

Ordinance O-15-13

ORDINANCE AMENDING PORTIONS OF CHAPTERS 1.24, 1.34, 13.08, 15.02, 15.04, 15.20, 15.32, AND 15.34 OF THE WAUWATOSA MUNICIPAL CODE TO CLARIFY PROVISIONS OF THE BUILDING, ELECTRICAL, PLUMBING AND PROPERTY MAINTENANCE CODES (FOR ADOPTION)

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Subsection 1.24.010 D. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

- D. Building inspectors, plumbing inspectors, electrical inspectors, code enforcement officer and development director.

Part II. Section 13.08.270 of the Wauwatosa Municipal Code is amended to read in its entirety as follows:

Any person desiring to disconnect a water service to an abandoned building or a building which will be demolished shall make application for such disconnection upon the form provided to the city water superintendent, and such application shall be approved provided that unused service piping to the abandoned building or to a building which has been demolished shall be capped at the corporation connection, at the water main or at the discretion of the Water Superintendent. All work to be done by a licensed plumber.

Part III. Section 15.02.020 of the Wauwatosa Municipal Code is amended to read in its entirety as follows:

The building and safety division shall be supervised and managed by the development director and shall include building, electrical, plumbing and code enforcement officer, along with clerical staff as established by the common council.

Part IV. Section 15.02.060 A. of the Wauwatosa Municipal Code is amended to read as follows:

- A. Any reference hereinafter to "inspector" shall mean the development director, lead inspector, building inspector, electrical inspector, mechanical inspector, plumbing inspector, code enforcement officer, or other authorized division representative.

Part V. Section 15.02.060 D. of the Wauwatosa Municipal Code is amended to read as follows:

- D. If the property owner, manager of the property or other person who is in apparent charge of the property denies consent, it shall constitute a refusal of consent to enter the premises. If refused consent, the inspector is authorized to seek an inspection warrant as provided for in Wisconsin Statutes Section 66.0119.

Part VI. Section 15.02.080 of the Wauwatosa Municipal Code is amended to read in its entirety as follows:

The development director or designated representative is authorized and empowered to condemn and to raze buildings and structures which are so old, dilapidated, damaged or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation,

occupancy or use, and unreasonable to repair in accordance with the provisions of Section 66.0413 of the Wisconsin Statutes and any amendments made thereto, and is further authorized to proceed in all matters.

Part VII. Subsection 15.02.090 C. of the Wauwatosa Municipal Code is amended to read as follows:

- C. Each construction site/project shall comply with applicable O.S.H.A. and D.S.P.S. (State of Wisconsin Department of Safety and Professional Services) safety regulations.

Part VIII. Subsection 15.02.120 B. 9. of the Wauwatosa Municipal Code is amended to read as follows:

- 9. No permit shall be required for minor plumbing repair work, the clearing of stoppages, repairing leaks and other such work as determined by the plumbing inspector.

Part IX. Subsection 15.02.120 C. 1. of the Wauwatosa Municipal Code is amended to read as follows:

- 1. No person, firm or corporation shall apply for permit or perform building, electrical or plumbing work in the city without the required state license (e.g., electrical contractor's license, master electrician's license, master plumber's license, dwelling contractor certification, dwelling contractor qualifier). A master electrician license is required to perform electrical work except as provided by Section 101.862(4)(b) & (g) of the Wisconsin Statutes.

Part X. Subsection 15.02.120 G. 2. of the Wauwatosa Municipal Code is amended to read as follows:

- 2. No permit shall be issued for a building or structure in connection with which a "conditionally approved" plan is required by the State Department of Safety and Professional Services (DSPS) or State Department of Health Services (DHS).

Part XI. Subsection 15.02.120 H. 2. of the Wauwatosa Municipal Code is amended to read in its entirety as follows:

- 2. One and two family permit:
 - a. Remodeling, alterations, additions --One year from date of permits;
 - b. New construction--Two years from date of permit.

Part XII. Subsection 15.04.030 A. of the Wauwatosa Municipal Code is amended to read as follows:

- A. Adopted by Reference. The Administrative Code of the State of Wisconsin, Chapters SPS 360 through 366-Wisconsin Commercial Building Code, and Chapters SPS 375 through 379-Buildings Constructed Prior to 1914, are adopted and all amendments thereto are adopted and incorporated by reference except as herein modified.

Part XIII. The introductory clause of subsection 15.04.030 C. of the Wauwatosa Municipal Code is amended to read as follows:

- C. Inspections. In addition to the items outlined in Section SPS 361.41 of the Wisconsin Administrative Code, the following inspections shall be made:

Part XIV. Subsection 15.04.030 D. of the Wauwatosa Municipal Code is amended to read as follows:

- D. Fire Walls. In addition to the items outlined in Section SPS 362.0705 of the Wisconsin Administrative Code, all interior fire-rated walls shall be identified as to their hourly rating and permanently marked with red color using one-half-inch by three-inch letters and numerals every twenty-five lineal feet above the finished ceiling. Other identification acceptable to the Wisconsin Department of Health Services and the Wisconsin Department of Safety and Professional Services (DHS) may also be acceptable.

