

## CHAPTER 14

### **STURTEVANT UNIFORM BUILDING CODE**

(Rep. & recr. #099-08)

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## GENERAL

**14.00 SCOPE.**

The provisions of the Sturtevant Uniform Building Code (this Code) shall govern the design, construction, alteration, demolition and moving of all buildings and structures.

**14.01 TITLE.**

These regulations shall be known and cited as “Sturtevant Uniform Building Code” and shall be construed to secure their expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

**14.02 APPLICATION OF “WISCONSIN ADMINISTRATIVE BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE”.**

The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, Chapters Comm 50 through 64, Wis Admin. Code, both inclusive and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. A copy of said code is on file in the office of the Village Clerk.

**14.025 APPLICATION OF “WISCONSIN UNIFORM DWELLING CODE”, WISCONSIN EXISTING BUILDING CODE”, WISCONSIN HISTORIC BUILDING CODE”, WISCONSIN COMMERCIAL BUILDING CODE”, AND WISCONSIN DIVISION OF SAFETY AND BUILDINGS ADMINISTRATIVE CODES”.**

The Wisconsin Uniform Dwelling Code, Chapters Comm 20 through 25, Wis. Admin. Code, inclusive and all amendments thereto, are hereby made a part of this Code by reference and shall apply to all one and two family dwellings and alterations and additions thereto. This Code shall also apply to alterations and additions to all one and two family dwellings constructed prior to the effective date of the Wisconsin Uniform Dwelling Code. The “Wisconsin Commercial Building Code, Chapters Comm 61 through 65, both inclusive and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. The Wisconsin Existing Building Code, Chapters Comm 75 through 79, both inclusive and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. The Wisconsin Historic Building Code, Chapter Comm 70, both inclusive and all amendment thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. A copy of said codes are on file in the office of the Village Clerk. A copy of said code is on file in the office of the Village Clerk.

**14.03 APPLICATION OF “STURTEVANT UNIFORM BUILDING CODE”.**

All buildings and structures hereafter erected, altered, repaired, moved or demolished that are used or designed to be used for the purpose herein defined shall comply in full with the requirements of this Code.

- (1) **ZONING LAWS.** No provision of this Code shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.
- (2) **NEW BUILDINGS.** The construction requirements of the Sturtevant Uniform Building Code shall apply to all buildings not covered under Section 14.02.
- (3) **EXISTING BUILDINGS.** This Code shall also apply to buildings and conditions described in this section.
  - (a) An existing building to be occupied as a one or two family dwelling which building was not previously so occupied.
  - (b) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty (50) percent of the equalized value of the structure, said value to be determined by the assessor of the Village.
  - (c) Additions and alterations, regardless of cost, made to an existing building shall comply with the requirements of this Code. The provisions of sub. (4) of this section shall also apply.
  - (d) Roof Coverings. Whenever more than twenty-five (25) percent of the roof covering of a building is replaced in any twelve-month period, all roof covering shall be in conformity with applicable sections of this Code.
  - (e) Additions and Alterations. Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable sections of this Code.
- (4) **ALTERATIONS AND REPAIRS.** The following provisions shall apply to buildings altered or repaired.
  - (a) Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of non-conforming type of construction which involves either the structural members of floors or roofs, beams, girders, columns, bearing or other walls, room heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits or any of the above, then such existing construction shall be made to conform to the minimum requirements

of this Code applicable to such occupancy and use and given type of construction.

- (b) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not effect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
- (c) Alterations When Not Permitted. When an existing building or structure, which for any reason whatsoever does not conform to the regulations of this Code, has deteriorated from any cause whatsoever to an extent greater than fifty (50) percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
- (d) Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Code are complied with.
- (e) Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (f) Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Code have been complied with.

## BUILDING INSPECTOR AND PERMITS

### **14.04 DEPARTMENT OF BUILDINGS.**

- (1) **COMPOSITION.** There is hereby established a department which shall be known as the Department of Buildings and which shall include a Building Inspector, Electrical Inspector, Plumbing Inspector and Heating, Ventilating and Air

Conditioning (HVAC) Inspector. All four offices may be held by the same person or firm and shall be collectively referred to in this Code as Building Inspector.

- (2) **BUILDING INSPECTOR.** The Building Inspector shall be appointed by the Village Board and there shall be a salary for such office as set by the Village Board.
- (3) **QUALIFICATIONS; DUTIES AND POWERS.** The Building Inspector shall have the ability to supervise the general construction of buildings and other permanent equipment of buildings. He shall pass upon the plans and specifications of each building to be erected and not be interested, directly or indirectly, in the construction of buildings or in the preparation of plans and specifications therefor, or of any permanent building equipment, except as may be authorized by the Village Board. The Building Inspector shall be certified for inspection purposes in accordance with the Wisconsin Administrative Code and shall administer and enforce all provisions of this Code. The Building Inspector is authorized to issue citations with respect to all Village ordinances that are directly related to his official responsibilities.
- (4) **RECORDS TO BE KEPT.** The Building Inspector shall perform all administrative tasks required by Wisconsin law. The Building Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. The Building Inspector shall also keep a record of all fees collected, showing date of receipt and delivery to the Village Clerk/Treasurer. The Building Inspector shall make a monthly report and an annual report to the Village Board of the above matters.
- (5) **INSPECTIONS.** The Building Inspector shall have 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, plumbing or HVAC work or the required licenses therefor. No persons shall interfere with the Building Inspector while in the performance of the duties described in this chapter. In the event the Building Inspector is refused access to any premises, the Building Inspector may apply for a special inspection warrant pursuant to §66.122, Wis. Stats.
- (6) **NO ASSUMPTION OF LIABILITY.** This chapter shall not be construed as assuming any liability on the part of the Village or the Building Inspector for damages to anyone injured or any property destroyed by any defect in any building or equipment or any electric wiring or equipment.

#### **14.05 PERMITS.**

- (1) **PERMITS REQUIRED.** No building or structure, or any part thereof, shall hereafter be built, enlarged, altered or demolished within the Village or moved into,

within or out of the Village except as hereinafter provided, unless a permit therefore shall first be obtained by the owner or his agent from the Building Inspector.

