



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 63535

File ID: 63535

File Type: Ordinance

Status: Passed

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Reference:

Controlling Body: Attorney's Office

Lead Referral: BUILDING CODE, FIRE
CODE, CONVEYANCE
CODE AND
LICENSING APPEALS
BOARD

Cost:

File Created Date : 12/25/2020

File Name: Repeal and Recreate Chapter 29 - Building Code

Final Action: 03/16/2021

Title: Repealing and recreating Chapter 29, Building Code, of the Madison General Ordinances.

Notes: 6446Ch29revisions
MAYOR APPROVAL DATE 3/22/2021

Code Sections:

CC Agenda Date: 03/16/2021

Indexes:

Agenda Number: 7.

Sponsors: Michael E. Verveer

Effective Date: 03/27/2021

Attachments: Body.pdf, Code comparisons on expirations
extensions and fees.pdf

Enactment Number: ORD-21-00024

Author: Amber McReynolds

Hearing Date:

Entered by: smautz@cityofmadison.com

Published Date: 03/26/2021

Approval History

Version	Date	Approver	Action
1		Michael Haas	Approved as to Form
1		Brent Sloat	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	12/25/2020	Referred for Introduction				
Notes: Building Code, Fire Code, Conveyance Code and Licensing Appeal Board							

1	COMMON COUNCIL	01/05/2021	Referred	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	02/02/2021	
Notes:						
1	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	01/19/2021	Refer	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	02/02/2021	02/02/2021
1	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	02/02/2021	RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING RECOMMENDATION S - REPORT OF OFFICER			
Notes: Recommendation: Adopt the proposed fee structure changes for Ch. 29 of the MGO and defer other possible changes in Ch. 29 of the MGO to a future sub-committee of the Building Board of Appeals.						
1	COMMON COUNCIL	02/23/2021	Re-refer	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	03/09/2021	Pass
Notes:						
1	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	03/09/2021	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
Ayes: 3 Gail A. Rutkowski; Randall V. Baldwin and James I. Glueck						
Abstentions: 2 John P. Starkweather and Louis J. Olson						
Excused: 4 Alissa M. Jenne; Sam J. Breidenbach; Richard A. Riphon and Craig E. Brown						
1	COMMON COUNCIL	03/16/2021	Adopt			Pass
Notes:						

Text of Legislative File 63535

Fiscal Note

The proposed ordinance is a series of ordinances updating to the City's building code and includes fee changes for building permits. The fee changes are pursuant to the 2021 Adopted Operating Budget, which assumed approximately \$350,000 in additional revenue from building permit fee increases. The fee changes comply with State requirements that fees collected are intended to equal the cost of administering and maintaining the Building Inspection program.

Title

Repealing and recreating Chapter 29, Building Code, of the Madison General Ordinances.

Body

DRAFTER'S ANALYSIS: This ordinance makes numerous changes to Chapter 29 of the Madison General Ordinances to update the City's building code. To simplify the changes, the entire chapter is being repealed and recreated. The notable changes are as follows:

1. Adjusting and increasing permit fees as part of the budget proposal to account for the recent and projected decrease in departmental revenue.
 - Broadly, adjusted fees are intended to primarily impact large commercial type construction. Impact on fees for residential housing and remodel work will be limited.
 - Fees adjustments are projected to account for a decrease in revenue stemming from a slowdown in overall project growth.
 - Fees have not been adjusted in over a decade as the continued rapid rate of growth in the City has offset the devaluation of fees during this time.
 - The projected adjustment will comply with State requirements that fees collected are intended to equal the cost of administering and maintaining the Building Inspection program.
2. Adjusting text and formatting to create an easier and more streamlined ordinance with more user-friendly design.
3. Aligning and establishing clear and consistent program administration language to more plainly define valid permit timeframes, expiration dates, and renewal procedures.

See "Body" in Attachments.

AN ORDINANCE _____
Repealing and recreating Chapter 29, Building Code, of the Madison General Ordinances.

PRESENTED January 5, 2021
REFERRED Building Code, Fire Code,
Conveyance Code and
Licensing Appeals Board

Drafted by: Amber McReynolds

Date: March 26, 2021

SPONSOR: Alder Verveer

DRAFTER'S ANALYSIS: This ordinance makes numerous changes to Chapter 29 of the Madison General Ordinances to update the City's building code. To simplify the changes, the entire chapter is being repealed and recreated. The notable changes are as follows:

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 - Fees adjustments are projected to account for a decrease in revenue stemming from a slowdown in overall project growth.
 - Fees have not been adjusted in over a decade as the continued rapid rate of growth in the City has offset the devaluation of fees during this time.
 - The projected adjustment will comply with State requirements that fees collected are intended to equal the cost of administering and maintaining the Building Inspection program.
2. Adjusting text and formatting to create an easier and more streamlined ordinance with more user-friendly design.
3. Aligning and establishing clear and consistent program administration language to more plainly define valid permit timeframes, expiration dates, and renewal procedures.

The Common Council of the City of Madison do hereby ordain as follows:

Chapter 29 entitled "Building Code" of the Madison General Ordinances (MGO) is hereby repealed and recreated to read as follows:

"CHAPTER 29 BUILDING CODE

GENERAL PROVISIONS

29.01 - TITLE.

This chapter shall be known as the Building Code of the City of Madison.

29.02 - PURPOSE AND SCOPE OF BUILDING CODE.

- (1) The purpose of this code is to provide minimum regulations, provisions and requirements in the City of Madison to insure safety to persons and property, safe and stable design, skillful methods of construction and uses of materials in any building constructed, enlarged, altered, repaired,

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moved, converted to other uses or demolished, to regulate the equipment, maintenance, condition, use, occupancy and safety of all buildings in the City of Madison and to promote public health, safety and general welfare. This code shall apply in the City of Madison to new structures and to alterations and additions to existing structures.

(2) The sections contained in this code shall be binding alike upon every owner of a building, every person in charge of or responsible for or who causes the construction, repair or alteration of any building or structure, and upon every architect, professional engineer, or other person who shall prepare plans for the construction, alteration, or addition to any building or structure in the City of Madison.

(3) This code shall apply to all buildings and structures.

29.03 - PERFORMANCE CODE.

This code shall be interpreted and administered as a performance code.

29.04 - DEFINITIONS.

Accessory Building or Use. An accessory building or use is one which:

1. Is customary and clearly incidental to the principal building or principal use.
2. Is subordinate to and serves a principal building or principal use.
3. Is subordinate in area, extent, and purpose to the principal building or principal use served.
4. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served, and is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.

Air Temperature. Air temperature shall measure the temperature of the air and not radiant heat.

Adequate shall mean adequate as determined by the Director of the Building Inspection Division under the regulations of this chapter or adequate as determined by an authority designated by law or this chapter.

Adequately shall mean the same as adequate.

Alley. An alley is a public right-of-way which affords only a secondary means of access to abutting property, and which is not more than twenty-four (24) feet in width.

Alteration means any change, addition or modification in construction.

Apartment means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

Apartment House is any building which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in the said building.

Approved or Approved as to Materials and Types of Construction means approved by the Director of the Building Inspection Division as the result of investigation and tests conducted by them, or by reason of accepted principals or tests by nationally recognized and accepted technical or scientific organizations.

Awning. An awning is a rooflike cover, temporary in nature, which projects from the wall of a building.

Balcony. (See Mezzanine Floor)

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Basement. Basement means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling.

Boarding or Lodging House is a building other than a hotel, where, for compensation, meals, lodging or lodging and meals are provided for persons not members of a family unit, and including fraternities and sororities.

Building means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or storage purposes; the term "building" shall be construed as if followed by the words "or portion thereof". For the purposes of this code each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.

Court is an open, exterior space providing required natural light or ventilation for the building or providing a pathway for public egress from a building exit to a public thoroughfare.

1. Outer Court is a court bounded on three sides by walls and on the remaining side by a street, alley or other open space not less than 15 feet wide.
2. Inner Court is a court surrounded on all sides by walls.
3. Outer Lot Line Court is a court with one side on a lot line or property line and opening to a street or open space not less than 15 feet wide.
4. Inner Lot Line Court is a court bounded on three sides by walls and on the remaining side by a lot line or property line.

Dwelling is a place of abode, a residence or a house for use by one (1) or more persons, excluding hotels or motels.

1. Single-family Dwelling. A single-family dwelling is a building containing one (1) dwelling unit only.
2. Two-family Dwelling. A two-family dwelling is a building containing two (2) dwelling units only.
3. Multiple-family Dwelling. A multiple-family dwelling is a building, or portion thereof, containing three (3) or more dwelling units.

Dwelling, Detached. A detached dwelling is one which is entirely surrounded by open space on the same lot.

Dwelling Unit means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

Exits.

1. Exit Doorway means the doorway opening: directly to the exterior; to a horizontal exit; to an exit stairway, or to a similar place of safety.
2. Exitway means the exit doorway or doorways, or such doorways together with connecting hallways or stairways, either interior or exterior, or fire escapes, by means of which occupants may proceed safely from a room or space to a street or to an open space which provides safe access to a public alley, street, or open court connected with a street. One (1) or more separate exitways may use the same corridor or hallway.

Extermination. Extermination shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food; and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

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Family. A family is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that the term family shall not, in R1, R2, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

Fence. A fence is a structure providing enclosure or serving as a barrier, but not protecting against the elements (as distinguished from a building).

Filling Station is a place where gasoline, kerosene, or any other fuel, lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public and where deliveries are made at time of sale and directly into motor vehicles, including greasing and oiling on the premises.

Garage, Community. A space or structure, or a series of structures, for the storage only of noncommercial vehicles of residents of the neighborhood.

Garage, Private. An enclosed attached or detached building to house self-propelled vehicles for the personal use by occupants of single and two- family dwellings.

Garage, Public. A space or structure other than a private or community garage, for the storage, sale, hire, or repair of motor vehicles, or vehicles used in connection therewith.

Gasoline Service Station. A space or structure other than a public garage, used in connection with liquid fuel dispensing stations where one (1) or more vehicles can be accommodated for washing, greasing, oil changing, tire or battery replacement or similar minor operations or adjustments.

Habitable Space is one (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.

Hotel. A hotel is a building in which lodging accommodations, with or without meals, are provided to the public for compensation, and which is open to transient guests in contradistinction to a lodging house. A hotel is commonly known as a hotel in the City and provides customary hotel services, such as mail, telephone and secretarial, bellboy, and desk services, the use and upkeep of furniture, and the furnishing and laundering of linen.

Hotel, Apartment. An apartment hotel is a building in which at least ninety percent (90%) of the accommodations are dwelling units or are occupied by permanent guests renting on a monthly basis.

Impervious to Water. Impervious to water shall mean material approved by the Director of the Building Inspection Division, and having tight fitting joints, and not having more than four and one-half percent (4½%) absorption by test.

Infestation. Infestation shall mean the sustained presence of household pests, vermin, or rodents.

Insulation. Normally a low-density material used to reduce heat loss. It is made of wood fiber, cotton fiber, mineral or glass wool or fiber, vermiculite, expanded plastics, and others. It is made in several forms including:

1. Flexible - in blanket or batt form
2. Fill - a loose form which can be poured or blown

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3. Rigid - includes insulating board or other materials in sheet or block form. Often used as sheathing material, as perimeter insulation, etc.
4. Reflective - a polished surface such as aluminum foil which has high reflectivity and low emissivity.

Living Room shall mean a room used primarily for living, dining, or cooking purposes.

Lodging House is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of the family.

Lodging Room is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

Mezzanine Floor. An intermediate balcony-like floor located between a main or full floor and the main ceiling next above and not exceeding in area more than one-third ($\frac{1}{3}$) of such main or full floor.

Mixed Occupancy. Mixed occupancy shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.

Mobile Home. A mobile home is a trailer designed and constructed for dwelling purposes.

Motel. A motel is an establishment consisting of a group of attached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service, and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

Occupant means one who occupies or has actual possession of usable space.

Ordinary Minimum Winter Conditions. Ordinary minimum winter conditions shall mean a temperature minus twenty (-20) degrees Fahrenheit.

Owner. The term owner shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the city, any sewer district, drainage district, the University of Wisconsin, and any corporation or organizations connected therewith, and any other public or quasi-public corporation having a legal or equitable interest in property and shall include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

Perm. A measure of vapor movement through a material; i.e., grains per square foot per hour per inch of mercury difference in vapor pressure at standard test conditions.

Permeance. Rate of water vapor transmission through a material, measured in perms. Thus, the lower the permeance, the better the vapor barrier.

Person. A person shall mean and include an individual, firm, corporation, association, or partnership.

Plumbing. Plumbing shall include all gas pipes and gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bathtub, catch basins, drains, vents, and any other provided fixtures together with the connections with the water, sewer or gas lines.

Provided. Provided shall mean furnished, supplied, paid for or under control of the owner.

Radiation. Transfer of heat energy in the form of waves or particles which have no effect on the medium through which they pass.

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Rooming House. See definition for lodging house.

Sleeping Room. Sleeping room shall mean a room used for sleeping purposes.

Stairways means one (1) or more flights of steps and the necessary platforms connecting them to form a continuous passage from one level to another within or without a building or structure.

Story is that portion of a building, other than a basement or mezzanine included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this ordinance, a basement shall be counted as a story when more than five (5) feet of such basement height is above the established curb level or above the finished lot grade level where curb level has not been established. A mezzanine shall be deemed a full story where it covers more than fifty percent (50%) of the ground story.

Street. A street is a public or private right-of-way which affords traffic circulation and a principal means of access to abutting property. An alley shall not be considered a street.

Structural Alteration is any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure. Structure is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Sun Shade. A permanent projection over the windows of a building to shade the windows from the sunshine and which is not supported by posts or columns, and which cannot be used for human occupancy.

TD (Temperature Difference). The difference between the inside design temperature and the outside design temperature. (For Madison, the inside design temperature is +70 degrees for all rooms except bathrooms and the outside design temperature is -20 degrees, therefore, the TD is 90 degrees.)

Townhouse. A townhouse is a place of abode having not more than two (2) stories, not including the attic, with or without a basement, which consists of three (3) or more dwelling units with sleeping rooms on the second story level and in which the dwelling units are arranged in such a manner so that one (1) or more units are separated from the other units by three (3) unpierced interior walls.

U. Overall heat transmission coefficient; the amount of heat expressed in one hour through one square foot of a building section for each degree temperature difference between air on the inside and air on the outside of the building section.

Vapor Barrier. A film, duplex paper, aluminum foil, paint coating or other materials which restrict the movement of water vapor from an area of high vapor pressure to one of lower pressure. Material with a perm value of 1.0 or less is normally considered a vapor barrier.

Ventilation. The replacement by outside air of the air within the building.

Yard. Yard shall mean an open unoccupied space on the same lot with a dwelling and lying between the front, rear, or sides of the dwelling and the lot line.

29.05 - CHANGE IN USE OR OCCUPANCY.

- (1) When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use then such building or structure shall be made to comply with the requirements for the new use as provided in this code.

Approved as to form:

- (2) If, upon an inspection of a building or structure, it is found that its use has changed since the effective date of the first Building Code (October 9, 1914) and that it does not comply with the requirement of the Building Code in effect at the time of any such change, it shall then be made to comply with the code requirements in effect at the time of any such change in use.

29.06 - PREVIOUS ORDINANCES TO APPLY.

If, upon an inspection of a building or structure, it is found that the building or structure or portions thereof does not comply with Chapters 18, 19, 29 or 30 of the Madison General Ordinances, it shall then be made to comply with such Chapter unless the ordinance requirements in effect at the time of the building's construction, alteration, repair or when additions made thereto apply, in which case the building, structure or portion thereof shall be made to comply with those ordinance requirements.

GENERAL ADMINISTRATIVE PROVISIONS

29.07 - APPLICATION FOR PERMIT, PLANS AND SPECIFICATIONS.

- (1) No person shall erect or construct any building or structure whatever, or add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, or cause the same to be done, or commence any work covered by this code on any structure without first obtaining a building permit therefor from the Director of the Building Inspection Division; provided, however, that the Director of the Building Inspection Division may authorize minor improvements not involving structural alterations, change in use and which do not exceed a cost of five hundred dollars (\$500) without requiring a building permit to be issued. Such permit shall be issued in the name of the owner.
- (2) Applications for building permits shall be filed with the Director of the Building Inspection Division in writing on a blank form to be furnished for that purpose. Such application shall describe the land upon which the proposed building or work is to be done, either by lot, block or tract, or similar general description which will readily identify and definitely locate the proposed building or work and shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Director of the Building Inspection Division.