Part XV. Subsection 15.04.040 A. of the Wauwatosa Municipal Code is amended to read as follows:

- A. Adopted by Reference. The Administrative Code of the State of Wisconsin, SPS 320 through 325-Uniform Dwelling Code, is adopted and all amendments thereto are adopted and incorporated in this code by reference except as herein modified.

Part XVI. Subsection 15.04.050 A. of the Wauwatosa Municipal Code is amended to read as follows:

- A. Adopted by Reference. The Administrative Code of the State of Wisconsin, SPS 316 - Electrical, is adopted and all amendments thereto are adopted and incorporated by reference except as herein modified.

Part XVII. The introductory portion of subsection 15.04.050 C. of the Wauwatosa Municipal Code is amended to read as follows:

- C. Inspections. In addition to the items outlined in Section SPS 316.65 of the Wisconsin Administrative Code, the electrical inspector upon notification from the permit holder or agent, shall cause the following inspections to be made and shall either approve that portion of the installation as completed, or shall notify the permit holder or agent wherein the same fails to comply with this code. Additionally, the electrical inspector periodically shall make thorough examinations of all electrical systems installed within the city and, when such electrical systems are found to be in a dangerous or unsafe condition, shall notify the person, firm or corporation owning, using, operating or installing the same, to place them in a safe condition. Any person, firm or corporation failing or refusing to make the necessary repairs or changes shall be further subject to the penal provisions as set forth under Section 1.12.010 of the Wauwatosa Municipal Code.

Part XVIII. Subsection 15.04.050 D. of the Wauwatosa Municipal Code is amended to read in its entirety as follows:

- D. Services.
 - 1. All permit applications for a service shall be accompanied by an outlet location letter from the electrical utility.
 - 2. No service with an available interrupting current of more than ten thousand AMPS will be approved without the licensee supplying data showing how the electrical equipment supplied by this service is properly protected.

Part XIX. Subsections 15.04.050 G., H. & I of the Wauwatosa Municipal Code are hereby repealed and deleted from the code.

Part XX. Subsection 15.04.060 A. of the Wauwatosa Municipal Code is amended to read as follows:

- A. Adopted by Reference. The Administrative Code of the State of Wisconsin, SPS 381 through 387-Plumbing, is adopted and all amendments thereto are adopted and

incorporated by reference except as herein modified.

Part XXI. The introductory portion of subsection 15.04.060 C. of the Wauwatosa Municipal Code is amended to read as follows:

- C. Inspections. In addition to the items outlined in Section SPS 382.21 of the Wisconsin Administrative Code, the plumbing inspector upon notification from the permit holder or agent, shall cause the following inspections to be made and shall either approve that portion of the installation as completed, or shall notify the permit holder or agent wherein the same fails to comply with this code. Additionally, the plumbing inspector periodically shall make thorough examinations of all plumbing systems installed within the city and, when such plumbing systems are found to be in a dangerous or unsanitary condition, shall notify the person, firm or corporation owning, using, operating or installing the same to place them in a safe condition. Any person, firm or corporation failing or refusing to make the necessary repairs or changes shall be further subject to the penal provisions as set forth under Section 1.12.010 of the Wauwatosa Municipal Code.

Part XXII. Subsection 15.04.060 F. of the Wauwatosa Municipal Code is amended to read as follows:

- F. Draining of Roof Water into Sanitary and Storm Sewers.
 - 1. It is unlawful to drain the rain water from the roof of any building in the city into the sanitary sewer system of the city, or to connect or maintain connection with the sanitary sewer system any storm water conductor or pipe designed or used to carry or drain off water.

It is unlawful to drain the storm water from any roof, foundation drainwater from tiles or conductors, clearwater wastes or surface water from any property or building, including buildings under construction in any area within the city where storm sewer is available except through an underground conductor directly connected to the storm sewer. Conveyance of clear water from any roof to an underground conductor must be in gutters and downspouts to landscape beds specifically designed and approved for storm runoff. Exception: an approved stormwater management plan may allow discharge to on-site areas other than the city storm sewer.

Part XXIII. Subsection 15.04.060 H. of the Wauwatosa Municipal Code is amended to read as follows:

- H. Sumps. All sumps installed for the purpose of discharging stormwater, cistern overflows and other clear waters including those from foundation drains and ground infiltration where the plumbing fixtures in the building are connected to the sanitary sewer shall be discharged in a manner not to create a public nuisance on public right-of-way. No thread or fitting shall be on the end. Storm pump piping shall be installed one foot above finish exterior grade and shall extend a minimum of three feet from the building exterior to a point of 5 feet maximum.