Permits required are as follows:

- (a) Building
- (b) Air conditioning
- (c) Wrecking or razing
- (d) Heating
- (e) Moving of buildings
- (f) Occupancy
- (g) Reroofing and residing
- (h) Fire Inspection
- (i) Other permits as required by the Village and/or as listed in the Table No. 1 permit fee schedule.

(2) **APPLICATION FOR PERMITS.** Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer and shall set forth legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require. With such application, there shall be submitted, to the Building Inspector, three (3) complete sets of plans, specifications and three (3) copies of a survey.

(a) Survey. The survey shall be prepared and certified by a surveyor or registered by the State of Wisconsin; shall be made, in no case, prior to one (1) year prior to the issuance of a building permit; and shall bear the date of the survey. The certified survey shall also show the following:

1. Location and dimensions of all buildings on the lot, both existing and proposed.
2. Dimensions of the lot.
3. Dimensions showing all setbacks to all buildings on the lot.
4. Proposed grade of proposed structure, to village datum.
5. Grade of lot and of road opposite lot.
6. Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of the road.
7. Type of monuments at each corner of lot.
8. Watercourses or existing drainage ditches.
9. Seal and signature of surveyor.

(b) Plans and Specifications. All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that

will not fade or obliterate, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:

1. All elevations.
2. All floor plans.
3. Complete construction details.
4. Fireplace details ( $\frac{3}{4}$  inch per foot) showing cross section of fireplace and flues.
5. Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.
6. Grading plan which shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of the grading.
7. Any other information as the Building Inspector may require.

All plans shall remain on file in the office of the Building Inspector until at least one (1) year after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public record or may destroy them.

(3) **WAIVER OF SOME REQUIREMENTS.** At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.

(4) **ISSUANCE OF PERMIT; WHEN.**

- (a) If the Building Inspector finds that the proposed building will comply in every respect with the provisions of this Code and all the laws and orders of the State, he/she shall officially approve and stamp one set of plans and return them to the owner and shall issue a building permit therefor which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above rules, laws or orders or the safety of the building, except with written consent of the Building Inspector. If adequate plans are presented, the Building Inspector may, at his/her discretion, issue a permit for a part of the building before receiving plans and specifications for the entire building. No

- person shall commence work on any building or alteration before a building permit has been issued.
- (b) No building permit shall be issued under any circumstances until the Building Inspector is satisfied that the party desiring the permit has sewer and water facilities available in accordance with the laws of the State and the ordinances of the Village and that the same will be utilized by the applicant, and the building which he/she desires to build will be connected with such utilities.
  - (c) No building permit shall be issued under any circumstances until the Building Inspector is satisfied that the party making application has a public road meeting the minimum standards of the Village and accepted by the village, abutting upon the parcel of land on which construction is contemplated.
  - (d) No building permit shall be issued under any circumstances until the Building Inspector is satisfied that the final grading plan for the lot shall not cause any permanent or temporary unreasonable accumulation of water on the lot or upon any adjoining property. Nor shall any building permit be issued if the erection of the building or the proposed grades unreasonably obstructs the natural flow of water from the surface of adjoining property or obstructs the flow of water in any existing ravine, ditch, drain or storm water sewer draining adjoining property unless a suitable alternative is provided for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.
  - (e) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.

(5) INSPECTOR MAY REVOKE PERMITS.

- (a) The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
  - 1. Whenever there is a violation of any regulation of this Code or of any other ordinance, law or lawful orders or Wisconsin Statute relating to the same subject matter.
  - 2. Whenever the continuance of any construction becomes dangerous to life or property.

3. Whenever there is any violation of any condition or provision of the application for permit or of the permit.
  4. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
  5. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data, specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  6. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices or appliances.
- (b) The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises or his agent, if any, and on the person having charge of construction.
  - (c) A revocation placard shall also be posted upon the building structure, equipment or premises in question by the Building Inspector.
  - (d) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void and before any construction or operation is again resumed, a new permit, as required by this Code, shall be procured and fees paid therefore and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Code.
- (6) FEES. Before receiving a building permit, the owner or his agent shall pay the fee specified in Table 1. In applying the provisions of this Code, in respect to new work, existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs.

#### **14.06 APPROVED PLANS.**

- (1) A weatherproof card, signed by the Building Inspector, indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this Code.

- (2) EXPIRATION OF PERMIT.
  - (a) Existing buildings, accessory buildings and accessory structures. The building permit shall become void unless operations are commenced within four (4) months from the date thereof or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of sixty (60) days. The period of time may be extended by the Building Inspector if the delay was due to conditions beyond the control of the applicant.
  - (b) New dwellings. The building permit shall expire twenty-four (24) months after issuance if the dwelling exterior has not been completed.
- (3) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate.

#### **14.07 REGULATIONS FOR MOVING BUILDINGS.**

- (1) GENERAL. No person shall move any building or structure upon any of the public right-of-ways of the Village without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (2) MOVING DAMAGED BUILDINGS. No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Village.
- (3) CONTINUOUS MOVEMENT. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- (4) STREET REPAIR. Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the public works director, inspect the streets and highways over which said building has been moved

and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

- (5) **CONFORMANCE WITH CODE.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building Inspector, who shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that when same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be moved from the municipality to some point outside of the boundaries thereof, the provisions; with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.
- (6) **BOND.**
- (a) Before a permit is issued to move any building over any public way in this in municipality, the party applying therefore shall give a bond to the municipality a sum, to be fixed by the Building Inspector, and which shall not be less than Twenty Five Thousand Dollars (\$25,000). Said bond is to be executed by a corporate surety or two personal sureties to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Village in connection therewith, arising out of the removal of the building for which the permit is issued.
- (b) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the falling into such excavation by children under 12 years of age unlikely, the bond required by (a) shall be further conditioned upon the

permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (7) **INSURANCE.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one accident in a sum not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less Five Hundred Thousand Dollars (\$500,000), or such other coverage as deemed necessary.
- (8) **PLAN COMMISSION.**
- (a) No such permit shall be issued unless it has been found as a fact by the Plan Commission of the Village by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Village's Plan Commission, which shall not be less than \$1,000 to be executed in the manner provided in subsection (6) hereof to the effect that he will, within a time to be set by the Plan Commission, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
- (b) Upon application being made to the Building Inspector, he/she shall request a meeting of the Plan Commission to consider applications for moving permits

which has been found to be in compliance, in all respects, with all other ordinances of the Village. The Plan Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, other residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Plan Commission shall, in writing, make or refuse to make the finding required by subsection (8) hereof and file it in the office of the clerk, who shall send a copy of it to the Building Inspector.