The Director of the Building Inspection Division or any inspector of the Building Inspection Division of the Department of Planning and Community and Economic Development shall as a condition of the granting of a building permit, have the right to enter the premises for which said permit was issued, at any reasonable time during the course of the work and until final inspection and approval thereof has been given, for the purpose of inspecting said premises and its compliance as to construction or use with all statutory and ordinance regulations in reference to the construction, repair, use, and location of buildings.

- (3) Plans and specifications and a lot plan showing the location of the proposed building thereon and of every existing building thereon, shall accompany every application for a permit, and shall be filed in duplicate with the Director of the Building Inspection Division; provided, however, that the Director of the Building Inspection Division may authorize the issuance of a permit without plans or specifications for small or unimportant work.
 - (a) Plans submitted shall be drawn to scale on substantial paper or prepared cloth, such scale to be not less than one-eighth ($\frac{1}{8}$) to one (1) foot. They shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the regulations which apply will be complied with. They shall be prepared in accordance with the provisions of this code, and shall bear the name of the architect, professional engineer or other person who prepared them.
 - (b) Specifications shall be in detail. Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the Building Code" or "to the

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satisfaction of the Director of the Building Inspection Division" shall be deemed imperfect and incomplete and every reference to the Building Code shall be to the section or subsection applicable to the material to be used or to the method of construction proposed.

- (4) The following data shall be a part of, or shall accompany, all plans submitted for approval.
 - (a) The location of streets, alleys, lot lines and any other buildings on the same lot or property.
 - (b) Name of owner.
 - (c) Intended use or uses of all rooms.
 - (d) Show floor area of each room.
 - (e) Show window size for meeting the eight percent (8%) floor area requirements for light and ventilation.
 - (f) Computations, stress diagrams and other data necessary to show the correctness of the plans, shall accompany the plans and specifications when required by the Director of the Building Inspection Division.
- (5) All persons applying for permits shall, at their initial application, provide the names and addresses of all subcontractors who will require supplemental permits over the course of the project. The Director of the Building Inspection Division shall mail the required supplemental permit to the subcontractor, who shall return the completed permit to the Director of the Building Inspection Division within seven (7) days of the postmark date of the supplemental permit. Failure to return the supplemental permit prior to commencing work shall be deemed to be working without a permit and shall be punishable in accordance with Sections 29.09(3) and 29.20 of these ordinances.

29.08 - BUILDING PERMIT.

- (1) When plans are required for approval they shall be submitted in duplicate and work shall not be started until plans are approved. The plans submitted shall be prints that are clear, legible and permanent. Complete foundation and footing plans may be submitted for approval prior to submitting the building plans if the plot plan, itemized structural loads, complete foundation or footing design calculations and schematic floor plans are included showing exits, loading areas, windows and other pertinent information. Permit fees for foundation and footing permits shall be charged at a rate set forth in Section 29.09(3)(b), MGO. If the application, plans and specifications are in conformity with the requirements of this code and all other laws or ordinances applicable thereto, the Director of the Building Inspection Division shall, upon receipt of the required fee, grant a building permit for said work and shall sign, date and endorse in writing or by rubber stamp both sets of plans and specifications as "approved".
- (2) One such approved set of plans and specifications shall be retained by the Director of the Building Inspection Division. Such approved plans and specifications shall not be changed, modified or altered without written permission from the Director of the Building Inspection Division.
- (3) With every permit issued, the Director of the Building Inspection Division shall issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the building is to be erected, the card to be unobstructed from public view and available for the inspectors to mark.
- (4) Building permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from, and completed within twenty four (24) months of

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the date issued. Building permits shall be eligible for an extension of a period of twelve (12) months from the date of expiration. Building permits shall be eligible for a maximum of two (2) extensions. The fees for such extension shall be one-half (1/2) of the original permit inspection fee. Upon lapse of a permit a new permit must be obtained pursuant to all the requirements of the code then in force.

- (5) If the Director of the Building Inspection Division shall find at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, they shall revoke the building permit by written notice served on the general contractor, if there be one, or the general contractor's representative on the job, or if there be no general contractor then on the person in charge of the work as to which the error or violation has occurred, and upon the owner, such service to be either personal or by mailing a copy of said notice to the address of said person as known to the Director of the Building Inspection Division, and shall likewise be posted a copy of said notice at the site of the work. When any such permit is revoked it shall be unlawful to do any further work upon such building until a new permit is issued, excepting such work as the Director of the Building Inspection Division shall order to be done as a condition precedent to the issuance of a new permit, or which the Director of the Building Inspection Division may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property and the public.
- (6) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this code, shall be valid except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of a permit, be discovered in the application, plans, specifications or execution of the work, the Director of the Building Inspection Division may require the correction of said errors in said application, plans, specifications or constructions and may rescind the permit and prevent building operations being further carried on thereunder when in violation of this code or of any ordinance of the City of Madison.

29.09 - FEE SCHEDULE.

- (1) Scope. The fees fixed in this ordinance shall be assessed and collected by the Building Inspection Division of the Department of Planning and Community and Economic Development for the inspection of new buildings and structures, additions and alterations, for the examination and approval of building plans and component parts of the buildings, and for all other services for which the Common Council has authorized the Building Inspection Division of the Department of Planning and Community and Economic Development to fix and collect fees as provided in Chapter 29 of the Ordinances of the City of Madison. Fees are collected in advance from owner or agent and shall include any mechanical fees which apply. This fee schedule applies to plan review and inspections done on buildings within the City and outside of the City of Madison within Dane County.
- (2) Plan Examinations, Approvals, Inspections, and Fees.
 - (a) Plans showing design and construction details, design computations, and specifications submitted for examination and approval as required by Chapter 29 shall be accompanied by a fee in the amount determined in accordance with Section 29.09(3).
 - (b) For the purpose of determining the fee on the basis of square foot, floor area measurements shall be taken from outside of building at each floor level, including basement.

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- (c) For the purpose of determining the fee on the basis of estimated cost, it shall represent the actual cost for alterations and repairs to existing buildings, including all labor and material less the cost of real estate and installation of electrical, heating, and plumbing equipment and services. See Section 29.09(3)(b), MGO. In no case shall the fee exceed those as calculated for new buildings as listed in Section 29.09(3)(a), MGO, Groups I, II and III.

(3) Fee Schedule.

Penalty for failure to obtain a permit before starting work shall be double the fees. This shall be in addition to any other penalties provided elsewhere in this ordinance; in addition, a penalty of one hundred dollars (\$100) shall be assessed for each day that any work requiring a permit progresses without a permit, calculated from the date the stop work notification is delivered to either the property owner or the contractor performing the work, until the date a permit is obtained.

(a) Inspection Fees.

Project Type	Fees (Round up all fees to the next highest dollar)	
Group I – New Residential*	\$.10 per sq. ft. Minimum Fee \$25.00	The use group shall include new construction and any additions to all single or two family residential buildings and to all commercial building space classified as R-2, R-3, or R4.
Group II – New Commercial Non Residential*	\$.18 per sq. ft. Minimum Fee \$25.00	The use group shall include new construction and any additions to all commercial building space classified as A-1, A-2, A-3, A-4, A-5, B, E, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, or R-1.
Group III – New Industrial*	\$.12 per sq. ft. Minimum Fee \$25.00	The use group shall include new construction and any additions to all commercial building space classified as F1, F2, S-1, S-2, or U and other buildings not classified in Groups I, II and IV.
*Note Group I, II and III:	When an application is submitted for a property where only the shell of the property is to be completed, the fee will be calculated at 50% of the total fee for that particular fee group. When an application is submitted for construction of the interior of a building where the shell of the building has been previously granted a permit, the fees shall be based on the square footage of that space as a percentage of the entire square footage of the subject building and that fee shall be calculated at 50% of the total fee for that particular fee group.	
Group IV	Alterations And Special Fees	

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Alterations and repairs to existing structures	\$11.00 for each \$1,000 value or fraction thereof Minimum Fee \$25.00
Accessory buildings or detached garage serving a single or two family residential building	\$.06 per sq. ft. Minimum fee \$25.00
Awnings	\$20.00 ea. Permit
Certificate of Occupancy	\$10.00 first certificate \$150.00 each additional certificate
Certificate of Occupancy for zoning change of use or occupancy	\$75.00 ea. certificate
Erosion Control Fee	0.01 per sq. ft. of lot area
Mobile home occupancy permit and inspection fees	\$15.00 ea. mobile home
Moving of structure	\$0.125 per cu. ft. Minimum Fee \$250.00 Maximum Fee \$450.00
Private in-the-ground swimming pools	\$25.00 ea. Permit
Razing a garage or building accessory to a principal building	\$20.00 ea. Permit
Razing a one-family dwelling	\$150.00 ea. Permit
Razing a two-family dwelling	\$250.00 ea. Permit
Razing a commercial building	\$0.075 per cu. ft. Minimum Fee \$250.00
Solar panels or collector system	\$21.00 ea. Permit
Tents used for merchandising and display	\$50.00 ea. Location

(b) Plan Review Fees.

In addition to the Plan Review Fees listed in the chart below, the Building Inspection Division of the Department of Planning and Community and Economic Development will also collect both of the following:

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1. State Seal fee as charged by Department of Safety and Special Services (DSPS)
2. Plan review fees as prescribed by SPS 302.31(1)(g) in Table 302.31-3

<i>Project Type</i>	<i>Fees (Round up all fees to the next highest dollar)</i>	
Commercial Building New	\$.04 per sq. ft. Minimum Fee \$100.00	Project area includes all spaces bound by outside surfaces of enclosing walls. Fee includes footings and structural, if submitted with the plans.
HVAC Commercial Building New	\$.03 per sq. ft. Minimum Fee \$100.00	
Commercial Building Alterations & Remodeling	\$.04 per sq. ft. Minimum Fee \$100.00	Area includes floor, roof and exterior wall area being altered or remodeled.
HVAC Alterations & Remodeling	\$.03 per sq. ft. Minimum Fee \$100.00	
Structural Review Of Building Elements	\$50.00 per building element	No fee for structural review if building elements with submission of building plans for review.
Fire Escape	\$100.00 per escape	
Stadium, Grandstand Bleachers	\$0.05 per seat Minimum Fee \$100.00	
Miscellaneous	\$100.00	All plan type not mentioned elsewhere.
Revisions to Previously Examined Plans	\$100.00	
Priority Review (Optional)	Double above fees	Initial review to be completed within three business days of accepted submittal
Early Start Permission (Optional)	\$50.00	Applies only to projects with footings and foundations.
New single family or two family residential buildings	\$100.00	

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Project Type	Fees (Round up all fees to the next highest dollar)	
Alteration or Remodel of single family or two family residential buildings	\$25.00	

29.10 - INSPECTION.

- (1) No structural portion of any part of any building or structure and no reinforcing steel or structural framework of iron or steel shall be covered or concealed in any manner whatsoever without first obtaining approval of the Director of the Building Inspection Division.
- (2) No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Director of the Building Inspection Division. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the three (3) inspections hereinafter mentioned. The Director of the Building Inspection Division shall, upon notification from the permit holder or their agent, make the following inspection and shall either approve that portion of the construction as completed, or shall notify the permit holder or their agent wherein the same fails to comply with the law. It shall be the responsibility of the contractor/owner to call the Building Inspection Division for all required inspections listed below:
 - (a) Inspection of Foundations: To be made after trenches are excavated and poured and the necessary forms erected. Before any foundation inspection is made, lot line stakes shall be established at the front building line and marked clearly. If horizontal rods are to be used, they must be placed in the forms prior to this inspection. All walls having forms shall not have any concrete placed into them until this inspection is made.
 - (b) Inspection of Structure: To be made after the roof is in place; all framing, fireblocking and bracing are in place and all pipes, chimneys and vents are complete.
 - (c) Inspection of Insulation: To be made after the insulation is in place, required vapor barrier has been installed and sealed.
 - (d) Basement Floor Inspection: To be made if the basement is to be used for living and sleeping purposes. An inspection shall be made prior to the pouring of the basement floor.
 - (e) Final Inspection: To be made after the building is completed and is ready for occupancy.
- (3) An owner or contractor who calls for an inspection and the work is not completed may be assessed twenty-five dollars (\$25) per inspection. Pursuant to Section 29.11, MGO, it is unlawful to occupy a building or permit a building to be occupied until final inspections have been made and a Certificate of Occupancy has been issued.

29.11 - CERTIFICATE OF OCCUPANCY.

- (1) New Buildings. No building hereafter erected except as provided herein shall be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the Director of the Building Inspection Division.

Accessory buildings used with single and two-family dwellings, such as tool sheds, storage shelters, and garages not more than one (1) story in height are hereby exempted.

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- (2) Buildings Altered. No building hereafter enlarged, extended, or altered to change from one use to another, in whole or in part, and no building hereafter altered for which a certificate of use and occupancy has not been issued heretofore, shall be occupied or used until the certificate shall have been issued by the Director of the Building Inspection Division certifying that the work has been completed in accordance with the provisions of the approved permit.
- (3) Existing Buildings. Upon written request from the owner of an existing building, the Director of the Building Inspection Division shall issue a certificate of use and occupancy provided there are no violations of law or orders of the building official pending and it is established that the alleged use of the building has heretofore existed. Nothing in the code shall require the removal, alterations, or abandonment of or prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.
- (4) No certificate of use and occupancy shall be issued by the Director of the Building Inspection Division unless the Director has certified that the building, enlargement, extension, or alteration fully complies with the accessibility requirements of Wis. Stat. § 101.13, Wis. Admin. Code ch. SPS 362, and any other applicable administrative rules.
- (5) Partial Occupancy. Upon the request of the holder of a building permit, the Director of the Building Inspection Division may issue a partial certificate of occupancy for part of a building or structure, before the entire work covered by the building permit shall have been completed provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare. No such partial certificate of occupancy may be issued prior to full compliance with those provisions of Wis. Stat. § 101.13 and Wis. Admin. Code ch. SPS 362 which affect health and safety or prior to full completion of accessible routes to, into, and through the building or structure.
- (6) Mobile Homes. No mobile home shall be occupied until such home has been inspected for proper connection of all utilities, electrical, heating and plumbing, and be approved by the Director of the Building Inspection Division. The Certificate of Occupancy fee shall include fees for one inspection by building, electrical, heating and plumbing inspectors.
- (7) Compliance Statement. Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer or designer shall file a written statement with the Department certifying that, to the best of their knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the City of Madison.

29.12 - ROOFED PASSAGEWAYS AND BARRICADES.

- (1) Roofed Passageways and Barricades Required. The owner or contractor engaged in the construction, remodeling or demolition of any building erected on the lot line adjacent to any street, sidewalk or alley shall cause a roofed passageway and/or barricade to be erected and maintained as set forth in this Section.
- (2) Standards. A roofed passageway or barricade required under Subsection (1) shall meet the following standards:
 - (a) When Required. For any multi-story project, after the completion of the first story, a roofed passageway shall be built in the front of the building and, also, on the side of the building if such building is being erected or demolished on a corner lot. A solid substantial fence, eight (8) feet high, designed to resist a wind pressure of fifteen (15) pounds per square foot of net area may be provided for excavations and one story structures in lieu of a roofed barricade.
 - (b) Construction and Maintenance Requirement. Any roofed passageway or barricade required under this Section shall be constructed and maintained while work on said

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building is in progress in such a manner as to insure the protection of persons using the sidewalk or street against flying or falling objects or other hazards of construction or demolition. All accumulation of rubbish within the roofed passageway or walkway area shall be cleaned up every day before leaving the premises.