Part XXIV. Subsection 15.20.010 E. of the Wauwatosa Municipal Code is amended to read as follows:

- E. Landscaping Work. It is intended that the entire site receive a minimum of two inches of new or salvaged topsoil and have an established stand of grass. Existing trees, shrubs and grass areas which do not have to be disturbed or regarded shall be preserved. They shall, in addition, be left in a condition at least equal to their present condition.

Part XXV. Subsection 15.20.010 J. of the Wauwatosa Municipal Code is amended to read as follows:

- J. Utilities. All sewer openings shall be plugged with a mechanical joint cap. The sewer lateral shall be plugged at the main, unless approved by the City Engineering Department for alternative location, and the water lateral must be shut off as per the Water Department. Permits will be required from the city for both of the foregoing, and they shall be done under the jurisdiction of the plumbing inspector. This work shall be completed prior to commencing with the demolition work. Any person desiring to disconnect a water service to an abandoned building or a building which will be demolished shall make application for such disconnection upon the form provided to the city water superintendent as per section 13.08.270 of this code.

Part XXVI. OMITTED.

Part XXVII. OMITTED

Part XXVIII. Subsection 15.32.020 O. 3. of the Wauwatosa Municipal Code is amended to read as follows:

3. The restriction contained in paragraphs 1 and 2 of this subsection shall not apply to a “Dwelling” as defined in Section 24.18.020 of this code; however, nothing in this paragraph shall be construed as an exception to any other provision of this code or state law pertaining to dwellings.

Part XXIX. OMITTED.

Part XXX. Subsection 15.32.030 D. 3. of the Wauwatosa Municipal Code is amended to read as follows:

3. Whenever grass or lawn weeds on properties are six inches or more in height, or if noxious weeds are present, or if the overgrowth of vegetation is such as to cause a seriously blighting influence, the city may order the condition corrected within four days or other time limit set forth by the safety and building division. If the condition is not corrected within the specified time limit, the code enforcement officer is empowered to cause such grass, weeds and overgrowth of vegetation to be cut, and the cost therefor shall be placed on the tax rolls as a special charge against the property.

Part XXXI. Subsection 15.32.060 E. 1. of the Wauwatosa Municipal Code is hereby amended to read as follows:

1. The board of public works shall conduct a hearing in connection therewith within fifteen days after request for an appeal is submitted and shall notify the appellant, code enforcement officer or his designee and any other person interested in the matter to be present. After the hearing, the board of public works shall submit its findings and recommendations within five days thereafter and serve copies on all persons who appeared.

Part XXXII. Subsection 15.32.070 B. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

- B. Cause Work to be Done.
 1. Upon failure to comply with an order, where there is proof of service of said order, which requires that any building, premises, structure or property be cleaned or repaired, or condition abated or improved in accordance with this

chapter, the Development Director may cause such cleaning, repair, improvement, abatement or removal of the offending substance or structure. Such cleaning, repair, improvement or removal shall be deemed a special benefit to such premises and the cost for the same shall be charged against the owner or owners of the property. If the cost of the same is not paid within 30 days, it shall be levied as a special charge against the premises as authorized by Section 66.0627 of the Wisconsin Statutes.

2. Where additional inspections are made necessary by reason of neglect or work found faulty, defective, or incomplete at the time of inspection, or at the expiration of time permitted in an order of noncompliance, a reinspection fee may be charged. If the cost of the same is not paid within 30 days, it shall be levied as a special charge against the premises as authorized by Section 66.0627 of the Wisconsin Statutes.

Part XXXIII. Subsection 15.34.060 B. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

- B. One- and two-family permit:
 - a. Remodeling, alterations, additions -- One year from date of permit;
 - b. New construction -- Two years from date of permit.

Part XXXIV. Subsection 15.34.070 B. of the Wauwatosa Municipal Code is hereby amended to read as follows:

- B. The development director shall report to the common council any building or structure which has not been completed within the time limits specified under this section, the report of the development director shall mention the reasons and such other facts pertaining to the delay in the completion of the building or structure.

Part XXXV. Subsection 15.34.070 C. of the Wauwatosa Municipal Code is hereby amended to read as follows:

- C. The common council after considering the report of the development director may within its discretion direct the development director to condemn and cause to be raised such incomplete building or structure or may extend the time within which such building or structure is to be completed.

Part XXXVI. Subsection 15.34.080 B. Of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

- B. Failure to comply with any imminent life or health safety order, where there is proof of service, the development director may cause such work to be performed in order to correct any imminent danger. The cost to perform such work shall be charged against the owner or owners of the property. If the cost to perform said work is not paid within sixty days, it shall be levied as a special charge against the premises as authorized by Section SPS 366.0627 of the Wisconsin Statutes.

Part XXXVII. This ordinance shall take effect on and after its date of publication.

Passed and Dated 4/21/2015

/s/ Carla A. Ledesma

City Clerk

Approved 4/22/2015

/s/ Kathleen Ehley

Mayor