#### **14.08 RAZING OF BUILDINGS.**

- (1) **RAZING OF BUILDINGS.** The Building Inspector is hereby authorized to act for the Village under the provisions of §66.05, Wis. Stats., relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The municipal treasurer is authorized to place the assessment and collect the special tax as therein provided.
- (2) Before a building can be demolished or removed, the owner or agent, shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

#### **14.09 INSPECTIONS.**

- (1) **COORDINATED INSPECTIONS.** All provisions of the laws and regulations of the Village and of legally adopted rules of local fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Code, or of any other rules, regulations or laws, he/she shall immediately notify the administrative officer having jurisdiction of the violation.
- (2) **CERTIFIED REPORT.** The Building Inspector may require a certified report of all required inspections as regulated by this Code from the registered architect or registered engineer supervising the construction of any building, structure or

equipment requiring their supervision. Such certified report shall state, in detail, that all construction work has been executed in accordance with all of the regulations of this Code, approved plans, specifications, terms of the permit and, further, that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

- (3) **BOARD OF APPEALS OR OTHER ASSIGNED BOARD OR COMMISSION.** Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the Board of Appeals within twenty (20) days after written notice of such ruling shall have been delivered to said person. Such appeal is to be in writing, setting forth the order appealed from and the respects in which said person claims that said order on ruling is erroneous or illegal. Said notice of appeal shall be filed with the Clerk, who shall thereupon notify the Building Inspector of said appeal, and the appeal shall be heard at the next meeting of the Board of Appeals. The said Board of Appeals, after consideration thereof, shall affirm, reverse or modify said ruling as is just in the premises. The ruling or order of the Inspector shall be enforced until changed by said Board of Appeals.

#### **14.10 STOP WORK ORDER.**

Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

#### **14.11 CERTIFICATE OF OCCUPANCY.**

##### **(1) INSPECTIONS.**

- (a) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this or any other ordinance can be found the Building Inspector may issue a certificate of occupancy, stating the purpose for which the building is to be used.
- (b) No building, nor part thereof, shall be occupied until such final inspection or certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

##### **(2) USE DISCONTINUED.**

- (a) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or

occupancy discontinued and the building, or portion thereof, vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building, or portion thereof, comply with the requirements of this Code.

- (b) Any building, structure or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued.
- (3) **CHANGE.** It shall be unlawful to change the use of any building, structure, premises or part thereof, without first obtaining, from the Building Inspector, an approval of such change in the occupancy or use and a certificate of occupancy therefore.
  - (4) **HARDSHIP.** The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the municipality, prior to issuance of an occupancy certificate, in all such cases of hardship, as in his/her judgment and discretion, warrant occupancy before final stage of completion as set forth in this Code. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed. Such time should not exceed one hundred twenty (120) days.

## GARAGES AND ACCESSORY BUILDINGS

### **14.12 PROPERTY MAINTENANCE CODE.**

- (1) **PURPOSE.** The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards or vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the Village as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the Village. In sum, this section will preserve and promote the public health, safety, comfort, convenience, prosperity and general welfare of the people of the Village of Sturtevant and its environs.
- (2) **PROHIBITION.** No person shall allow or permit any building or structure, whether dwelling, non-dwelling, or accessory on his/her property, including the premises

surrounding such building or structure, to remain in or deteriorate to a condition that is not in accord with the following provisions:

(a) Ceilings, Walls and Foundations.

1. Every wall and ceiling shall be free of holes, breaks, loose, rotting or missing boards, timbers or other building materials or any other conditions which might admit rain or dampness to the interior portions of walls, or to the occupied spaces of the building.
2. Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a good and sound condition and state of repair. The foundation elements shall adequately support the building at all points. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.

(b) Paint and Other Preservatives. Exterior surfaces of buildings, fences and other structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Missing or damaged siding shall be promptly replaced.

(c) Doors, Windows and Basement Hatchways.

1. Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in a good and sound condition and state of repair. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit well within its frame.
2. Every exterior door, door hinge and door latch shall be maintained in a good and sound condition and state of repair. Exterior doors, when closed, shall fit well within their frames.

(d) Porches, Railings, Stairways, Decks, Balconies, Platforms and Patios. Every outside stair, porch, balcony, platform, patio and appurtenance thereto, shall be so constructed to be safe to use and capable of supporting normal loads as

required by the Building Code and shall be kept in a good and sound condition and state of repair.

(e) Roofs and Drainage.

1. All roofs shall be maintained so as not to leak and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, interior walls, eaves, soffits or foundations.
2. All courts, yards or other areas on the premises shall be properly graded to divert water away from the building. Ground surface adjacent to the building shall be sloped away from the structure where possible.

(f) Fence and Retaining Wall Requirements.

1. All fences shall be properly maintained and kept in a good and sound state of repair.
2. Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause a repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

(g) Exterior Property Areas. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, or physical hazards, rodent harborage and infestation, or animal feces.

(h) Landscaping. All exterior property areas shall be kept free from noxious weeds as defined in Chapter 10 of these ordinances. Landscaping, plantings and other decorative surface treatments including common species of grass shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.

(i) Public Nuisances. All buildings, structures, and surrounding premises shall be nuisance free as required under Chapter 10 of these ordinances and Chapter 823 of the Wisconsin Statutes.

(3) PROHIBITION AS TO RENTAL HOUSING.