- (c) Street Occupancy Permit. Where a roofed passageway or barricade is required to be placed in the public way or other public grounds under this Section, the owner or contractor shall obtain a street occupancy permit under Section 10.055, MGO, and the roofed passageway or barricade is subject to the requirements of that Section. In addition, the failure to follow the requirements of this Section shall be cause to revoke a street occupancy permit issued under Section 10.055, MGO.
 - (d) Design Standards. The walkway of a roofed passageway shall be not less than five (5) feet wide and eight (8) feet high in the clear. Roof bracing shall not be less than six (6) feet high from grade. Buildings set back twenty (20) feet from the front property line need not be covered if, in the opinion of the Director of the Building Inspection Division, no hazard to the public exists. All members of the shed shall be adequately braced and connected to resist displacement of members or distortion of the framework.
 - (e) Roof Design. The roof shall be designed to support a load of one hundred fifty (150) pounds per square foot and if the roof is to be used for storage of materials it shall be designed to support three hundred (300) pounds per square foot. Minimum roof decking shall be of not less than two (2) inch (nominal) wood plank, closely laid, and the deck made water tight. When roofs are used for storage of materials or during wrecking operations, the outside edge and ends of the roofed passageway's roof shall be provided with a solid substantial enclosure of at least three (3) feet six (6) inches above the deck of the shed.
 - (f) Lighting Requirements. The roofed passageway shall be lighted either by natural or artificial means sufficient to insure safety for pedestrians and warning to vehicular traffic.
 - (g) Fencing. Walkways shall have a solid fence not less than three (3) feet six (6) inches high on all open sides except within twenty (20) feet of a street intersection so as not to interfere with traffic visibility across the corner. This area shall have a handrail three (3) feet six (6) inches high and an intermediate rail on the open sides.
 - (h) Construction Activity. All construction activity shall take place behind the barricade. No materials or equipment shall be lifted over the roofed passageway.
- (3) Removal From Public Property. When, at the discretion of the Director of the Building Inspection Division, it is no longer necessary to maintain a roofed passageway and/or barricade on public property, the roofed passageway and/or barricade shall be removed within forty-eight (48) hours of notification by the Building Inspection Division.
 - (4) Restoration. Upon the removal of the roofed passageway or barricade, the street, sidewalk, alleys or other public grounds occupied by the roofed passageway or barricade shall be restored to their original condition and left in good repair and condition, as required under Section 10.055(4)(n), MGO. Any new or reconstructed sidewalk shall comply with Section 10.06, MGO.
 - (5) Violation. Any person who fails to comply with any of the requirements of this Section shall upon conviction be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

29.13 - UNSAFE BUILDINGS.

- (1) The Director of the Building Inspection Division may order the owner of the premises upon which is located any building or part thereof within the City of Madison, which in their judgment

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is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy, or use, and so that it would be unreasonable to repair the same, 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 it at the owner's option; or where there has been a cessation of normal construction of any building or structure for a period of more than two (2) years, to raze and remove such building or part thereof. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or their agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons in the Circuit Court. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing in the official newspaper of the City of Madison as a Class 3 Notice, under Chapter 985, Wisconsin Statutes, before the time limited in the order commences to run.

- (2) If the owner shall fail or refuse to comply within the time prescribed, the Director of the Building Inspection Division shall cause such building or part thereof to be razed and removed either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use. The cost of such razing and removal or closing shall be charged against the real estate upon which such building is located and shall be a lien upon such real estate, and shall be assessed and collected as a special charge under Wis. Stat. § 66.0627. When any building has been ordered razed and removed, the Director of the Building Inspection Division under said contract or arrangement aforesaid, may sell the salvage and valuable material at the highest price obtainable. The net proceeds of such sale, after deducting the expense of such razing and removal, shall be promptly remitted to the Circuit Court with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state. If the building or part thereof is unsanitary or unfit for human habitation, occupancy or use, and is not in danger of structural collapse the Director of the Building Inspection Division shall post a placard on the premises containing the following words: "This Building Cannot Be Used For Human Habitation, Occupancy or Use", and it shall be the duty of the Director of the Building Inspection Division to prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made. Any person, firm, or corporation who shall rent, lease or occupy a building which has been condemned for human habitation, occupancy or use shall be liable to a forfeiture of not less than five dollars (\$5) nor more than fifty dollars (\$50) for each week of such violation. If any person receiving a notice as hereinbefore provided shall fail or neglect to comply with the directions therein contained, they shall be subject to the penalties set forth in Section 29.20 of this chapter.
- (3)
 - (a) Whenever an owner of any building in the City of Madison permits the same, either as a result of vandalism or for any other reason, to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building are either deteriorated, damaged, destroyed or removed so that such building offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition, the Director of the Building Inspection Division shall issue a written notice respecting the existence of such defect; such written notice shall be served on the owner of such building as provided in Section 29.13(1), MGO, above and shall direct the owner of such building to remedy the defect within thirty (30) days following the service of such notice.
 - (b) If an owner fails to remedy or improve the defect in accordance with the written notice furnished by the Director of the Building Inspection Division within the 30-day period specified in the written notice, the Director of the Building Inspection Division shall apply to the Dane County Circuit Court for an order determining that the building is a public nuisance. As a part of the application for such order from the circuit court the Director of

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the Building Inspection Division shall file a verified petition in which they recite the giving of such written notice, the defect or defects in the building, the owner's failure to comply with the notice and any other pertinent facts. A copy of the petition shall be served upon the owner of record or the owner's agent if an agent is in charge of the building and upon the holder of any encumbrance of record as provided in Section 29.13(1), MGO, above. The owner shall have twenty (20) days following service in which to reply to such petition. Upon application by the Director of the Building Inspection Division the circuit court shall set promptly the petition for hearing. If the circuit court after hearing the evidence with respect to the petition and the answer determines that the building is a public nuisance, the court shall issue an order directing the owner of the building to remedy the defect and to make such repairs and alterations as may be required within a reasonable time. A copy of the order shall be served upon the owner as provided in Section 29.13(1), MGO, above. The order of the circuit court shall state in the alternative that if the order of the court is not complied with in the time fixed by the court, the court may appoint a receiver or authorize the Director of the Building Inspection Division to raze the building. All costs and disbursements with respect to razing under this subsection shall be as provided for under Section 29.13(2), MGO.

- (c) A receiver appointed pursuant to paragraph (b) is empowered to:
 - 1. Remedy the defect and make any repairs and alterations necessary to meet the standards required by the City of Madison Building and Health Codes; with the approval of the Circuit Court, borrow money against and encumber the property held in receivership as security in any amount necessary to remedy the defect and make the repairs and alterations; at the request of and with the approval of the owner, sell the property at a price equal to at least the appraisal value of the property plus the cost of any repairs made hereunder. The selling owner shall be liable for such costs. The receiver shall have a lien upon the property for all expenses incurred to remedy the defect and make all necessary repairs and alterations.
 - 2. Secure and sell the building to a buyer who demonstrates to the circuit court an ability and intent to rehabilitate the building and to cause the building to be reoccupied in a legal manner.
- (d)
 - 1. Any receiver appointed under paragraph (b) above shall collect all rents and profits accruing from the property held in receivership and pay all costs of management, including all general and special real estate taxes or assessments and interest payments on first mortgages on the property. A receiver under paragraph (b) shall apply moneys received from sale of property held in receivership to pay all debts due on the property in the order set by law and shall pay any balance to the selling owner if the circuit court approves.
 - 2. The circuit court shall set the fees and bond of a receiver appointed under paragraph (b) and may discharge the receiver as the court deems appropriate.
 - 3. Nothing in this subsection relieves the owner of any property for which a receiver has been appointed under paragraph (b) from any civil or criminal responsibility or liability except that the receiver shall have civil and criminal responsibility and liability for all matters and acts directly under the receiver's authority or performed at their discretion.

29.14 - MOVING OF BUILDINGS.

No building shall be moved within, through, or into the City of Madison without first obtaining a permit. Permission shall be granted only as follows:

- (1) All buildings.

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- (a) No building shall be moved within, through, or into the City of Madison if deemed by the Director of the Building Inspection Division to be unsafe or unfit and unreasonable to repair.
 - (b) No person shall apply for a permit to move a building unless the Plan Commission has approved the removal of the building per Section 28.185, MGO.
- (2) Buildings to be moved upon or along a public street.
- (a) An application for a permit shall be made to the Director of the Building Inspection Division and shall be accompanied by a schematic drawing showing the axle and wheel layout that will support the building during the move and the distribution of weight on each wheel. Accurate dimensions for the building as loaded and prepared for moving shall be provided. The application shall include a description of the route the building will travel. The route along which the building will travel and the time the move will take place shall be approved by the City Engineer, Streets Superintendent, Traffic Engineer, Water Utility Manager, Chief of Police, and the City Forester.
 - (b) A Certificate of Insurance shall be provided to the Director of the Building Inspection Division on a form provided by the City showing general public liability and property damage insurance in minimum limits of one million dollars (\$1,000,000) per occurrence.
 - (c) An indemnification agreement approved by the Director of the Building Inspection Division.
 - (d) A surety bond or letter of credit in an amount established by the Director of the Building Inspection Division but not to exceed fifty thousand dollars (\$50,000) guaranteeing that the applicant will remove the building from the City street, property or right of way upon receiving notice to do so from the Director of the Building Inspection Division, and that the bills for damage to public property will be promptly paid. If the applicant fails to remove the building from the City street, property, or right of way upon such notice, the City of Madison shall seek payment under the surety bond or letter of credit for removal of the building.
 - (e) The applicant's mover shall be prequalified as a public works contractor by the City Engineer. Upon completion of the move, the City Engineer shall inspect the public property over which the building was moved. If any damage to public property is noted, the amount of damage shall be determined and if the applicant fails to pay promptly all bills for such damages, the City of Madison shall seek payment under the surety bond/letter of credit given by the applicant responsible for the payment of the same.
 - (f) No buildings shall be allowed to remain over night upon any street, nor shall any trees or shrubs be trimmed or otherwise disturbed without the approval of the City Forester and the owner.
 - (g) The owner of the property being moved is responsible for the cost of City services resulting directly from the moving project as described in the moving permit.
- (3) Buildings to be moved onto a zoning lot within the City of Madison. In addition to meeting the requirements of (2) above, the following conditions must be met:
- (a) The building to be moved shall conform with the existing buildings in the area in which it is to be moved, as determined by the Zoning Administrator, with the approval of the Director of the Building Inspection Division.
 - (b) A surety bond or letter of credit, in such sum as shall be determined by the Director of the Building Inspection Division, shall be filed with the Director of the Building Inspection Division to assure that the exterior of the building will be finished in a skillful manner, including painting and final grading. This requirement may be combined with the requirements in Section 29.14(2)(d), MGO, in which case, the surety bond or letter of credit may exceed fifty thousand dollars (\$50,000). The work shall be completed within six (6)

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months of the date of the building permit or the City of Madison shall seek payment under the surety bond, or letter of credit and shall cause completion of the building and grading.

- (c) All bulk requirements for the location of the building on the new lot must be met unless a variance or area exception is obtained from the Zoning Board of Appeals prior to applying for a moving permit. Fees are separate for a moving permit and a variance or area exception.
- (d) A site plan with accurate dimensions drawn to scale showing the proposed new location of the building and a specific description of the proposed building use must be submitted to the Director of the Building Inspection Division.

29.15 - WRECKING OF BUILDINGS.

- (1) No building as defined in Section 29.04, MGO, shall be razed demolished, removed or wrecked without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development issued in accordance with the provisions of Section 28.185, MGO.
- (2) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspection Division of the Department of Planning and Community and Economic Development.
- (3) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.
- (4) If a street occupancy is required, refer to Section 10.055, MGO, for the necessary permit and restrictions.
- (5) Prior to the issuance of a permit to remove or wreck an existing building, the owner of the property shall obtain a Permit to Plug Sewer Lateral per Section 35.02(4)(c)14., MGO, if the existing building is serviced by the public sanitary sewer.
- (6) (a) Any owner or operator who shall raze, demolish, remove or wreck or authorize or permit the razing, demolishing, removing or wrecking of any existing building as defined in Section 29.04, MGO, without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development in violation of this section or Section 28.185, MGO, shall forfeit not more than five hundred dollars (\$500) per day. The violation shall be deemed to continue, with each separate day to be considered a separate offense, until either of the following occurs:
 - 1. The building is restored to its condition and appearance prior to demolition; or

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2. A replacement building approved pursuant to Section 28.185, MGO, by the Plan Commission and by the Landmarks Commission if the building was a landmark or was located in an Historic District is constructed at the site and a certificate of occupancy is issued therefore.
- (b) Any person violating any other provision of this section shall forfeit twenty-five dollars (\$25). Each day of violation shall be deemed a separate offense.
- (c) Any person, either individually, as a member of a firm or as an officer or employee of a corporation who performs or carries out the razing, demolishing, removing or wrecking of any existing building for any owner or operator when no wrecking permit has been issued therefore shall forfeit up to five thousand dollars (\$5,000) if the building is a landmark or is located in an Historic District and up to one thousand dollars (\$1,000) in all other cases.

29.16 - FLAG PERSON REQUIRED.

Whenever a building is being demolished, erected or altered, a flag person shall be employed to warn the general public when intermittent hazardous operations are conducted.

29.17 - BUILDING INSPECTION DIVISION OF THE DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT.

There is hereby established a Building Inspection Division of the Department of Planning and Community and Economic Development. The Building Inspection Division shall be responsible for the supervision of the plumbing, electrical, HVAC, and building codes of the City of Madison, the safety inspection of all premises, including structures and appurtenances located thereon, the enforcement of the zoning ordinances, and shall include the work of City Weights and Measures Officials. The Building Inspection Division shall be under the supervision of the Director of the Building Inspection Division.

29.18 - POWERS AND DUTIES OF DIRECTOR OF THE BUILDING INSPECTION DIVISION.

- (1) The Building Inspection Division of the Department of Planning and Community and Economic Development shall be under the supervision of the Director of the Building Inspection Division or such other person designated by the Director of the Department of Planning and Community and Economic Development who shall be held to be the same officer as is referred to in the Statutes as Building Inspector, and who shall have the same powers and duties. The Director of the Building Inspection Division shall have, except where otherwise provided herein, the general management and control of all matters pertaining to the Building Inspection Division, and shall enforce all state laws, City ordinances and lawful orders relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment. They shall have full power to pass upon any question arising under the provision of building, plumbing and electrical codes and zoning ordinances, subject to conditions contained herein. They shall be responsible for the issuances of all permits and the inspection of all work done under the provisions of the plumbing, electrical and building codes of the City and the safety inspection of all premises, including structures and appurtenances located thereon, shall see to it that the Zoning Ordinance of the City of Madison is enforced and complied with, and direct the work of the Smoke and Heating Plant Inspector and the City Weights and Measures Officials.
- (2) The Director of the Building Inspection Division shall keep a record of all applications for building permits in a book for such purpose. They shall keep a record showing the number, description and size of all new buildings erected, indicating the kind of materials used and the cost of each building, and the aggregate cost of all buildings of the various classes. They shall keep a record, which shall not be open to the public, at their direction, of all inspections made, and of all removals and condemnations of buildings. They shall keep a record of all fees

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collected by them, showing the date of their receipt and delivery to the City Treasurer. They shall make a monthly report and an annual report to the Mayor of the above matters.

- (3) The inspectors provided for in this ordinance shall have the power and authority at all reasonable times, for any proper purpose, to enter upon any public or private premises and make inspection thereof, and to require the production of the permit for any building, electrical or plumbing work, or to require license therefore. Any person interfering with or refusing entrance to the said inspector while in the performance of their prescribed duties shall be punished as provided in Section 29.20 of this chapter.
- (4) Director of the Building Inspection Division to Authorize Repairs.
 - (a) Upon the discovery of a lack of proper plumbing, heating or electrical service in any income property, or that a cooking stove or refrigerator furnished for the use of tenants as part of a rental agreement is not functioning, the Director of the Building Inspection Division or designee, shall notify the operator, manager or owner of the property of such lack of service. The Director of the Building Inspection Division or their designee shall first attempt telephonic notification, and then, if necessary, shall make notification by Certified or Registered Mail, Return Receipt Requested.
 - (b) After seventy-two (72) hours after notification and after an inspection showing that any lack of such service still exists, the Director of the Building Inspection Division shall authorize the immediate repair or reconnection of any such service by private contractor. The cost of any such repair or reconnection shall be paid by the owner or shall be placed, with interest, upon the tax bill of such owner.
 - (c) The Purchasing Agent shall obtain a minimum of three (3) bids from private contractors for the performance of the work described in Subsection (b) above. The work shall be let to the lowest responsible bidder.
- (5) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars (\$75) per compliance inspection, as defined in Section 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar (\$35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection.
- (6) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.

29.19 - ACCREDITING STANDARDS AND TESTS.

