight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points.
 - (7) Roof drainage shall be adequate to prevent rain water from causing dampness in the walls.
- (c) *Windows, doors and hatchways.* Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement

hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.

- (d) *Screens.* From June 1 to September 15, screens shall be installed on doors or windows when they are required for ventilation. Screening shall be at least a 14 mesh and shall be attached to its frame in such manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frame so as not to allow the passage of insects or rodents. Screens shall be provided with positive attachment devices to ensure that inserts will not fall from or be dislodged from the door or window frame. A self-closing device shall be provided for screen doors.
- (e) *Stairways and porches.* Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.
- (f) *Grading and drainage of lots.* Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (g) *Accessory structures.* All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- (h) *Abandoned dwellings.* The owner of any abandoned dwelling shall:
 - (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
 - (2) Lock all exterior doors and windows of said dwelling;
 - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with subsection (b) of this section; and
 - (4) Maintain the yard and accessory structures such that they comply with this section.
- (i) *Nuisances.* The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.
- (j) *Infestation.* Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.
- (k) *Refuse, garbage and rubbish storage requirements.* Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxes, lumber, metal or other materials which may provide harborage for rodents or vermin.

(Prior Code, § 15-2-4)

Sec. 8-67. - Notice and remedy.

- (a) Upon determination by the building inspector of a violation of this article, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation. Complaints alleging a violation of this article shall be commenced by service of written notice of noncompliance upon the property owner.

- (b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed 30 days, to correct the violation. The notice shall be served upon the person named personally or by certified mail addressed, postage paid, to the last-known address of such person.
- (c) The person so notified shall have the right to appeal the decision of the building inspector to the board of appeals within 30 days of the date of notice.
- (d) If, upon expiration of the time given for correction of a violation and time for any appeal therefor, such correction is not made, the building inspector may file an action in the name of the Village in the circuit court for the county, in accordance with the provisions of Wis. Stats. ch. 823, as amended from time to time.

(Prior Code, § 15-2-5)

Sec. 8-68. - Other methods not excluded.

Nothing in this article shall be construed as prohibiting the abatement of public nuisance by the Village or its officials in accordance with the laws of the state or Village ordinances.

(Prior Code, § 15-2-6)

Sec. 8-69. - Cost of abatement.

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(Prior Code, § 15-2-7)

Secs. 8-70—8-96. - Reserved.

ARTICLE IV. - COMMERCIAL PROPERTY EXTERIOR MAINTENANCE STANDARDS

Sec. 8-97. - Title.

This article shall be known as the "Village of Waukesha Commercial Property Exterior Maintenance Code."

(Prior Code, § 15-3-1)

Sec. 8-98. - Intent and purpose.

- (a) This article is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

(Prior Code, § 15-3-2)

Sec. 8-99. - Safe, sanitary, and attractive maintenance of property.

- (a) *Purpose.* The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.
- (b) *Minimum requirements.* Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
 - (1) *Drainage.* All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
 - (2) *Weeds.* All exterior property areas shall be kept free from noxious weeds as required by this Code. Where weed cutting is required, the weed commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefited property.
 - (3) *Debris.* All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within 24 hours.
 - (4) *Fences, walks and parking areas.* Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
 - (5) *Exterior surfaces.* Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - (6) *Yard areas.* Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accordance with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
 - (7) *General requirements.* Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that it safely and properly removes the products of combustion from the building.
 - (8) *Windows and doors.* Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
 - (9) *Outside stairs and porches.* Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the state administrative code.

(10) *Removal of debris.*

- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
- b. No landowner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten days.
- c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

(Prior Code, § 15-3-3)

Sec. 8-100. - Fixing responsibility owners, operators and occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

(Prior Code, § 15-3-4)

Sec. 8-101. - Enforcement, service of notices and orders and hearings.

Whenever the building inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this article or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefor and commence an enforcement action pursuant to sections 8-67 through 8-69.

(Prior Code, § 15-3-5)