(a) Scope. The provisions of this subsection shall apply to all dwelling units within the Village, all or a portion of which are rented, except such buildings as shall be subject to the Wisconsin Uniform Dwelling Code and to which this section is prohibited in its application.

- (b) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

*Cellar*. A portion of a building located partly or wholly underground, but having ½ or more of its clear floor to ceiling heights below the average grade of the adjoining ground.

*Dwelling*. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

*Dwelling Unit*. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

*Habitable Room*. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyers, communication corridors, closets and storage spaces.

*Building Inspector*. The Building Inspector of the Village or his or her authorized representative.

*Lodging House*. A residential building or portion thereof containing lodging rooms which accommodate in the aggregate 3 or more persons who are not members of the keeper's family, for which lodging or meals or both, or lodging and kitchen privileges are provided for compensation.

*Lodging Room*. A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. Includes a room or rooms so rented in a single family dwelling or dwelling unit.

*Occupant*. Any person over one year of age living, sleeping or eating or having actual possession of a dwelling unit.

*Owner*. Any person who, alone or jointly or severally with others shall be the record holder of the title, with or without actual possession thereof, or who has charge, care or control of any dwelling as agent of the owner or as executor, administrator, trustee or Guardian of the estate of the owner.

*Person*. Includes owners, their agents, tenants and any individual, firm, corporation, partnership or association.

(c) Standards For Basic Equipment and Facilities of Habitable Living Quarters. No person shall occupy as owner or let to another for occupancy any dwelling or dwelling unit within the scope of this section for the purpose of living or sleeping therein, which does not comply with the following requirements for healthful living:

1. Toilet and Lavatory. Every dwelling unit shall contain a water flush toilet within a room which affords privacy to a person in such room. Artificial light shall be provided. Toilet and lavatory rooms shall be provided with reasonably adequate ventilation by mechanical means or by natural means, and if by natural means, the openings shall not be less than 3½% of the floor area or minimum exhaust ventilation of 50 cfm, and in no event shall be less than 1½ sq. ft. in area. Every dwelling unit shall contain a lavatory basin, preferably but not exclusively in the same room as the toilet. Such toilet and lavatory basins shall be connected to public water and sewer systems and shall be maintained in a good and sanitary working order by the owner.
2. Bathing Facilities. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower, which shall be connected to public water and sewer systems and shall be maintained in a good and sanitary working condition by the owner.
3. Multiple Use. The occupants of a lodging house or lodging rooms or not more than 2 dwelling units may share a single water flush toilet and a single bathtub or shower if:
  - a. The number of occupants sharing such facilities does not exceed 10.
  - b. The toilet and bathtub or shower are within a room separate from the habitable rooms and is accessible to the occupants of each dwelling unit without going through the dwelling unit of another or outside the building.
  - c. The toilet or shower room is on the same floor with or not more than one floor above or below the dwelling unit it serves.
4. Lighting. Artificial light shall be provided in all common or public spaces within a dwelling.
5. Kitchen Facilities. Every dwelling or dwelling unit shall have a specific kitchen space containing a sink with counter, work space, hot and cold running water and adequate space for the installation of cooking and

refrigeration equipment and for storing cooking utensils. All such facilities shall be maintained in a good and sanitary working condition by the owner.

6. Water Supply. Every lavatory basin, bathtub and shower shall be connected with operable hot and cold water lines.
7. Water Heating Facilities. Every dwelling unit shall have properly installed water heating facilities of not less than 30 gals. capacity, which shall be capable of heating water to such a temperature as to permit water to be drawn at every required lavatory basin, bathtub or shower or sink at a temperature of not less than 110°F. The water heating facilities shall be maintained in a good and safe working condition and shall be properly connected to the hot waterlines required under provisions of pars. (e) and (f) above.
8. Insect Protection. When flies are prevalent, windows and door openings into the outer air shall be effectively screened. Screen doors shall be self-closing. Screens shall be hung not later than June 1 of each year.
9. Space. Every dwelling unit shall contain at least 150 sq. ft. of floor space for the first occupant thereof and 100 sq. ft. for every additional occupant thereof; provided that:
  - a. Floor area shall be calculated on the basis of total habitable room area.
  - b. At least ½ of the floor area of every habitable room shall have a ceiling height of at least 7'; and the floor area of that part of any room where the ceiling height is less than 4' shall not be considered as part of the floor area in computing the total floor area of the dwelling unit for determining the maximum permissible occupancy.
  - c. Each child over the age of one year shall count as one person in the maximum permissible occupancy.
10. Bedroom Space. There shall be provided in each dwelling unit a suitably private space used for sleeping. A bedroom shall not be used as the only means of access to another habitable room other than another bedroom.
11. Heating. Every dwelling or dwelling unit designed or intended to be used or actually used for dwelling purposes shall be equipped, maintained and operated with a heating system which at all times is capable of

maintaining minimum temperatures of 67°F in all bathrooms and toilet compartments with an outside temperature of -10°F.

12. Electric Service. Every habitable room shall contain either 2 or more separate floor or wall type electric convenience outlets or one such convenience outlet and one supplied ceiling type or wall type electric fixture. Every bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall type electric fixture. Every such outlet and fixture shall be properly installed and connected to the source of electric power and shall be maintained in good and safe working condition by the owner.
  13. Plumbing Fixtures. Every plumbing fixture required under this section shall be maintained by the owner so as to be reasonably impervious to water and easily cleaned.
  14. Toilet and Bathroom Floors. The floors of all toilet rooms and bathrooms shall be constructed and maintained by the owner so as to be reasonably impervious to water and easily cleaned.
  15. Discontinuance of Service. No occupancy shall be permitted in any dwelling or dwelling unit to which the electrical, water or gas service has been disconnected, except for such temporary interruptions as may be necessary while actual repairs or alterations are in progress or during a temporary emergency when discontinuance of service is approved by the enforcing officer.
  16. Cleanliness. Each dwelling or dwelling unit, including surrounding grounds and accessory structures shall be kept in a clean and sanitary condition. Prior to moving, vacating or relinquishing occupancy or control, each dwelling or dwelling unit shall be made free of all garbage, rubbish and refuse.
  17. Extermination of Pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. The owner of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit. Extermination of any infestation in a dwelling unit shall be the responsibility of the owner when the condition may have been caused by a previous occupant.
- (4) **ENFORCEMENT.** This section shall be enforced by the Building Inspector for the Village of Sturtevant, after authorization by the Community Programs and Board of

Health Committee (“the Committee”). He or she shall prohibit or terminate the occupancy of any dwelling or dwelling unit which is unfit for human occupancy under the provisions of this section until the necessary corrections have been made.