- (1) The Director of the Building Inspection Division shall make or cause to be made investigations of new developments in the building industry. Subject to local climatic or other conditions, they shall within thirty (30) days after written request of the applicant, accredit a test or tests meeting the functional requirements of this code conducted by accredited authoritative agencies or they may accept reports from recognized authoritative sources of all new materials and methods of construction proposed for use which are not specifically provided for in this code. The costs of all tests or other investigations required hereunder shall be paid by the applicant. No new materials or methods of construction shall be approved hereunder which would violate the State Building Code unless approved by the State Industrial Commission.
- (2) Appeal. If the Director of the Building Inspection Division shall fail to approve proposed materials or methods of construction pursuant to Subsection (1), the applicant may appeal

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therefrom to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals in the manner provided in Section 29.21, MGO. A concurring vote of at least six (6) members shall be necessary to reverse the decision of the Director of the Building Inspection Division.

29.20 - VIOLATIONS AND PENALTIES.

- (1) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, remove, demolish, convert, equip, use or occupy or maintain any building, or any portion of any building in the City of Madison, contrary to or in violation of any provisions of this Code; or to cause, permit, or suffer the same to be done.
- (2) Any person violating any of the provisions of this chapter shall upon conviction be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.
- (3) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter shall be deemed guilty of a violation of this chapter, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense.

29.21 - BOARD OF BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS.

A Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals is hereby created.

- (1) Membership. The Board shall consist of nine (9) members appointed by the Mayor, subject to confirmation by the Common Council. Each member shall be appointed for a term of three years and shall serve until a successor is appointed and confirmed. At least one (1) member shall be licensed as an attorney, one (1) as an architect, one (1) as a real estate broker, and one (1) as a professional engineer, who shall have structural or architectural engineering experience. One (1) member shall be a builder, one (1) member shall have fire prevention experience, and the remaining members may be persons with other interests and experience.
- (2) Rules of Procedure. The Board shall select one of its members to serve as chair. The Director of the Building Inspection Division or designee shall serve, without voting privileges, as secretary to the Board, and shall keep a detailed record of all proceedings. The record shall be filed in the office of the Building Inspection Division of the Department of Planning and Community and Economic Development and with the City Clerk. The Fire Chief or designee shall provide, without voting privileges, staff assistance to the Board.

A member of the Board shall abstain from voting on any question on which they have a conflict of interest. If a member of the Board abstains from voting because of a conflict of interest, the abstention shall have no effect on quorum.

- (3) Duties.

- (a) Appeals.

1. The owner of a building or structure or any other person who is aggrieved and directly affected may appeal from decisions or orders of the Fire Chief, from a denial of the issuance of a private noise amplification permit, from Building Code Orders, or from a decision of the Director of the Building Inspection Division refusing to grant approval of a plan, modification of or variance from the provisions of Madison General Ordinances Chapters 27, 29, and 40 covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure, or the wrecking or demolition of a building or structure determined to be unsound pursuant to Section 28.185(6), MGO, to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals.

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2. All applications for appeal shall be in writing and shall be received by the Director of the Building Inspection Division no later than thirty (30) days after the date of the Official Notice of code violations or of the written decision of either the Director of the Building Inspection Division or the Fire Chief.
3. An application for an appeal filed shall be accompanied by a fee of fifty dollars (\$50) for appeals under Madison General Ordinances or three hundred dollars (\$300) for variances to the State Building Code. If the applicant requests priority review, the fee shall be double the amount set forth above. The fee shall be made payable to the City Treasurer.
4. The Board may promulgate rules to guide the appeals process. Any rules shall be made available to all persons wishing to invoke their appeal rights.
5. The Board shall hear all appeals filed in compliance with the requirements of Paragraphs 1.-4. above. At the hearing, all parties may offer testimony and documents.

(b) Decision on Appeals.

1. The Board shall affirm, modify, or reverse the decision of the Fire Chief or Director of the Building Inspection Division. A concurring vote of two-thirds ($\frac{2}{3}$) of the voting members present shall be required to modify or reverse said decision. Appeal of the action of the Board shall be to Circuit Court.
2. The Board shall affirm the decision of the Director of the Building Inspection Division unless it determines that
 - a. The Director of the Building Inspection Division or Fire Chief has misinterpreted or misapplied the applicable ordinance, rule, or code provision; or
 - b. The compliance time established by the Director of the Building Inspection Division or Fire Chief is unreasonable; or
 - c. An equally good or better form of construction can be used.
3. The Board shall send the appellant a written decision, including reasons for the decision. The Director of the Building Inspection Division or Fire Chief shall act immediately to carry out the Board's decision.

(4) Meetings.

- (a) Notice of Meetings. The Board shall meet as often as necessary to act promptly on pending appeals. The Director of the Building Inspection Division may call special meetings in a case of emergency.
- (b) Public Hearing. All hearings shall be public and the appellant, their representative, City staff, and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard. Proceedings shall be recorded on audio tape.

29.22 - ADOPTION BY REFERENCE.

The Wis. Admin. Code Chapters:

SPS 320 (Uniform Dwelling Code — Administration and Enforcement);

SPS 321 (Uniform Dwelling Code — Construction Standards);

SPS 322 (Uniform Dwelling Code — Energy Conservation);

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SPS 328 (Smoke Detectors And Carbon Monoxide Detectors);
SPS 361 (Commercial Building Code – Administration And Enforcement);
SPS 362 (Commercial Building Code – Buildings And Structures);
SPS 363 (Commercial Building Code – Energy Conservation);
SPS 366 (Existing Buildings)
SPS 375-379 (Buildings Constructed Prior to 1914).

This includes all subsequent amendments, additions and recodifications thereto, are hereby adopted by reference except for those provisions in conflict with Chapter 29 of the Madison General Ordinances. In case of such conflict, the provisions of Chapter 29, Madison General Ordinances, shall apply, unless the conflicting provisions of the State Codes are mandatory. Chapters SPS 320, 321, 322 and 328 shall apply to all new one- and two-family residential buildings as well as additions and alterations to all existing one- and two-family residential buildings, to accessory buildings and to new portions of moved one- and two-family buildings.

29.23 - ITEMS TO BE ENFORCED OVER WISCONSIN ADMINISTRATIVE CODE.

In addition to enforcing the Wisconsin Administrative Code by reference, the following items shall be enforced:

(1) Partition Construction.

- (a) The enclosing interior partitions and ceilings of each dwelling unit or lodging room shall be separated from other similar occupancies with fire-protected construction equivalent to not less than one-half ($\frac{1}{2}$) inch sheetrock applied to the ceiling and to each side of the partition, except in no case shall the fire-rating classification of the building elements be less than required by Wis. Admin. Code ch. SPS 362. The requirements do not apply to single or two-family dwellings or a building occupied for sleeping and lodging purposes by not more than two (2) unrelated persons.
- (b) The required exit corridor partitions in a dwelling or lodging house shall be fire-protected construction equivalent to not less than one-half ($\frac{1}{2}$) inch sheetrock applied to the ceiling and to each side of the partition, except that in no case shall the fire-rating classification of the building elements be less than required by Wis. Admin. Code ch. SPS 362. The requirements do not apply to single or two-family dwellings or a building occupied for sleeping and lodging purposes by not more than two (2) unrelated persons.
- (c) The openings in the partitions as required in Section 29.23(4)(c)1. and 2., MGO, shall be protected with doors equivalent to not less than a solid wood core door one and three-fourths ($1\frac{3}{4}$) inches thick.

(2) Fire Escapes (Ref. Wis. Admin. Code ch. SPS 362).

- (a) No fire escapes shall extend beyond the property line on the street side of building provided, however, that upon the approval of the Director of the Building Inspection Division fire escapes may be erected on the street side of a triangular shaped building where two (2) of the walls of such buildings are adjacent to streets and a third wall is adjacent to an adjoining building. Such permission to be granted, however, only to buildings existing at the time of the adoption of this ordinance. Where permission is granted for a fire escape beyond the property line on the street side of building pursuant to the provisions of this section, there shall be a clear distance of ten (10) feet from the finished grade of the sidewalk to the bottom projection of the fire escape. No fire escape

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shall extend beyond the property line on alleys except by written approval of the Director of the Building Inspection Division.

- (b) Not Permitted on any new Building or Additions. On any new buildings or additions constructed under the requirements of this ordinance a fire escape will not be permitted.

- (3) Windows and Courts. All windows and courts shall conform to the requirements of Wis. Admin. Code ch. SPS 362. In addition to these requirements they shall conform with the following provisions. In buildings within the Capitol Fire District door and window openings in walls nearer than fifteen (15) feet to other buildings or structures on the same lot or to lot lines shall be protected with approved fire doors, approved fire windows, or approved fire shutters.

Distance does not apply to property lines adjacent to streets or alleys exceeding thirty (30) feet in width. The requirements do not apply if the building is of frame construction.

- (4) Fire Protection Within Buildings.

- (a) Chimney Construction.

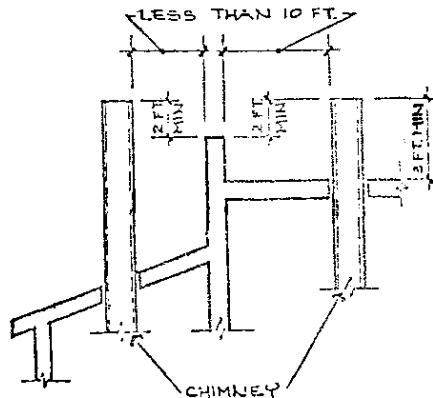
1. Foundations. The foundation of every chimney shall be designed and built in conformity with the requirements for foundations of buildings.
2. Walls. Every chimney shall be built of brick or other approved fire resistive material.
3. Thickness. The walls shall be at least eight (8) inches in solid thickness, except that in a chimney with a flue less than two hundred sixty (260) square inches in area and where an approved flue lining is used the wall thickness may be reduced to four (4) inches in solid thickness.
4. Height.

- a. All chimneys shall be designed and constructed to safely remove the products of combustion. The chimneys shall extend at least three (3) feet above the highest point where it passes through the roof, and at least two (2) feet higher than any portion of the roof, ridge, peak, or wall within ten (10) feet of the chimney.

NOTE: See drawings included in paragraph b.

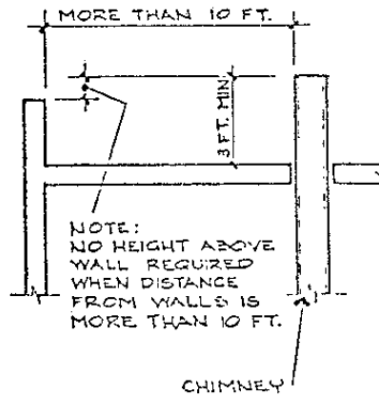
- b. Graphic Representations of Chimney Height Requirements .

i. Figure 1.

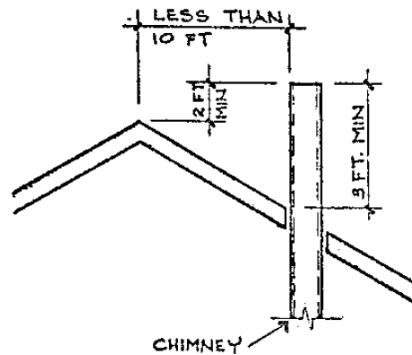


ii. Figure 2.

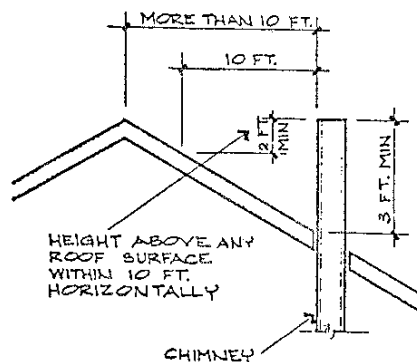
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iii. Figure 3.



iv. Figure 4.



5. Plumb and Clearance. In no case shall a chimney be corbeled out from a plumb position more than eight (8) inches, and in every case the corbeling shall consist of at least five (5) courses of brick.
6. Mortar. Lime-cement or cement mortar shall be used in the laying of chimney masonry above the roof line.

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7. Flue Liners. The flue liner serving the heating plant appliance shall be an approved standard clay pipe. The liner shall start from a point not less than four (4) feet below the intake, unless approved by the Building Inspection Division of the Department of Planning and Community and Economic Development and run for the entire height of the chimney. The bells shall be facing upward and joints shall be filled with Portland Cement.

The flue liner shall be supported at the base on masonry construction and completely sealed to prevent any fumes or gases escaping into the space between the flue liner and the chimney walls.

A standard clay pipe tee fitting shall be used to receive the smoke pipe or flue connector.

An opening shall be provided to receive the chimney cleanout door.

Note: The Building Inspection Division of the Department of Planning and Community and Economic Development does recognize as approved clay sewer pipe tested and conforming to the standards established by the American Standards Association or standards of any other nationally recognized testing agency.

The flue opening shall be located a distance of not less than one and one-half (1½) diameters to combustible construction.

A fire clay flue lining may be used or required in chimneys serving other than the heating (plant) appliance.

8. Size of Flue. All flue liners and tees serving the heating (plant) appliance, or the incinerator, shall have a minimum inside diameter of eight (8) inches (nominal).
9. Piercing of Chimney Walls. No chimney walls shall be pierced except if additional opening is required in an existing chimney; approval shall be obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development before opening is cut.
10. Cleanout Door. Every chimney shall be provided with a cast iron or stamped metal cleanout door.
11. Wind Pressure. Every chimney shall be designed to withstand the following wind pressure in pounds per square foot over the diametrical area:
- Square chimneys 30
- Polygonal chimneys 25
- Round chimneys 20
12. Design. Every chimney shall be designed throughout (the above minimum thickness and sizes shall be increased where necessary) in accordance with the requirements of the structural design of buildings and with the best engineering practice in chimney construction.
13. Smoke Pipe Connectors. Smoke pipe connectors from gas stoves and water heaters shall conform to the same requirements as that for a heating plant.
14. Provide weep hole at bottom of chimney for gas fired heating systems.
15. Other Approved Chimneys.
- a. Metallic Smoke Stacks. A metallic smoke stack shall not pass through any ceiling, or roof of combustible construction unless encased or lined with brick or

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other fire resistive materials of the same character and thickness as prescribed for masonry chimneys, or in place thereof, except it may pass through a roof if a clearance of not less than twelve (12) inches is maintained to combustible construction.

A stainless steel smoke stack may be used if the building is classified as fire resistive construction and does not exceed one (1) story in height. The thickness of the stainless steel shall be not less than the thickness required for a steel smoke pipe (See Heating, Ventilating, and Air Conditioning Code, Chapter 30.21, MGO).

- b. A manufactured chimney or gas vent may be used in lieu of a masonry chimney provided that the chimney and vent do comply with the requirements of Chapter 30, MGO, (Heating, Ventilating, and Air Conditioning Code).

Note: It will be the policy of the Building Inspection Division of the Department of Planning and Community and Economic Development to accept as approved Class A manufactured chimney and Class B vent tested and listed as approved by Underwriters Laboratories, Inc. Gas and Oil Equipment List.

- (b) Incinerators. The provisions of Section 30.30, MGO, are adopted herein by reference as if fully reprinted in this section.

- (c) Refuse Holding Rooms. Where an incinerator is not provided and combustible rubbish and other waste materials in excess of one cubic yard are accumulated and stored for more than twenty-four (24) hours, a refuse holding room shall be constructed in every apartment building that will accommodate four (4) or more apartments and every lodging house that will accommodate eight (8) or more lodging rooms.

1. The enclosure in every apartment building and lodging house more than two (2) stories high shall be constructed of not less than two (2) hour fire resistive noncombustible construction. The door opening shall be protected with a self-closing fire door having a fire protective rating of not less than one and one-half (1½) hours.
2. The enclosure in every apartment building and lodging house two (2) stories high shall be constructed of not less than one (1) hour fire resistive combustible or noncombustible construction with a self-closing fire door having a fire protective rating of not less than three-fourths (¾) hour.
3. There shall be one (1) sprinkler head installed for every eighty (80) square feet of floor area. The water supply may be taken from the domestic water supply system provided that the water pressure is adequate to satisfy the function of the sprinkler head(s) served. The piping within the holding room shall be galvanized iron pipe. Provide shutoff valve, preferably located outside of room.

- (d) Attic Spaces. The attic spaces of all buildings, except where roof and attic are of noncombustible or fireproof construction, shall be divided into areas not exceeding three thousand two hundred (3,200) square feet by means of approved fire stops of not less than the equivalent of one-half (½) inch gypsum sheet rock applied to both sides of combustible structural members.