- (a) Enforcement Procedures. The Building Inspector shall on his/her own motion or upon written complaint made by another, inspect any property within the scope of this Section to determine compliance to this and related Village ordinances.
- (b) Access to Property. The Building Inspector after proper identification shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this and related ordinances. If denied access the Building Inspector may acquire an Inspection Warrant for such access.
- (c) Notice of Violation. Whenever the Building Inspector finds upon inspection any violation of this section, he or she shall seek authorization from the Committee to proceed further. If such authorization is given, the Building Inspector shall notify the owner, occupant or agent responsible therefor by means of a written notice of violation. In such notification the Building Inspector shall set forth the specific condition found, the correction necessary to bring about compliance and a specific and reasonable time for such correction and compliance. Each condition continued or repeated after the time specified in such notification shall constitute a separate violation of this section.
- (d) Service of Notice. Each notice or order provided under this section shall be deemed to have been properly served when it has been delivered personally or mailed postage prepaid by certified mail and return receipt requested, to the owner, occupant or agent, as the case may be, of the dwelling or dwelling unit which is the subject of such notice or order.
- (e) Occupancy of Rental Unit After Notice. Upon the failure of the owner, occupant or agent, after due notice to comply with the provisions of this section within the time prescribed by the Building Inspector, the subject dwelling or dwelling unit shall be considered unfit for human habitation, occupancy and use and shall be so designated and placarded by the Building Inspector in accordance with §66.05, Wis. Stats. Any dwelling or dwelling unit designated as unfit for human habitation shall be vacated within 30 days after due notice to the owner and occupant by the Building Inspector and shall not again be used for human habitation until the corrections prescribed by the Building Inspector have been made.

- (f) Appeal. Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this section may request and shall be granted a hearing before the Village Board. Requests for such hearing will be filed with the Clerk/Treasurer no later than 3 business days from the date of the notice or order.
  - (g) Emergency Enforcement Procedure. Notwithstanding any other provisions of this section, if the Building Inspector determines that any dwelling is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe or vermin infested that it creates a hazard to the health or safety of the occupants or the public, the Building Inspector may placard such dwelling and within 24 hours thereafter serve notice to the occupant and owner or his agent responsible therefor, as the case may be, that the dwelling is unfit for human habitation and that it shall be vacated within a responsible time as ordered by the Building Inspector. The appeal procedure referred to in par. (f) above shall apply to any order for vacation made by the Building Inspector under this paragraph.
  - (h) Appeals to the Village Board. The Village Board shall conduct a hearing on any appeal filed by any person affected by any notice or order issued in connection with the enforcement of the provisions of this section. A majority vote shall be required to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this section.
  - (i) Notification of Vacant Apartment. The owner or caretaker of any rental dwelling or rental dwelling unit shall notify the Building Inspector of any vacant apartment within 72 hours of vacation. The Building Inspector shall then inspect the vacant dwelling or dwelling unit to ensure that the requirements of this section are met prior to the issuance of an occupancy permit. Inspection and occupancy permit fees shall be as determined by the Village Board from time to time.
- (5) PENALTIES.
- (a) Any person who violates any of the provisions of this section shall upon conviction, forfeit not less than \$100 or more than \$500, together with costs of prosecution.
  - (b) Each day a violation of this section exists after service of notice of such violation by the Building Inspector shall constitute a separate violation.

**14.20 GENERAL REQUIREMENTS.****(1) DEFINITIONS.**

- (a) *An attached private garage* shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace or vestibule, or a private garage so constructed as to form an integral part of the principal building.
- (b) *A detached private garage* shall mean a private garage entirely separated from the principal building.
- (c) *Accessory buildings* shall conform to all requirements of this section.

**(2) LOCATIONS.** Detached garages shall be governed by applicable setback provisions contained in the Village Zoning Code.**(3) AREA.** All private detached garages shall be governed by the applicable area requirements contained in the Village Zoning Code.**(4) FOUNDATIONS AND FOOTINGS.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall be not less than four (4) inches in thickness. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Reinforcement shall be a minimum of number 10 six by six (6" x 6") inch wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. The thickened edge shall have two (2) #4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two (2) inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six (6) inches above the bottom of the thickened edge. Exterior wall curbs shall be provided not less than four (4) inches above the finished ground grade adjacent to the garage. Bolts three-eighths ( $\frac{3}{8}$ ) inches in diameter with nuts and washers attached, six (6) inches long, shall be embedded three (3) inches in the concrete curb of detached garages, eight (8) feet on centers.

**FLOOR SURFACE.** The floor in all private garages shall be of concrete construction and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.

**(5) CONSTRUCTION.** Private garages shall be constructed as follows:

- (a) Load bearing foundation walls and partitions shall be constructed as herein regulated except as stated above.
- (b) Detached private garages of wood frame construction shall be constructed with the following requirements.
  - 1. Studs may have a maximum spacing of twenty-four (24) inches on centers.
  - 2. Diagonal comer bracing shall be installed on both walls at each corner. Diagonal comer bracing may be applied on the inside surface of studs.
  - 3. Comer posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
  - 4. Collar beams at the top plate and collar ties in the upper one third of the roof shall be installed with a maximum spacing of forty-eight (48) inches on center. Collar beams may be two by six (2 x 6) inch. Collar ties shall be at least two by four (2 x 4) inch for roof slopes less than four (4) inches per foot. A one by six (1 x 6) inch collar tie may be used for roof slopes four (4) inches per foot or greater.
  - 5. Detached garage roofs shall be framed in accordance with the applicable requirements of §Comm 21.28, Wis. Admin. Code.