(5) Exits and Passageways.

Location and Maintenance of Exits. Every exit mentioned in Wis. Admin. Code ch. SPS 362, shall lead to a street, alley or open court connected with a street. All such exits and all passageways leading to and from the same shall be kept in good repair and unobstructed at all times.

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No closure of any opening hung so that it can be swung beyond the building line and over a public walk shall be less than eight (8) feet above such walk, nor shall any part of a building or building equipment projecting beyond the building line over a public walk be less than eight (8) feet above such walk.

(6) Swimming Pools and Excavations.

- (a) All public swimming pools shall conform to the City of Madison Swimming Pool Ordinance. (Section 7.44, MGO)
- (b) No person shall make any excavation in excess of six (6) inches below the adjacent grade on any lot parcel of land in the City of Madison except for the purpose of erecting buildings or other structures thereon. No excavation for the erection of a building or other structure thereon shall be permitted to remain longer than three (3) days without being protected with snow fencing or other approved barricades, and if at the end of thirty (30) days the building or structure is not to grade level and covered over the excavation shall be backfilled to grade level.
- (c) Any persons violating any provision of this section shall forfeit not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100). Each day of violation shall be deemed a separate offense.

(7) Number, Location and Type of Exits. (Ref. Wis. Admin. Code ch. SPS 362).

- (a) Every dwelling unit in a townhouse shall have not less than one (1) exit doorway from both the first and second floor level. In this subsection a stairway or passageway between the first and second floor levels shall not be deemed to be an exitway, and doors thereto shall not be deemed to be exit doorways, unless such stairway or passageway is enclosed with not less than one hour fire-resistive construction and the openings into such enclosure are protected with a three-fourths ($\frac{3}{4}$) hour fire-rated door or a glued solid core flush door one and three-fourths ($1\frac{3}{4}$) inches thick.
- (b) In a townhouse no exitway shall be through an adjoining dwelling unit or lodging room.

(8) Exit Doors.

A standard exit door shall have such fastenings or hardware that shall conform with Wis. Admin. Code ch. SPS 362, except that the exit door from an individual apartment or sleeping room shall meet the requirements of Section 27.05(2)(h), MGO.

(9) Sanitation. (Ref. Wis. Admin. Code ch. SPS 362).

- (a) Toilet Rooms and Washing Facilities. Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory, and bathtub or shower shall be contained within a room or rooms so as to afford privacy. All other buildings shall have at least one (1) water closet for every seven (7) roomers or fraction thereof. In any apartment or dwelling containing two sleeping rooms or larger than three (3) rooms in size, access shall be provided to required bathroom facilities without the necessity of passing through sleeping rooms.

Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working conditions, and are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

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All sinks, lavatories, washtubs, bathtubs, and showers shall be provided with hot water from a heater capable of supplying adequate hot water.

Rooms with private water closets shall not be considered in counting either the number of rooms or the number of fixtures.

Water closets and urinals, and the pipes connected therewith shall be protected against freezing as provided in Wis. Admin. Code ch. SPS 362.

- (b) Repairs. Every building of this classification, and all parts thereof, shall be kept in good repair and the roof shall be maintained to prevent leakage. All rainwater shall be so drained and conveyed therefrom as to prevent dampness in the walls and ceilings. All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating applied in a skillful manner. Plumbing equipment shall be maintained so as to be impervious to water and heating equipment and incinerators shall be maintained in good order and repair.
 - (c) Cleanliness. Every building shall be kept clean, and shall also be kept free from vermin and any accumulation of dirt, filth, rubbish, garbage, or other objectionable matter in or on the same or in the yards, courts, passages, areas or alleys connected with or belonging to the same. Interior surfaces shall be as nearly impervious to water and joints between surfaces as tight as is reasonably practical. Floors of toilets and bathrooms shall be of impervious surfaces and made of nonabsorbent material.
 - (d) Responsibility of Owner for Maintenance of Sanitary Housing. The owner of any building or apartment occupied as a place of human habitation shall be responsible for maintenance of sanitary and healthful housing as required by this section. The owner shall provide receptacles for garbage and depositories for ashes unless the tenant agrees to furnish them, or incinerators as required by the General Ordinances of the City of Madison. The owner shall be responsible for removal of infestations when they occur in more than one (1) dwelling in a building, or when rats or mice infest any building occupied by more than one (1) family, or when the Director of the Building Inspection Division determines that the infestation is due to lack of proper vermin-proofing of the building. Whenever a dwelling is vacated it shall be the duty of the owner to determine that such dwelling is in a clean sanitary, habitable condition and free from infestations before renting such dwelling to another occupant.
 - (e) Responsibility of Occupant for Maintenance of Sanitary Housing. The occupant of any dwelling or building used as a place of human habitation shall not permit rooms to be tenanted which do not meet light, air, or space requirements prescribed in this section nor permit occupancy of rooms in excess of those standards. It shall be the duty of the occupant to keep their dwelling and the portion of the building or premises over which the occupant has control in a reasonably clean and sanitary condition, including plumbing fixtures, and the occupant shall not knowingly, willfully, or maliciously deposit material in any fixture which through repeated carelessness would result in stoppage or damage to the fixture. Garbage and refuse shall be deposited by the occupant in provided containers as required by the General Ordinances of the City of Madison. The occupant shall eliminate infestations except when it is the responsibility of the owner to do as herein before provided. In all buildings open basement windows and doors on ground floors or in basements shall be provided with screens and screen doors and they shall be in place at all times when such doors and windows are open for exclusion of rats, mice and vermin. It shall be the duty of the occupant to maintain the use of screens and doors provided for this purpose.
- (10) Isolation of Fire Hazards.

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- (a) Fire hazards shall be isolated in an enclosure with a fire rated construction for all classes of occupancies as provided by Wis. Admin. Code ch. SPS 362. In apartment buildings (three or more dwelling units) not more than two (2) stories in height, the enclosure shall be not less than one (1) hour fire rated construction.

(b) Storage Facilities.

1. In residential buildings constructed on or after July 14, 1972, where tenant or owner storage areas are provided (other than those within lodging rooms of lodging houses or dwelling units of multi-family dwellings), and the total area of the storage spaces is two thousand five hundred (2,500) square feet or less, the storage areas shall be enclosed with not less than one (1) hour rated construction in accordance with Wis. Admin. Code ch. SPS 362. If the area of the enclosure exceeds two hundred (200) square feet, the enclosed storage areas shall be protected with heat or smoke detecting devices spaced according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on centers and fifteen (15) feet from any wall, and the detectors shall be connected to the building local fire alarm system, or if a building local fire alarm system is not required, to a signal, located outside the enclosure, audible throughout the building. Where openings are provided in the fire rated walls, such openings shall be protected with door assemblies as required in Wis. Admin. Code ch. SPS 362. The door shall be equipped with an approved self-closing device and lock. The lock shall satisfy the functions as follows:
 - a. A rotating inside knob that will retract a live bolt;
 - b. An outside knob permanently fixed;
 - c. Lock to open from outside with key;
 - d. Inside knob always free for immediate exit; and
 - e. Latch bolt returns to locked position when door is closed.

Where the total area of basement storage spaces exceeds two thousand five hundred (2,500) square feet, these storage spaces shall be protected with automatic sprinklers in accordance with IFC section 903.3.1.

2. This section of the code applies to residential buildings constructed prior to July 14, 1972. Where tenant or owner storage areas of combustibles are provided (other than those within lodging rooms of lodging houses or dwelling units of multi-family dwellings) the areas shall be protected by one of the following means. Storage in the basement must be separated from other floors by means of walls and/or doors. Doors leading to the basement shall be equipped with self-closers and locking hardware, as described in 29.23(10)(b)1, MGO.
 - a. Isolate storage areas by covering walls and ceiling with one-half (½) inch fire-rated gypsum board or equivalent, one layer on ceiling and one layer on each side of sixteen (16) inch on centers stud walls. Doors shall be equivalent to three-fourths (¾) hour fire-rating. Doors to individual lockers or the door serving an isolated group of lockers shall have a self-closer and locking hardware as described in Section 29.23(10)(b)1, MGO; or
 - b. Equip the entire floor containing the storage area with heat or smoke detectors. If the storage area is in the basement, provide basement doors of at least solid core construction equipped with a self-closer and locking hardware as described in Section 29.23(10)(b)1, MGO.
3. All heat detectors shall be rate-of-rise type (15 degrees per min.) with a one hundred forty (140) degree Fahrenheit or less degree backup link and spaced to cover nine

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hundred (900) square feet of unobstructed area and connected to the building electrical service direct or through transformers and to a signal audible throughout the building. All smoke detectors must be connected to the building electrical services direct or through transformers and to a signal audible throughout the building. In buildings which have existing fire alarms or require fire alarm systems the heat or smoke detectors shall be connected to the fire alarm system in an approved manner (Ref. National Fire Protection Association (NFPA) 74) to avoid the confusion of more than one type audible signal. Any rooms created by walls or partitions must be individually protected with detectors or sprinklers. When products of combustion or ionization detectors are used in place of rate-of-rise heat detectors, they shall be placed on the basement side of doors leading to stairs to upper floors. The spacing shall not exceed three thousand (3,000) square feet of coverage for each detector. In no case shall the spacing for any type of detector exceed the testing laboratory ratings. All sensing devices shall be tested once every six (6) months and a record kept of the test.

4. In buildings where tenant or owner storage areas are provided other than those within lodging rooms of lodging houses or dwelling units of multi-family dwellings and are protected by automatic sprinklers installed in accordance with the NFPA Pamphlet No. 13, compliance with paragraphs 1 and 2 of this subdivision is not required.

(11) Building Restrictions Adjacent to Solid Waste Disposal Sites.

(a) Statement of Purpose.

1. Organic refuse or fill material deposited in a solid waste disposal site can be expected to decompose over an extended period of time continuously creating landfill gas as a by-product. The State Uniform Dwelling Code recognizes that landfill gas can be explosive and may seep into buildings through underground passages and openings. However, the Code sets no construction standards for restricting such gas intrusion and, unless and until said solid waste disposal site is designated stable by the City Engineer, it is necessary for the preservation of public health and safety to impose the building code requirements described hereafter.
2. Landfills without Specific Zones of Concern Established by the City Engineer.
 - a. If a disposal site is equipped with an operating extraction system to mechanically ventilate landfill gas, buildings located within five hundred (500) feet of the lesser of the limits of the disposal site's zoning lot, or a line within said disposal site as determined by the City Engineer, shall be constructed as herein required in such fashion as to make them more resistant to landfill gas intrusion.
 - b. If a disposal site is not equipped with an extraction system to mechanically ventilate landfill gas, buildings located within one thousand (1000) feet of the lesser of the limits of the disposal site's zoning lot, or a line within said disposal site as determined by the City Engineer, shall be constructed as herein required in such fashion as to make them more resistant to landfill gas intrusion.
3. Landfills with Specific Zones of Concern. The following disposal sites shall have zones of concern as specified:
 - a. Greentree Hills Landfill. The zone of concern for Greentree Hills Landfill is as follows: Part of the West 1/2 of Section 36, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

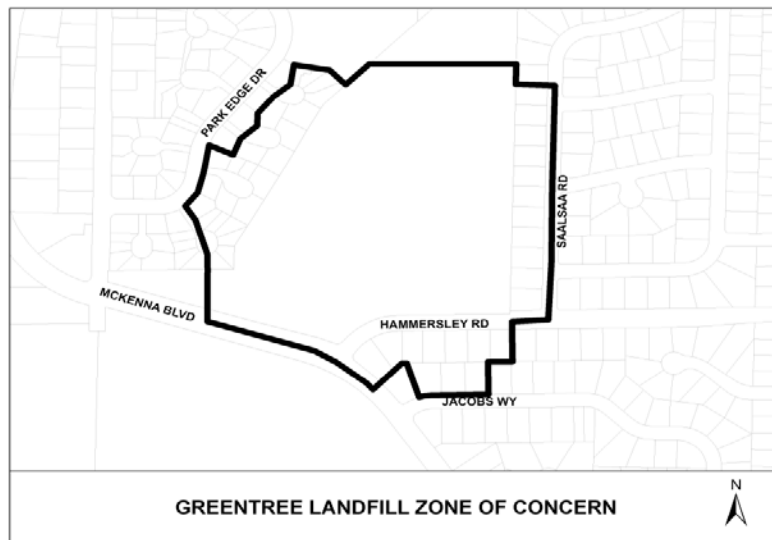
Beginning at the point of intersection of the centerlines of Hammersley Road and Saalsaa Road; thence Northerly along the centerline of Saalsaa Road to the point of intersection with the Easterly extension of the South line of Lot 108, Third

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Addition to Chapel Hill; thence Westerly, along said extension and South line, to the Southwest corner of said Lot 108; thence Northerly, along the West line of said Lot 108, to the Northwest corner of said Lot 108; thence Westerly, along the Westerly extension of the North line of said Lot 108, 578 feet, more or less, to the intersection of the Southeast line of Lot 41, First Addition to Park Ridge; thence Southwesterly, along the said Southeast line, 153 feet, more or less, to the most Southern corner of said Lot 41, also being the most Eastern corner of CSM 7468; thence Northwesterly, along the Northeasterly line of said CSM, to the most Northern corner of said CSM, also being the Northeast corner of CSM 6995; thence Northwesterly, along the Northeasterly line of said CSM 6995, to the Northwest corner of said CSM; thence Southwesterly, along the Northwesterly line of said CSM, to the Southwest corner of said CSM; thence Southwesterly on a straight line, to the most Northern corner of Lot 46, First Addition to Park Ridge; thence Southwesterly and Southerly, along the Westerly lines of said Lot 46, to the Southwest corner of said Lot 46; thence Southwesterly on a straight line, to the East corner of Lot 52, First Addition to Park Ridge; thence Southwesterly, along the Southeast Line of said Lot 52, to the South corner of said Lot 52; thence Northwesterly, along the Southwest Line of said Lot 52, to the West corner of said Lot 52, also being a point on the Southeast right-of-way line of Park Ridge Drive; thence Southwesterly, along the said Southeast right-of-way line, to the West corner of Lot 59, First Addition to Park Ridge; thence Southeasterly, along the Southwest line of said Lot 59, to the South corner of said Lot 59; thence Southeasterly on a straight line, to the common line between CSM 4393 and CSM 4426; thence Southerly, along said common line and its extension to the point of intersection with the centerline of McKenna Boulevard; thence Southeasterly along said centerline to the point of intersection with the Southwesterly extension of the Northwest line of lot 25, Park Ridge Heights; thence Northeasterly, along the said Northwest line, to the Northerly Line of said Lot 25; thence Easterly, along the North Line of said Lot 25, to the Northeasterly Line of said Lot 25; thence Southeasterly, along the Northeasterly Line, to the Northerly right-of-way Line of Jacobs Way; thence Easterly, along the said Northerly right-of-way, to the West Line of Lot 29, Park Ridge Heights; thence Northerly, along the said West Line, to the Northwest corner of said Lot 29; thence Easterly, along the North Line of said Lot 29 and the South Line of Lot 18, Park Ridge Heights, to the East line of said Lot 18; thence Northerly along the East line of said Lot 18 and said East line extended Northerly to the point of intersection with the centerline of Hammersley Road; thence Easterly along said centerline to the point of beginning. (Figure 1).

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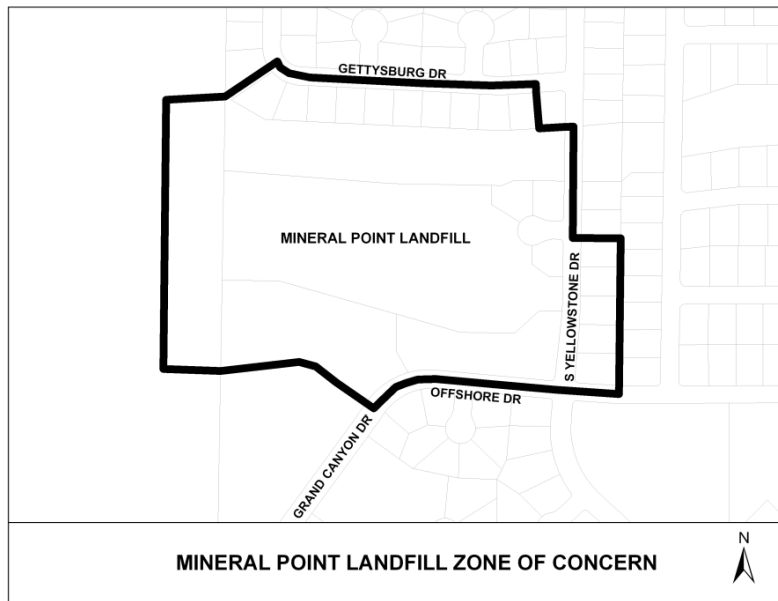
Figure 1



- b. Mineral Point Landfill. The zone of concern for the Mineral Point Landfill is as follows: Part of the Southwest 1/4 of Section 24, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the intersection of the centerline of Gettysburg Drive and the northerly extension of the West line of Lot 3, Parkwood Hills; thence Westerly on the centerline of Gettysburg Drive to a point of intersection with the Northeasterly extension of the Southeast line of Lot 14, Parkwood Hills Plat; thence Southwesterly along said Northeasterly extension and said Southeast line to the Southwest corner of said Lot 14; thence Westerly 200 feet, more or less, to a line that is parallel to and 200 feet West of, as measured by right angles to, the West line of the East 1/2 of the Southwest 1/4 of said Section 24, also being the West line of Parkwood Hills and Parkwood West; thence Southerly, along said parallel line, to a point that is Westerly of the Southwest corner of Lot 4, Parkwood West; thence Easterly 200 feet, more or less, to the said Southwest corner of Lot 4; thence Southeasterly on the South line of said Lot 4 and said South line extended to the point of intersection with the centerline of Offshore Drive; thence Easterly along said centerline to the point of intersection with the Southerly prolongation of the East line of Lot 18, Parkwood West; thence North along said Southerly prolongation and the East line of Lots 18, 17, 16, 15 and 14 of Parkwood West Plat to the Northeast corner of said Lot 14; thence West along the North line of said Lot 14 and the Westerly extension of said North line to the point of intersection with the centerline of South Yellowstone Drive; thence North along the centerline of South Yellowstone Drive, to the intersection with the easterly extension of the South line of Lot 3, Parkwood Hills; thence Westerly, along the said extension and South line, to the Southwest corner of said Lot 3; thence Northerly, along the West line of said Lot 3 and its extension to the point of beginning. Excepted from the above described area are the buildings addressed 26-38 and 102-120 Grand Canyon Drive which lie on the South line of Lot 4, Parkwood West. (Figure 2)

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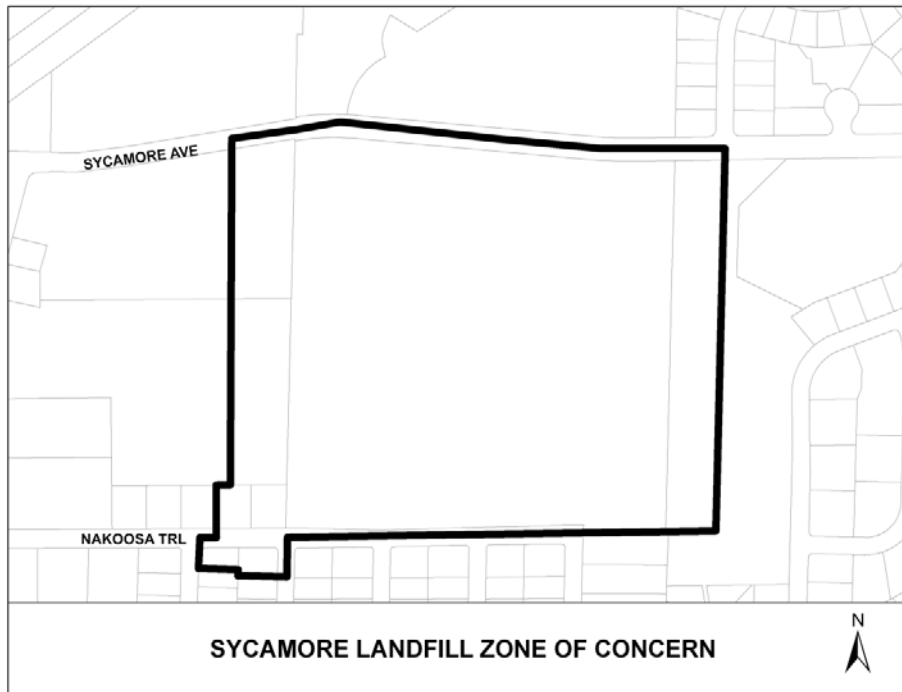
Figure 2



- c. Sycamore Landfill. The zone of concern for Sycamore Landfill is as follows: Part of the East ½ of Section 33 and part of the West 1/2 of Section 34, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the intersection of the centerline of Sycamore Avenue and a line parallel to and 200 feet west of, measured at right angles to, the West line of said Section 34; thence Southerly, along said parallel line, to the North line of Lot 4, Ziegler Addition to Burke Heights; thence Westerly, along said North line, to the Northwest corner of said Lot 4; thence Southerly, along the West line and its extension of said Lot 4, to the centerline of Nakoosa Trail; thence Westerly, along said centerline, to the northerly extension of the East right-of-way line of Brandie Rd; thence Southerly, along said extension and East right-of-way line, to the Northwest corner of Lot 2, Jim's Addition to Burke Heights; thence Easterly, along the North line of said Lot 2, to the Northeast corner of said Lot 2; thence Southerly, along the East line of said Lot 2, to the Northwest corner of Lot 76, Second Addition to Burke Heights; thence Easterly, along the North line of said Lot 76 and its extension, to the West line of said Section 34; thence Northerly, along the said West line of Section 34, to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 34; thence Easterly along the North line of the said Southwest 1/4 of the Southwest 1/4 to a point on the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 34 which is 150 feet East of the Northwest corner of said Southeast 1/4 of the Southwest 1/4; thence Northerly along a line that is parallel to and 150 feet East of, measured at right angles to, the West line of the Northeast 1/4 of the Southwest 1/4 of said Section 34 to the point of intersection with the centerline of Sycamore Avenue; thence Westerly on said centerline to the point of beginning. (Figure 3)

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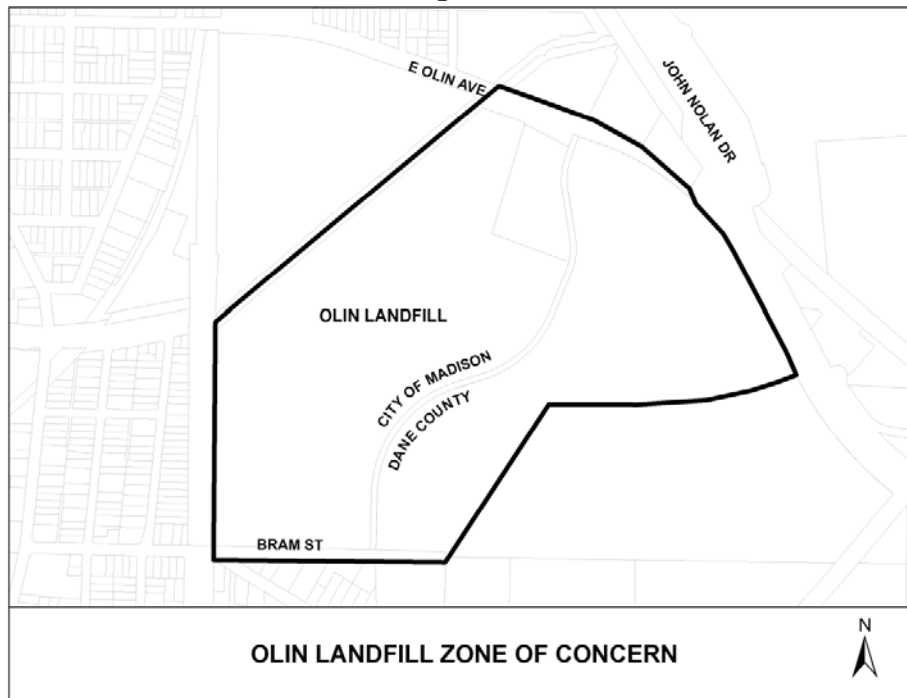
Figure 3



- d. Olin Landfill. The zone of concern for Olin Landfill is as follows: Part of the Southeast 1/4 of Section 26, part of the Southwest 1/4 of Section 25 and part of the Northeast 1/4 of Section 35, all in Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the point of intersection of the Northeasterly right-of-way of Olin Avenue and the centerline of Wingra Creek; thence Southeasterly, along the said Northeasterly right-of-way, to the point of intersection with the Southwesterly right-of-way of John Nolen Dr.; thence Southeasterly, along the said Southwesterly right-of-way, 1232 feet, more or less, to the point of intersection with the centerline of a private access road for the Alliant Energy Center; thence Southwesterly and Westerly, along the said private access road, 1409 feet, more or less, thence Southwesterly, on a straight line, 1080 feet, more or less, to the Easterly terminus of the South right-of-way of Bram Street; thence Westerly, along the said South right-of-way, to the point of intersection with the Southerly extension of the East line of the Union Pacific Railroad; thence Northerly, along the said extension and East line, to the point of intersection with the centerline of Wingra Creek; thence Northeasterly, along the said centerline, to the point of beginning. (Figure_4)

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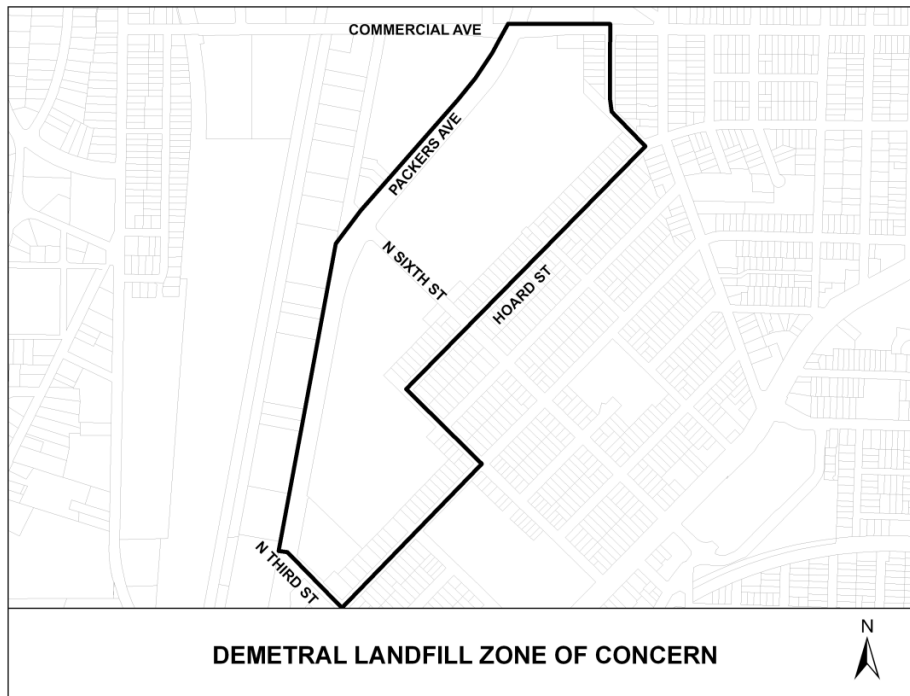
Figure 4



- e. Demetral Landfill. The zone of concern for Demetral Landfill is as follows: Part of the Northeast, Northwest and Southwest 1/4's of Section 6, Town 7 North, Range 10 East, and part of the Southeast 1/4 of Section 31, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the point of intersection of the North right-of-way of Commercial Avenue and the centerline of Schofield Street extended; thence Southerly along the said extension and centerline of Schofield Street to the intersection with the centerline of Eighth Street; thence Southeasterly along the centerline of Eighth Street to the point of intersection with the centerline of Hoard Street; thence Southwesterly along said centerline of Hoard Street to the point of intersection with the centerline of Fifth Street; thence Southeasterly along said centerline of Fifth Street to the point of intersection with the centerline of East Johnson Street; thence Southwesterly along said centerline of East Johnson Street to the point of intersection with the centerline of Third Street; thence Northwesterly along said centerline of Third Street to the point of intersection with the Northwesterly right-of-way line of Pennsylvania Avenue; thence Northeasterly along said Northwesterly right-of-way line of Pennsylvania Avenue and the Northwesterly right-of-way line of Packers Avenue to the point of intersection of the Northwesterly right-of-way line Packers Avenue and the North right-of-way of Commercial Avenue; thence Easterly along said North right-of-way of Commercial Avenue to the point of beginning. (Figure 5)

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Figure 5



- f. Truax Landfill. The zone of concern for Truax Landfill is as follows: Part of the Southeast 1/4 of Section 30 and the Northeast 1/4 of Section 31, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the point of the intersection of the centerline of International Lane and the West line of the Northeast 1/4 of said Section 31; thence Southerly on said West line to the point of intersection with a line parallel to and 470 feet North of the South line of the Northeast 1/4 of said Section 31; thence Easterly on said line to the point of intersection with the East right-of-way line of Grim Street extended Southerly; thence Northerly on said Southerly extension and said East right-of-way line to a point on the East right-of-way line of Grim Street 500 feet North of the South line of the Southeast 1/4 of said Section 30; thence West on a line that is parallel to and 500 feet North of, measured at right angles to, said South line to the point of intersection with the centerline of Anderson Street; thence Northwesterly on said centerline to the intersection with the centerline of International Lane; thence Southwesterly on said centerline to the point of beginning. (Figure 6)

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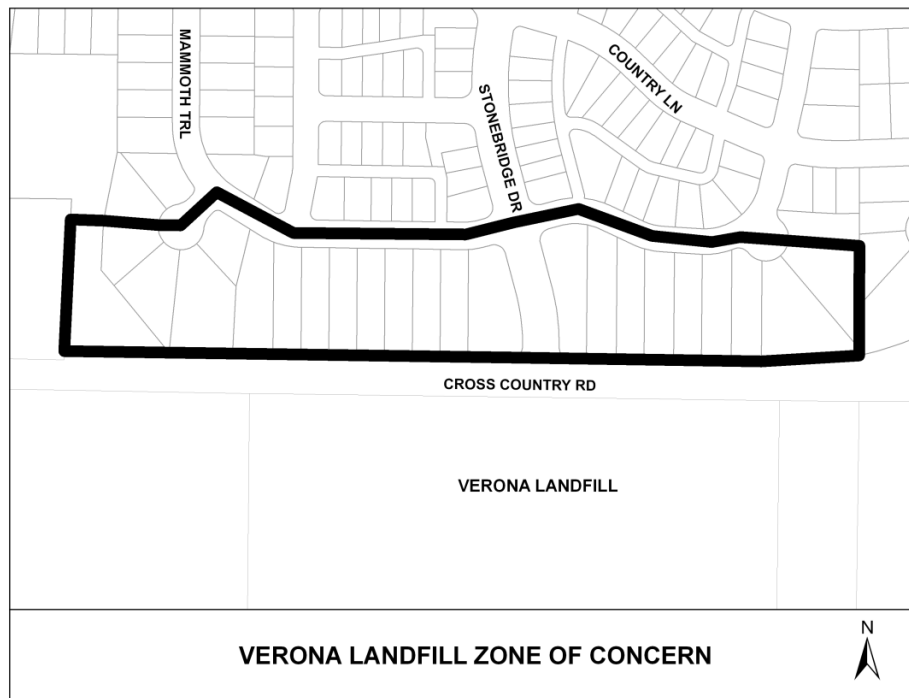
Figure 6



- g. Verona Landfill. The zone of concern for Verona Landfill is as follows: Part of the Southeast 1/4 of Section 11, Town 6 North, Range 8 East, City of Madison, Dane County, Wisconsin, described as follows: Commencing at the Southeast corner of said Section 11, thence Northerly, along the East line of the Southeast 1/4 of said Section 11, 83.46 feet, to the Northerly right of way line of Cross Country Road as presently located and the point of beginning; thence Westerly, along said Northerly right of way, to the point of intersection with the South corner of Lot 423, also being the Southeast corner of Outlot 11, Heather Glen Addition to the Crossing; thence continuing Westerly, along said Northerly right of way, 229.23 feet, to a Westerly line of said Outlot 11; thence Northerly, along the said Westerly line, 292 feet, more or less, to the point of intersection with the Westerly prolongation of the North line of Lot 422, Heather Glen Addition to the Crossing; thence Easterly, along the said Westerly prolongation and North line and its Easterly prolongation, 242 feet, more or less, to the point of intersection with the centerline of Mammoth Circle; thence Northeasterly, along the said centerline, 111 feet, more or less, to the point of intersection with the centerline of Mammoth Trail; thence Easterly, along the said centerline of Mammoth Trail and centerline of Drumlin Lane, to the point of intersection with the Westerly prolongation of the North line of Lot 131, Heather Glen; thence Easterly, along the said Westerly prolongation and North line, 276 feet, more or less, to the Northeast corner of said Lot 131, also being a point on the East line of the Southeast 1/4 of said Section 11; thence Southerly, along said East line, 240.32 feet, to the point of beginning. (Cr. by Ord. 12,465, 9-23-99) (Figure 7)

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Figure 7



4. It is the City of Madison's policy that the owner/operator of a solid waste disposal site shall be required to undertake, to the maximum extent technically and economically feasible, such measures as may be determined by the City Engineer to be necessary to control underground methane gas migration and contain said gas within said site's zoning lot.
5. These building code requirements shall apply to any closed former waste disposal sites which are designated herein by the City Engineer and to all operating waste disposal sites and to all new waste disposal sites licensed after adoption of the original ordinance on December 4, 1984. The following sites are the only closed Solid Waste Disposal Sites designated by the City Engineer to which this section shall apply:
 - a. Sycamore Landfill, 4603 Sycamore Avenue.
 - b. Demetral Landfill, 2301 Pennsylvania Avenue.
 - c. Truax Landfill, 1801 Pankratz Avenue.
 - d. Olin Landfill, 121 East Olin Avenue.
 - e. Mineral Point Landfill, 120 South Yellowstone Drive.
 - f. Greentree Hills Landfill, 6750 Hammersley Road.
 - g. Rodefild Landfill, 7102 East Broadway.
 - h. Verona Landfill, 6718 East Verona Avenue.