## DECKS

### **14.30 GENERAL REQUIREMENTS.**

#### (1) DEFINITIONS.

- (a) Deck: Any outdoor structure which serves as a raised horizontal platform or floor which is constructed of wood or other materials, without enclosing walls or roof. For purposes of the requirements of this Section and of the setback requirements of Section 17.30(2)(c), “deck” shall also include a “porch,” which is defined as a roofed area, which may be glazed or screened, attached to or part of and with direct access to or from a principal structure..
- (b) Attached deck: Any deck which is physically connected to the principal building or accessory structure.

- (c) Detached deck: Any deck which is not physically attached to the principal building or accessory structure.

(2) SOIL AND EXCAVATION REQUIREMENTS FOR DECK PIERS OR FOUNDATIONS.

- (a) No pier shall be placed on soil with a bearing capacity of less than 2,000 lbs. per square foot unless the pad support is designed through structural analysis.
- (b) All organic material (roots, etc.) shall be cut off at the sidewalls of the borings or trench. All organic and loose material must be removed from the cavity area prior to pouring concrete.

(3) DECKS PIERS, PADS AND FOUNDATIONS.

- (a) General footings, pads or piers shall be of adequate bearing area to safely distribute all live and dead loads to the supporting soil without exceeding the bearing capacity of the soil.
- (b) Type and size of concrete pads, piers or foundations.

1. Decks attached to principal buildings.

- a. Concrete Pads. The minimum depth of a pad shall be 48” below grade. The minimum dimensions of this pad shall be 4” in depth and 8” in diameter.
- b. Piers. The minimum depth of concrete piers shall be 48” below grade. The minimum dimension of this pier shall be 8” in diameter. (The concrete pier(s) shall extend a minimum of 6” above grade unless an approved mounting bracket is secured at the top surface of the pier(s)).
- c. Direct burial wood posts shall be placed on a minimum 2” normal thickness treated plat or other approved materials at a uniform depth below grade. Posts shall be treated to the requirements of the American Wood Preserver’s Association (AWPA) standards C2 and C15, for direct soil contact 4” below grade. Posts shall be a minimum of 4’ below grade.

(4) FRAMING.

- (a) General Requirements.

1. *Materials.* All wood framing used in deck construction shall be pressure treated against decay or shall be a species of wood that is naturally decay resistant or shall be protected from weather.
2. *Design loading.* Decks shall be designed for a minimum of a 40 pound per square foot loading.
3. See fastener schedule for nailing requirements.

(b) Column Posts.

1. *Column spacing.* Column posts shall be spaced per “Table No. 2”.
2. *Column size.*
  - a. All column posts not exceeding six (6) feet in height shall be a minimum of four inches by four inches (4 x 4) nominal thickness.
  - b. All column posts exceeding six (6) feet in height shall be a minimum of six inches by six inches (6 x 6) nominal thickness.
3. *Lateral support.* Column posts shall be constructed in such a manner or mechanically attached to the deck foundation to resist lateral movement.

(c) Beams.

1. *Beam Size.* All beams shall be sized per “Table No. 2”.
  - a. Beams, except as otherwise noted in “Table No. 2”, shall be a minimum of two (2), two (2) inch thick members or one (1) four (4) inch thick member (i.e., 2 2 x 8 or 1 4 x 8).
  - b. Beams may be spaced on each side of the post provided that blocking is installed a minimum of twenty four (24) inches.
2. *Bearing.* Beams bearing directly on the posts shall be attached by means of approved metal anchors or other approved methods.
3. *Ledger boards.* Ledger boards attached directly to the house or other structure may be used to replace a beam or beams. A single member of equal depth to the required size beam shall be used. The ledger board shall be attached with bolts, lag bolts or nails, spaced no less than 16

inches on center, and secured directly into the building structure. Flashing shall be installed between the ledger and building structure.

4. Beams shall not be cantilevered more than twelve (12) inches past the column post.

(d) Joists.

1. *Joist size.* All deck joists shall be sized and spaced per “Table No. 2”.
2. *Bearing.* Deck joists shall bear a minimum of one and one half (1½) inches on the beam or ledger board. Joists fastened to the face of the beam or ledger shall be attached with approved metal hangers.
3. *Bridging.* Bridging shall be provided at intervals not exceeding eight (8) feet.
4. *Overhanging of joists.* Joists which are at right angles to the supporting beam shall not be cantilevered more than two (2) feet past the supporting beam, unless designed by structural analysis.

(e) Decking.

1. *Material.* All decking material shall be a minimum of one and one quarter (1¼) inches thick, nominal thickness. One inch decking may be used provided that the joists are spaced no more than 16” o.c.
2. Decking Orientation.
  - a. Decking shall be installed diagonally or at right angles to the joists.
  - b. Decking shall be centered over joists with cuts made parallel to joists. Not more than two adjacent boards may break joints on the same joist except at ends and at openings.

(f) Guardrails and handrails.

1. Guardrails. All decks which are more than twenty four (24) inches above grade shall be protected with guardrails.

2. Handrails. Every stairway of more than three (3) risers shall be provided with at least one handrail. Handrails shall be provided on the open sides of stairways.
  3. Guardrails and handrail detail.
    - a. Height. Handrails shall be located at least thirty (30) inches, but not more than thirty four inches, above the nosing of the treads. Guardrails shall be located at least thirty six (36) inches above the surface of the deck.
    - b. Open railings. Open guardrails or handrails shall be provided with intermediate rails or an ornamental pattern to prevent the passage of a sphere with a diameter greater than six (6) inches.
    - c. Railing loads. Handrails and guardrails shall be designed and constructed to withstand a 200 pound load applied in any direction.
- (g) Stairway, treads and risers.
1. *Risers*. Risers shall not exceed eight (8) inches in height measured from tread to tread.
  2. *Treads*. Treads shall be at least nine (9) inches wide, measured horizontally from nose to nose.
  3. *Variation*. There shall be no variation in uniformity exceeding 3/16 inch in the width of a tread or in the height of risers.
  4. Stair stringers shall be supported in accordance to the same manner as used for the deck.
- (h) Alternative provisions and methods.
1. *Wood Decks*. Wood decks attached to the dwelling may be constructed to the Uniform Dwelling Code standards listed below.
    - a. Excavation requirements of §Comm 21.14
    - b. Footing requirements of §Comm 21.15
    - c. Frost penetration requirements of §Comm 21.16