(b) Construction Practices and Safety Precautions.

1. Subject to Paragraphs 2., 3. and 4. following, the building construction practices and safety precautions described in Paragraph 5. below shall be implemented by the

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owner of any building located within the limits of a solid waste disposal site described in paragraphs (a)2. and 3. above. These precautions are in addition to measures taken by an owner/operator of an adjacent disposal site. The owner and any subsequent owner of any such building shall thereafter maintain the gas-resistant integrity of such building as so modified during any period of ownership.

2. A building permit application for new construction subject to this ordinance shall include on the building plans a description of the approved construction practices to be used to make such building more resistant to underground landfill gas intrusion.
3. A building permit application for all below-grade additions and alterations subject to this ordinance, in excess of fifty percent (50%), shall state on the building plans a description of the approved construction practices to be used to make such building more resistant to underground landfill gas intrusion. The building plans shall also include a description of the building construction practices described in Subparagraphs b., c., d. and e. of Paragraph 5. below. Said building construction practices (where building foundation cracks, joints and exterior walls are accessible) shall be concurrently completed for the existing below-grade building structure.
4. All building permit applications for restoration of damaged buildings subject to Section 28.194, MGO, are not subject to these provisions except when below-grade restorations are undertaken. When below-grade restorations are planned the building plans shall include a description of the building construction practices in Subparagraphs b., c., d. and e. in Paragraph 5. below. Said building construction practices (where building foundation cracks, joints and exterior walls are accessible) shall be concurrently completed for the existing below-grade building structure.
5. The approved construction practices and safety precautions shall include a sub-slab depressurization system (passive or active) that includes the following components:
 - a. Gravel. A layer of clean, coarse gravel or alternative shall be placed below the foundation. Alternatives include perforated piping or a collection mat.
 - b. Plastic Sheeting or Vapor Retarder. A heavy duty plastic sheeting (6 mil. polyethylene or equivalent) or a vapor retarder shall be placed on top of the gravel to inhibit potential landfill gas from entering the building.
 - c. Vent Pipe. A three-inch or four-inch (3" - 4") solid PVC schedule forty (40) vent pipe shall run vertically through the building's conditioned space and roof to safely vent potential landfill gas outside above the house. The pipe shall be labeled "Sub-Slab Depressurization System." For residential buildings with three units or more and for commercial buildings over 2,500 square feet, the schedule 40 PVC should be sized to accommodate a larger capacity fan.
 - d. Sealing and Caulking. All openings, cracks, and crevices in the concrete foundation floor and walls shall be sealed and caulked with flexible caulk to prevent potential landfill gas from entering the building. This includes but is not limited to all floor openings, concrete joints, condensate drains, sumps, foundation walls, slab perimeter cracks, clean-outs, and backflow devices. All foundation walls shall also be treated with hand-applied foundation sealing material or an equivalent treatment.
 - e. Junction Box. An electrical junction box (outlet) shall be installed in the attic for use with a vent fan, should one be required in the future. Activation of the system with an adequately sized vent fan is required for residential buildings with three units or more and for commercial buildings over 2,500 square feet. Smaller buildings are not required to activate the system at the time of installation unless noted by the City.

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- f. Clay Cutoff. A clay cutoff shall be installed as near to the property line as feasible in utility trenches which emanate from the direction of the zoning lot of the current or former disposal site.
- g. Other measures deemed advisable by a building design professional may be used to accomplish the above-stated purposes. The design professional's report, if any, shall be submitted to the Director of Building Inspection and the City Engineer for approval prior to the issuance of a building permit.

In general, meeting the requirements of the Appendix F of the 2015 International Residential Code, Radon Control Methods, shall satisfy the requirements of this ordinance.

- (c) Annual Disposal Site Monitoring Report. The owner of all landfills listed in subdivision (a), Paragraph 5. above, shall submit annually to the City Engineer a Landfill Environmental Assessment Report unless comparable documents have already been prepared for the Wisconsin Department of Natural Resources, as determined by the City Engineer. The Landfill Environmental Assessment Report shall include, but shall not be limited to the following:
 - 1. A tabulation of the previous year's landfill gas monitoring data.
 - 2. An assessment of data monitored during the reporting period.
 - 3. An outline of the planned gas monitoring program for the upcoming year.

ONE- AND TWO-FAMILY DWELLINGS

29.24 - CLASSIFICATION.

It is the intention to include under the classification of one- and two-family dwellings all buildings or portions of buildings used for sleeping or lodging purposes which are not included within the scope of Wis. Admin. Code ch. SPS 362.

29.25 - EXITS FROM BASEMENTS AND GROUND FLOORS USED FOR SLEEPING.

- (1) In this section:

"Basement" means that portion of a dwelling below the first floor or ground floor with its entire floor below grade.

"Fire sprinklers" means an automatic fire suppression or control device that operates automatically when its heat-activated element is heated to its thermal rating or above, allowing water to discharge over a specified area.

"First floor" means the first floor level above any ground floor or basement or, in the absence of a ground floor or basement, means the lowest floor level in the dwelling.

"Ground floor" means that level of a dwelling, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.

- (2) The following is in addition to the requirements of Wis. Admin. Code ch. 321:

- a. Wis. Admin. § SPS 321.03(5)(b)1. shall be amended to add the following exception:
 - i. A second exit from a basement or ground floor used for sleeping is not required if the dwelling is fully protected by fire sprinklers in accordance with NFPA 13R or 13D.

29.26 - SIZE OF DWELLING AND ROOMS.

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- (1) Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
- (2) Size of Rooms.
 - (a) Apartments. The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - (b) Lodging Rooms. The floor area of a lodging room shall provide not less than eighty (80) square feet of floor area for one (1) occupant and sixty (60) square feet for each additional occupant.
- (3) The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Section 29.26(2), MGO.
- (4) Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.

29.27 - PRIVATE SWIMMING POOLS.

- (1) In-the-ground Pool. A wall or fence at least forty-eight (48) inches high and not more than six (6) feet of such construction as will make access difficult, shall completely enclose all private combination, diving, swimming, and limited purpose pools, except, that an entrance may be provided through a bathhouse or gate. The gate shall be equipped with a locking device and shall be kept locked when pool is not in use.
- (2) Portable Pools. The enclosure may be omitted where portable pools are installed aboveground. Where pool ladders are provided, they shall be a type that can be removed when pool is not in use.

29.28 - PRIVATE GARAGES.

- (1) Classification - Detached Garages. A detached private garage shall mean a private garage entirely separated from the principal building.
- (2) Footings and Foundations. Footings and foundations shall be provided for all private garages, except that private garages of frame or noncombustible frame construction may be provided with foundation walls of concrete or masonry not less than three (3) feet six (6) inches below the adjoining grade, including overhead door openings, or with an approved continuous floating foundation slab of concrete not less than four (4) inches in thickness for detached garages. Such walls and exterior wall curbs shall be not less than eight (8) inches above the adjoining grade and eight (8) inches in thickness.
- (3) Floor Surface. The floor in all private garages shall be of approved noncombustible material. No openings or pits in the floor shall be permitted.
- (4) Construction. Private garages shall be constructed as follows:
 - (a) Load bearing foundation walls, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
 - (b) Detached private garages of wood frame construction shall be constructed as regulated in this chapter, with the following exceptions:
 1. Studs may have a maximum spacing of twenty-four (24) inches on centers. Doubling of studs shall not be required at jambs of openings less than forty (40) inches.
 2. Diagonal corner bracing may be applied on the inside surface of studs.

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3. Corner posts may consist of two (2) two by four (2 × 4) studs or a single four by four (4 × 4) stud.
 4. Top plates may be single, provided the rafters are placed over the studs and plates are lapped to provide ties.
 5. Horizontal bracing and collar beams may be two by fours (2 × 4's) with a maximum spacing of six (6) feet on centers.
 6. All framing walls shall be securely anchored to the foundation with one-half by six (½ × 6) inch bolts placed four (4) feet on center.
- (5) Roof Construction. All roof framing shall comply with the span tables as set forth by the American Wood Council or be approved manufactured trusses.

AWNINGS AND OTHER PROJECTIONS

29.29 - CANOPIES AND HOODS.

- (1) No permanent hood or canopy shall be constructed unless in the manner herein provided.
- (2) The owner or occupant of any building erecting such canopy or hood shall furnish annually a public liability bond with sureties to be approved by the Director of the Building Inspection Division, in an amount equal to one hundred dollars (\$100) per square foot, based on the area of the underside of such canopy or hood, but in no case shall any bond be less than five thousand dollars (\$5,000), provided further that if the owner or occupant of such building shall carry public liability insurance in an amount equal to or in excess of the amount of the bond hereinbefore required, then and in that event said person shall be exempted from furnishing a bond as hereinabove required.
- (3) There shall be a height of not less than ten (10) feet in the clear between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any canopy or hood extending from any building to the public street.
- (4) The projection of permanent hoods or canopies shall not extend over the street to a distance of nearer than three (3) feet from the outside face of the curb.
- (5) The overall height of such canopies or hoods including all projections, ornamentations, accessories or appurtenances shall not exceed six (6) feet, and there shall not be added after the original erection of such canopy or hood any sign, poster or other thing extending beyond six (6) feet above the ten (10) foot clearance required of said canopy. The maximum distance to the top of any canopy including all projections, ornamentations, appurtenances, signs or any other part of the canopy shall not exceed sixteen (16) feet from any point of the sidewalk.
- (6) Any accessory, appurtenance, or sign of a temporary or permanent installation shall be rigidly attached to the hood or canopy in a manner satisfactory to the Director of the Building Inspection Division. Swinging signs or accessories of any nature whatever are prohibited.
- (7) Where projecting signs are erected above canopies or hoods, they shall in no manner be attached to any accessory, ornament or other thing of a temporary or permanent nature. Such signs shall be hung independently of the canopy and shall not project more than four (4) feet.
- (8) All hoods and canopies shall have gutters and conductors connected with the sewer at the buildings, and such canopies or hoods shall be so drained as not to discharge any water on the sidewalk or public highway, except as provided in the Plumbing Code (Chapter 18).
- (9) Canopies and hoods shall be built of incombustible materials throughout, and shall be capable of resisting a superimposed load of eighty (80) pounds per square foot, and shall extend from the lot line toward the curb at a height in the clear of not less than ten (10) feet, and to slope

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and drain toward the building, and shall be provided with conductors connected with the sewer of the building in accordance with Chapter 18 (Plumbing Code) of these ordinances.

- (10) Such canopies or hoods must be suspended from the building with no supports resting upon the sidewalk or public highway, and all canopies must have the approval of the Director of the Building Inspection Division as regards design and materials of construction.
- (11) Before a permit can be issued for the erection of canopies and hoods, the Common Council must grant permission for the privilege of occupying the public area as outlined in Wis. Stat. § 66.0425.
- (12) Any person violating the provisions of this section shall be subject to forfeiture of not less than ten dollars (\$10) nor more than fifty dollars (\$50), and each day that such violation is permitted to exist shall constitute a separate offense.

29.30 - SUN SHADES.

- (1) No permanent sun shade shall be constructed unless in the manner herein provided.
- (2) The owner or occupant of any building erecting such sun shade shall furnish annually a public liability bond with sureties to be approved by the Director of the Building Inspection Division in an amount equal to one hundred dollars (\$100) per square foot, based on the area of the underside of such sun shade, but in no case shall any bond be less than five thousand dollars (\$5,000); provided further that if the owner or occupant of such building shall carry public liability insurance in an amount equal to or in excess of the amount of the bond hereinbefore required, then and in that event said person shall be exempted from furnishing a bond as hereinabove required.
- (3) There shall be a height of not less than ten (10) feet in the clear between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any sun shade extending from any building to the public street.
- (4) The projection of permanent sun shades shall not extend over the street more than four (4) feet from the property line.
- (5) The overall height of such sun shades including all projections, ornamentations, accessories or appurtenances shall not exceed one (1) foot and there shall not be added after the original erection of such sun shade any sign, poster or other advertising.
- (6) Where projecting signs are erected above sun shades they shall in no manner be attached to any accessory, ornament or other thing of a temporary or permanent nature. Such signs shall be hung independently of the sun shade and shall not project more than four (4) feet.
- (7) Sun shades shall be built of incombustible material throughout and shall be capable of resisting a superimposed load of eighty (80) pounds per square foot, and shall extend from the lot line toward the curb at a height in the clear of not less than ten (10) feet, and to slope and drain toward the building and shall be provided with conductors connected with the sewer of the building in accordance with Chapter 18 (Plumbing Code) of these ordinances. Gravel stops shall be provided of sufficient height so no water can drain or blow on any sidewalk or public highway.
- (8) Such sun shades must be suspended from the building with no supports resting upon the sidewalk or public highway, and all sun shades must have the approval of the Director of the Building Inspection Division as regards design and materials of construction.
- (9) Before a permit can be issued for the erection of sun shades, the Common Council must grant permission for the privilege of occupying the public area as outlined in Wis. Stat. § 66.0425.

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- (10) Any person violating the provisions of this section shall be subject to a penalty of not less than ten dollars (\$10) nor more than fifty dollars (\$50), and each day that such violation is permitted to exist shall constitute a separate offense.

29.31 - AWNINGS OVER STREET OR SIDEWALK.

- (1) No person shall erect, repair or maintain any awning over any sidewalk or street within the City of Madison contrary to any of the provisions of this section.
- (2) No person shall erect or repair any awning over a public sidewalk or street without first obtaining a building permit from the Director of the Building Inspection Division except that if the portion repaired is less than twenty-five percent (25%) of the total canvas cover, the permit requirement is waived.
- (3) Any awning hereafter erected over any sidewalk or street within the City of Madison shall be constructed of adjustable iron frame, firmly secured in place, and covered with canvas or other suitable material, and the frame shall be at least seven and one-half (7½) feet in height above the highest point of the walk; and the lowest point of flap or fringe of such awning shall at no point be less than six and one-half (6½) feet above the sidewalk immediately beneath it.
- (4) Wood or metal awnings when installed must be so placed that no accumulation of snow, ice or any other loose material can fall upon public property, or would hamper the Fire Department in erecting of ladders. Wooden awnings not to be installed in General and Capitol Fire Limits.
- (5) Any person who shall erect, repair, or maintain any awning contrary to the provisions of this section, or who shall refuse or neglect after written notice by the Superintendent of Streets, or Director of the Building Inspection Division forthwith to remove any awning or parts thereof maintained contrary to the provisions of this section, shall be subject to a fine of not less than five dollars (\$5) nor more than ten dollars (\$10) for each day during which any such awning or part thereof shall be maintained after such notice.

29.32 - USE OF TENTS FOR MERCHANDISING AND DISPLAY, LICENSE THEREFORE.

- (1) Any Dane County resident selling farm produce or other person or persons in the City of Madison who operates and conducts a retailing, wholesaling, jobbing, manufacturing or processing business in a permanent building or structure conforming to the codes of the City of Madison and as an adjunct to the normal business or as an approved conditional use who shall use and utilize one or more freestanding tent, awning or canopy for merchandising or the display of merchandise of a seasonal or promotional nature on a limited term basis, shall be subject to the conditions of this ordinance.
- (2) Such tent, awning or canopy shall have the canvas treated with a flame retardant chemical that is certified not to wash out of the canvas.
- (3) Unless approved as a conditional use, no tent, awning or canopy shall be placed closer than twenty-five (25) feet to any building, structure or lot line, and the location shall be approved by the Director of the Building Inspection Division and the Chief of the Fire Department, and shall conform to all other codes and ordinances.
- (4) Any person, firm or corporation desiring to use a tent, awning or canopy in the manner and for the purpose herein stated shall obtain a permit therefor from the Building Inspection Division of the Department of Planning and Community and Economic Development
- (5) Lighting.
 - (a) Lighting shall be installed not less than eight (8) feet from the floor, and the method used may be "Tin" type or "Pigtail" type sockets on single conductor building wire or brewery cord, not less than fourteen (14) gauge AWG mounted on approved insulators and supported at intervals not to exceed thirty (30) feet, in instances where the distance

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between poles exceeds thirty (30) feet, a suitable messenger cable shall be installed to support the wiring.

- (b) All wiring less than eight (8) feet from the floor shall be enclosed in rigid metal conduit, properly grounded.
 - (c) No portable lamps or appliances may be used except when all noncurrent carrying metal parts are adequately grounded.
 - (d) Convenience outlets when installed must be three (3) wire grounding type.
- (6) No flame producing equipment or gasoline operated motors shall be demonstrated in any tent.
 - (7) On the basis of such a permit, the City Clerk shall issue a term license to the applicant for a period not to exceed six (6) consecutive weeks, unless a longer period is approved as a conditional use or used for the seasonal sale of farm produce, upon the payment of a fee for each week requested, for each tent, awning or canopy or one cent (\$.01) per square foot of floor space.

When a permit has been issued to a nonprofit civic, religious, or charitable organization, the majority of whose members are residents of the City of Madison, and it is so stated under oath in its application for license hereunder, the provisions of this subsection relating to fees shall not be applicable.

- (8) No person or persons shall be granted an extension of any license nor shall more than two (2) licenses be granted for any location in any calendar year.

AIR CONDITIONING

29.33 - AIR CONDITIONING UNITS OVER PUBLIC AREAS.

- (1) No person shall install any air conditioning unit over any public area within the City of Madison, without first obtaining from the Director of the Building Inspection Division a permit therefor, for which a fee of one dollar (\$1) shall be charged; provided, however, that where repairs do not disturb the structural mountings of the unit to the building no permit shall be required.
- (2) The mountings shall be constructed of noncorrosive material and anchored with at least one-fourth (1/4) inch lag bolts capable of supporting four hundred (400) pounds.
- (3) The air conditioning unit shall be designed so the fan will dissipate the condensate into the air. Other type units must pipe the condensate to the building drainage system.
- (4) Any person who shall erect, repair, or maintain any air conditioning unit contrary to the provisions of this section, or who shall refuse or neglect after written notice by the Superintendent of Streets, or Director of the Building Inspection Division, forthwith to remove any air conditioning unit or part thereof maintained contrary to the provisions of this section, shall be subject to a forfeiture of not less than five dollars (\$5) nor more than ten dollars (\$10) for each day during which any such air conditioning unit or part thereof shall be maintained after such notice.

FIRE DISTRICTS

29.34 - CAPITOL FIRE DISTRICT AND BUILDING RESTRICTIONS.

- (1) Intent and Purpose.
 - (a) This ordinance is adopted for the purpose of preserving and promoting the public health, safety and general welfare of the people of the City and environs.

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- (b) It is recognized that there is an area of the City which contains a mix of residential and nonresidential buildings, structures, yards or vacant areas of various ages, construction materials and uses. This area poses a greater threat of vulnerability to fire damage because of the proximity and combination of structures which are old and new, structures constructed of a variety of materials and structures housing a mixture of uses. To preserve and promote the public health, safety and welfare, it is necessary to identify this area and establish special construction standards for new and substantially remodeled buildings and structures therein.

(2) Capitol Fire District.

- (a) District Defined. There is hereby created a fire district to be known as the Capitol Fire District, which includes the properties on and surrounding the Capitol Square and circumscribed by the outer ring streets (Webster, Doty, Fairchild and Dayton) and the properties fronting on or in close proximity to State Street from North Park Street to the Capitol Square. The district shall be bounded as follows:

All that part of the City of Madison located in portions of the Southwest 1/4 of Section 13, the Southwest 1/4 and the Southeast 1/4 of Section 14, the Northeast 1/4 and the Northwest 1/4 of Section 23, and the Northwest 1/4 of Section 24, all in Range 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, being more particularly described as follows:

Beginning at the point of intersection of the centerlines of North Hamilton Street, East Dayton Street and North Webster Street; thence Southeasterly along the centerlines of North Webster Street and South Webster Street to the point of intersection of the centerlines of South Webster Street, King Street and East Doty Street; thence Southwesterly along the centerlines of East Doty Street and West Doty Street to the point of intersection of the centerlines of West Doty Street, South Hamilton Street and South Fairchild Street; thence Northwesterly along the centerlines of South Fairchild Street and North Fairchild Street to the point of intersection of the centerline of North Fairchild Street and the centerline of West Mifflin Street; thence Southwesterly along the centerline of West Mifflin Street to the point of intersection of the centerline of West Mifflin Street and the centerline of North Henry Street; thence Northwesterly along the centerline of North Henry Street to the point of intersection of the centerline of North Henry Street and the centerline of West Dayton Street; thence Southwesterly along the centerline of West Dayton Street to the point of intersection of the centerline of West Dayton Street and the Southeasterly prolongation of the Southwesterly line of Lot 12, Block 54, Original Plat of the City of Madison (hereafter referred to as City of Madison); thence Northwesterly along said prolongation and Southwesterly line of said Lot 12 to the Westerly corner of said Lot 12 which point is also the Easterly corner of Lot 6 in said Block 54; thence Southwesterly along the Southeasterly line of said Lot 6 to the Southerly corner of the Northeasterly half of said Lot 6; thence Northwesterly along the Southwesterly line of the Northeasterly half of said Lot 6 to the Westerly corner of the Northeasterly half of said Lot 6; thence Northwesterly across West Johnson Street along a line which extends from said Westerly corner of the Northeasterly half of Lot 6 to the Easterly corner of that part of Lot 9, Block 55, City of Madison which is located Southwesterly of an alley way in said Block 55; thence Northwesterly along the Northeasterly line of said part of Lot 9 to the Northerly corner of said part of Lot 9; thence Southwesterly along the Northwesterly line of said part of Lot 9 and the Northwesterly line of that part of Lot 10 in said Block 55 which is located Southerly of said alley way to the Northerly corner of Lot 11 in said Block 55; thence Southwesterly along the Northwesterly lines of Lots 11, 12, 13 and 14 in said Block 55 and the Southwesterly prolongation of the Northwesterly line of said lot 14 to the point of intersection of said prolongation and the centerline of North Broom Street; thence Northwesterly along the centerline of North Broom Street to the point of intersection of the centerline of North Broom Street and the Northeasterly prolongation of the Southeasterly line of Lot 9, Block 39, City of Madison; thence Southwesterly along said prolongation and

the Southeasterly lines of said Lot 9 and Lot 8 in said Block 39, to the Southerly corner of said Lot 8; thence Northwesterly along the Southwesterly line of said Lot 8 and its Northwesterly prolongation to the point of intersection of said prolongation and the centerline of West Gilman Street; thence Southwesterly along the centerline of West Gilman Street to the point of intersection of the centerline of West Gilman Street and the Southeasterly prolongation of the Southwesterly line of the Northeasterly 16.67 feet of Lot 14, Wells Subdivision of Block 9 of University Addition to Madison; thence Northwesterly along said prolongation and said Southwesterly line of the Northeasterly 16.67 feet of said Lot 14 to the Westerly corner of the Northeasterly 16.67 feet of said Lot 14; thence Southwesterly along the Northwesterly line of said Lot 14, which line is also the Southeasterly line of Lot 19, Wells Subdivision of Block 9 of University Addition to Madison, to a point on said Southeasterly line of Lot 19 which is the point of intersection of said line and a line which is perpendicular to the Westerly line of said Lot 19 and which is 102 feet, more or less, Northerly of the Southerly corner of said Lot 19 and 90 feet, more or less, Southerly of the Westerly corner of said Lot 19 as measured along the Westerly line of said Lot 19; thence Westerly on said line and the Westerly prolongation of said line to the point of intersection of said prolongation and the centerline of North Frances Street; thence Northerly along the centerline of North Frances Street to the point of intersection of the centerline of North Frances Street and the Easterly prolongation of the Southerly line of Lot 4, Block 8, University Addition to Madison; thence Westerly along said prolongation and the Southerly lines of said Lot 4 and Lot 3 of said Block 8 to the Southwesterly corner of said Lot 3; thence Westerly across Hawthorne Court on a line which extends from the Southwesterly corner of said Lot 3 to the Southeasterly corner of Lot 2, Block 8, University Addition to Madison; thence Westerly along the Southerly lines of said Lot 2 and Lot 1 of said Block 8 to the Southwesterly corner of said Lot 1; thence Westerly across North Lake Street on a line which extends from the Southwesterly corner of said Lot 1 to the Southeasterly corner of Lot 4, Block 5, University Addition to Madison; thence Westerly along the Southerly lines of said Lot 4 and Lot 3 in said block 5 and the Westerly prolongation of the Southerly line of said Lot 3 to the point of intersection of said prolongation and the centerline of Fitch Court; thence Southerly along the centerline of Fitch Court to the point of intersection of the centerline of Fitch Court and the Easterly prolongation of the Southerly line of Lot 14, Block 5, University Addition to Madison; thence Westerly along said prolongation and the Southerly line of said Lot 14 and the Westerly prolongation of the Southerly line of said Lot 14 to the point of intersection of said prolongation and the centerline of North Murray Street; thence Southerly along the centerline of North Murray Street to the point of intersection of the centerline of North Murray Street and the centerline of University Avenue; thence Westerly along the centerline of University Avenue to the point of intersection of the centerline of University Avenue and the centerline of North Park Street; thence Northerly along the centerline of North Park Street to the point of intersection of the centerline of North Park Street and the centerline of Langdon Street; thence Easterly along the centerline of Langdon Street to the point of intersection of the centerline of Langdon Street and the centerline of North Lake Street; thence Southerly along the centerline of North Lake Street to the point of intersection of the centerline of North Lake Street and the Westerly prolongation of a line which is 88 feet, more or less, Southerly of and parallel to the Northerly lines of Lot 1 and Lot 2, Block 7, City of Madison; thence Easterly along said prolongation and said line for a distance of 99.6 feet, more or less, to a point; thence Southerly along a line which is at right angle, more or less, to said line for a distance of 44.9 feet, more or less, to a point on the Northerly line of Lot 13, Block 7, City of Madison; thence Easterly along the Northerly lines of Lots 13, 12, 11, 10, 9 and 8 in said Block 7 to the Northeasterly corner of said Lot 8; thence across North Frances Street on a line which extends from the Northeasterly corner of said Lot 8 to the Northwesterly corner of Lot 10, Block 8, City of Madison; thence Easterly along the Northerly lines of Lots 10, 9, 8, 7 and 6 in said Block 8 to the Northeasterly corner of said Lot 6, which corner point is on the Westerly line of Lot 24, Block 59, City of Madison; thence Northerly along the Westerly line of said Lot 24 to the Northerly corner of said Lot 24; thence Southeasterly along the Northeasterly line of said

Lot 24 to a point on the Northeasterly line of said Lot 24 which is the point of intersection of the Northeasterly line of said Lot 24 and the Northwesternly line of Lot 23 in said Block 59, which point is also the Westerly corner of said Lot 23; thence Northeasterly along the Northwesternly line of said Lot 23 to the point of intersection of said line and a line which is 7 feet, more or less, Southwesterly of and parallel to the Northeasterly line of said Lot 23; thence Southeasterly along said line and the Southeasterly prolongation of said line to the point of intersection of said prolongation and the centerline of West Gilman Street; thence Northeasterly along the centerline of West Gilman Street to the point of intersection of the centerline of West Gilman Street and the Northwesternly prolongation of a line which is 36 feet, more or less, Southwesterly of and parallel to the Northeasterly line of Lot 4, Block 58, City of Madison; thence Southeasterly along said prolongation and said line to the point of intersection of said line and the Southeasterly line of said Lot 4 which point is also on the Northwesternly line of Lot 13 in said Block 58; thence Northeasterly along the Northwesternly lines of Lot 13 and Lot 12 in said Block 58 to the Northerly corner of said Lot 12; thence Southeasterly along the Northeasterly line of said Lot 12 and the Southeasterly prolongation of said line to the point of intersection of said prolongation and the centerline of West Gorham Street; thence Northeasterly along the centerline of West Gorham Street to the point of intersection of the centerline of West Gorham Street and the centerline of North Henry Street; thence Southeasterly along the centerline of North Henry Street to the point of intersection of the centerline of North Henry Street and the Southwesterly prolongation of a line which is 0.5 feet, more or less, Southeasterly of and parallel to the Northwesternly line of Lot 18, Block 63, City of Madison; thence Northeasterly along said prolongation and said line to the point of intersection of said line and the Northeasterly line of said Lot 18; thence Northwesternly along the Northeasterly line of said Lot 18 for a distance of 0.5 feet, more or less, to the Northerly corner of said Lot 18 which point is also the Westerly corner of Lot 17 in said Block 63; thence Northeasterly along the Northwesternly line of said Lot 17 to the Northerly corner of said Lot 17; thence Southeasterly along the Northeasterly line of said Lot 17 and the Southeasterly prolongation of said line to the point of intersection of said prolongation and the centerline of West Johnson Street; thence Northeasterly along the centerline of West Johnson Street to the point of intersection of the centerline of West Johnson Street and the centerline of North Carroll Street; thence Southeasterly along the centerline of North Carroll Street to the point of intersection of the centerline of North Carroll Street and the centerline of West Dayton Street; thence Northeasterly along the centerlines of West Dayton Street and East Dayton Street to the point of intersection of the centerline of East Dayton Street and the centerlines of North Hamilton Street and North Webster Street which is the point of beginning.

- (b) General Requirements. All new buildings and additions to existing buildings, except private residences, hereafter constructed in the Capitol Fire District shall be of fire resistive construction, as specified in Wis. Admin. Code ch. SPS 362, unless exempted by the Fire Marshall and the Director of Building Inspection.

All roof repair or replacement shall be of Class A rated material or equal.

Rooms or groups of rooms used for the housing of heating equipment, fuel storage, storage of oils, waste paper or volatile flammable liquid, or similar use shall be separated from the rest of the building by permanent, fire-rated walls and ceiling complying with Wis. Admin. Code ch. SPS 362 and Wis. Admin. Code. Ch. ATCP 93(Flammable, Combustible, and Hazardous Liquids), with openings protected by means of approved standard fire windows and doors, complying with Wis. Admin. Code ch. SPS 362.

- (c) Map of District. An official map of the Capitol Fire District is on file in the City Department of Planning and Community and Economic Development.

RENTAL DWELLINGS

29.35 - INSPECTION OF NON-OWNER OCCUPIED RENTAL DWELLINGS.

- (1) The Director of the Building Inspection Division shall inspect non-owner occupied buildings containing dwelling units according to the procedures of the Building Inspection Division of the Department of Planning and Community and Economic Development and pursuant to the following schedule of minimum standards:
 - (a) If such building contains one (1) through four (4) dwelling units, two (2) randomly selected units shall be inspected.
 - (b) If such building contains five (5) through eight (8) dwelling units, three (3) randomly selected units shall be inspected.
 - (c) If such building contains nine (9) through thirty (30) dwelling units, five (5) randomly selected units shall be inspected.
 - (d) If such building contains more than thirty (30) dwelling units, eight (8) randomly selected units shall be inspected.
- (2) The inspection of properties shall be done only after proper notification of occupants. Respect for privacy should be maintained at all times in accordance with Section 32.05, MGO.