- d. Load requirements of §Comm 21.02
  - e. Stair, handrail and guardrail requirements of §Comm 21.04
  - f. Decay protection requirements of §Comm 21.10
2. New materials and methods shall comply with the provisions of Section 14.60.
  3. *Detached decks.*
    - a. Concrete pads shall be provided at a uniform depth below grade with all loose or organic material moved from the pad area prior to placement of concrete. The pad shall have a minimum depth of 4” thick and 8” in diameter.
    - b. Piers–The minimum of 8’ diameter concrete piers shall be at a uniform depth below grade.
    - c. Direct burial wood posts shall be placed on a minimum 2” nominal pressure treated plate or other approved materials at a uniform depth below grade. Posts shall be treated to at a uniform depth below grade. Posts shall be treated to CCA.40 for direct soil contact.
    - d. Ground contact framing shall be allowed for decks which are less than 24” above grade. All materials in direct contact with the soil shall be treated to the requirements of the American Wood Preservers’ Association (AWPA) Standards C2 and C15.

## SWIMMING POOL REQUIREMENTS

### **14.40 GENERAL REQUIREMENTS.**

#### (1) TYPE OF POOLS REQUIRING PERMITS.

- (a) Above ground pools (except wading pools having a depth of less than two (2) feet and which are readily movable).
- (b) Inground pools.
- (c) Public pools. All public pools constructed shall be built and maintained in accordance with the rules of the State Board of Health, Chapter HFS 172.

## (2) GENERAL POOL REGULATIONS.

(a) Location.

1. No person, firm or corporation shall have a swimming pool located in the front yard nor less than five (5) feet from any lot line or building wall, and in the case of lots bordered on two sides by public streets, no swimming pool may be erected in the area between the setback lines or the main building and the street right-of-way.
2. Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code.

(b) Access.

1. A fence or other solid structure of not less than 4 feet in height shall completely enclose said premises and/or swimming pool. There shall be no opening in said fence or wall larger than six (6) inches square. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed capable of keeping such door or gate securely closed. Latches shall be located at least three (3) feet above the ground, accessible deck or stairs.
2. A fence is not required around an above ground pool where the pool wall is at least 4 feet above grade for the full pool perimeter. The finished grade shall be maintained for a minimum of 4 feet beyond the outside perimeter of the pool.
3. When not completely fenced, all ladders, steps or other means of access to an above ground pool shall be removed and/or designed to prevent access when the pool is unattended.

(c) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the Sturtevant zoning code.(d) Drainage. No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provision may be made for draining the contents of any swimming pool into a storm sewer, but such

installations shall be subject to prior approval of the Plumbing Inspector and Health Inspector.

- (e) Lighting. Lights shall be erected so as to eliminate direct rays and minimize reflected rays of light onto adjoining properties and roadways. Lighting installation shall be done in accordance with the State of Wisconsin Electrical Code.
- (f) Electrical. Separation from overhead and underground electrical wiring shall be in accordance with the State of Wisconsin Electrical code and/or local code. Required electrical wiring supplying all pools shall be installed in accordance with Article 680 of the National Electrical Code.

(4) APPLICATION FOR PERMIT. The following information is necessary:

- (a) Survey or accurate drawing of the property, IN DUPLICATE, showing all existing structures, proposed swimming pool location, fencing if required, and overhead or underground electrical wiring.
  - 1. Type of pool installation, above ground or inground.
  - 2. Pool height above highest point of grade if above ground installations.
  - 3. Type and height of fence, if proposed.
  - 4. Type and support of decking, if proposed.
  - 5. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
  - 6. Any change in finished grade near pool.
  - 7. County Health Department approval for properties using a private septic system, where applicable.
  - 8. Site inspection letter from a local wiring utility.
- (b) Two (2) copies of brochure which shows the type, style, etc. of the pool to be installed.

## FOUNDATION REPAIR AND DAMPPROOFING

**14.50 FOUNDATION REPAIRS AND DAMPPROOFING.**

- (1) Application for permit shall include a statement of the existing defects, and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.
- (2) Plans and/or specifications must be submitted for approval prior to issuance of a permit.
- (3) GENERAL FOUNDATION REQUIREMENTS.
  - (a) Walls that are not plumb may be reinforced if supported by engineering data showing benefit of the reinforcing.
    1. When repairing any portion of a wall that is not near as plumb as possible that portion must be excavated.
    2. When the affected repair includes porches or stoops, frost depth to the uniform code requirements must be met.
  - (b) The excavated wall must be cleaned, loose parting removed, cracks and parging must be repaired with Type M mortar or equal, and walls made plumb and damp proofed with one coat of bituminous material or other approved materials.
  - (c) If drain tile is not present in the affected area, a drain tile system must be installed and terminated in a newly installed sump with pump or in a properly functioning existing drain collection system provided that it does not discharge to the sanitary sewer.
  - (d) Prior to backfill, an inspection is required by the department after which backfill with number one washed stone shall be provided to within eighteen inches of final grade.
  - (e) Final grade must ensure drainage away from the foundation.
  - (f) Pilasters must be made integral with the exterior wall and reinforced with at least two number three rods and filled with 3000 PSI cement grout material. Pilasters must be a maximum of four feet apart.
  - (g) Any other form of reinforcing will require engineered data to be submitted at the time of permit application to include complete system analysis.

- (h) Affected walls to be repaired shall have loose or cracked mortar joints cleaned to a minimum depth of ½” and tuckpointed with type M mortar or equal.
- (i) When installing weep holes in foundation walls, care must be taken to provide adequate drainage from weep holes to drain tile by either stone or mechanical means. No more than one mechanically drilled weep hole is permitted per cell. When the floor is replaced, a minimum of 3” of concrete shall be placed over the drain tile and a minimum of 2” of concrete over the footing. Lateral support must be maintained at the floor level. An exception to match the existing concrete floor level is allowed.
- (j) Drain tile placed under the basement floor shall be of the approved type not less than 3” in diameter and shall be covered with number 1 washed stone connected to a proper sump with pump or an existing city storm water system. All exposed bleeders must be open. The sump pit must discharge to grade or be equipped with a pump to discharge water away from the dwelling.

#### FIRE-RELATED PROVISIONS

##### **14.60 FIRE LIMITS; INFLAMMABLE OILS AND EXPLOSIVES.**

- (a) There shall be a limit of 2 gallons of gasoline, naphtha, benzine, camphine, spirit gas, kerosene or spirits of turpentine kept by any resident within the corporate limits of the Village within a single family residence or on the property. Storage will be in approved U.L. containers and stored in garages, sheds or utility buildings only.
- (b) There shall be a limit of one gallon of the above liquids kept on any 2 family or multifamily residence or on the property.
- (c) There shall be no storage of the above liquids in underground tanks on the premises of any one or 2 family dwellings.
- (d) There shall be a limit of 5 barrels in all or one barrel of each with a capacity of 50 gals. of any of the above stated liquids kept by any firm or corporation for sale or storage within the Village, in any part of a building or warehouse as shall be declared proper for such purposes by the Village Board and written permission granted by the Village Board as provided in this section.
- (e) **PLACING ON STREET.** No crude petroleum, kerosene, gasoline, naphtha, benzine, carbon oil, camphine, spirit gas or burning fluid may be kept or stored in front of any building or on any street, alley, sidewalk or lot for a longer time than is

sufficient to receive it in store or deliver the same, and in no case shall such time exceed 8 hours.

#### **14.61 AUTOMATIC FIRE SPRINKLERS.**

- (1) **DEFINITIONS.** As used in this section, the following words and phrases shall have the meanings stated below:

Approved. As applied to automatic fire sprinkler equipment means approval by the authority charged with the enforcement of this section. As applied to automatic fire sprinklers and devices means approval by a recognized testing laboratory.

Area. The maximum horizontal projected area on one floor of buildings or structures within the exterior walls or between approved fire walls.

Automatic fire sprinkler equipment. A system of water supply pipes and orifices to apply water to a fire when activated by an automatic, manual or remote control device.

Basement. Any story where less than half the height between the floor and ceiling is above the average level of street, sidewalk or finished grade.

Combustible. A material or structure which can burn. Combustible is a relative term; many materials which will burn under one set of conditions will not burn under others, e.g., structural steel is noncombustible, but fine steel wool is combustible. The term combustible does not usually indicate ease of ignition, burning intensity or rate of burning, except when modified by a word as “highly” or as “highly combustible interior finish.”

Fire-resistive. The type of construction in which the structural members, including walls, partitions, columns, floor and roof construction are of noncombustible materials with fire-resistive ratings not less than those specified in Ch. Comm 51, Wis. Admin. Code.

Fire wall. A wall which has a fire resistive rating of not less than 2 hrs. and which subdivides a building or separate buildings to restrict the spread of fire.

Incombustible. The same as noncombustible.

Noncombustible. (N.C.) Not combustible.

Nonflammable. Not flammable.

"Multifamily Dwelling" means an apartment building, rowhouse, town house, house, condominium or manufactured building, as defined in Wis. Stat. §101.71(6), that does not exceed sixty (60) feet in height or six (6) stories and that consists of three (3) or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. "Multifamily dwelling" does not including a facility licensed under Chapter 50 of the Wisconsin Statutes.

Story. That part of a building comprised between a floor and the floor or roof next above.

- (2) **INSTALLATION REQUIRED.** Every building or structure hereafter constructed in the Village shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part for the following purposes:
- (a) Buildings for the manufacture, storage or sale of combustible goods or merchandise.
1. *Fire-resistive buildings.* Throughout every fire-resistive building occupied in whole for the manufacture, storage or sale of combustible goods or merchandise if any of the following apply:
    - a. Over 10,000 sq. ft. in area.
    - b. Over one story in height and exceeding 6,000 sq. ft. in area.
    - c. Over 4 stories in height, regardless of area.
  2. *Nonfire resistive buildings.* Throughout every nonfire resistive building occupied, in whole or in part, for the manufacture, storage or sale of combustible goods or merchandise if any of the following apply:
    - a. Over 7,000 sq. ft. in area.
    - b. Over one story in height, and exceeding 4,000 sq. ft. in area.
    - c. Over 3 stories in height, regardless of area.
- (b) Garages. Throughout the following garages if any of the following apply:
1. In fire-resistive buildings over 10,000 sq. ft. in total area or exceeding 4 stories in height.

2. In nonfire resistive buildings over 6,000 sq. ft. in total area or exceeding 4 stories in height.
  3. Basement and sub-basement garages and garages above or below other occupancies in excess of 3 passenger vehicles.
  4. Garages used as passenger terminals.
- (c) Basements. Basements having an area exceeding 2,500 sq. ft. when used for the manufacture, sale or storage of combustible goods or merchandise.
1. Where automatic sprinklers are required in a basement only, the supply shall be from a public water main. Where there is no public water supply, such basement sprinklers need not be installed, but at such time as a public water supply becomes available, such required basement sprinklers shall be installed.
  2. Every basement sprinkler system shall also include sprinklers in all shafts, except elevator shafts, leading to the story above.
- (d) Multifamily Dwellings. Pursuant to Wisconsin Administrative Code §SPS 362.0903(5), an automatic sprinkler system shall be installed in all newly constructed multifamily dwellings.
- (e) Theaters and assembly halls.
1. Throughout all buildings of nonfire resistive construction.
  2. In buildings of fire resistive construction in such places as the stage, under the roof of the stage, gridiron, fly galleries and bridges, in dressing rooms, work rooms, property rooms and on the stage side of the proscenium opening.
- (f) Hospitals.
1. Throughout all buildings of nonfire restrictive construction.
  2. In buildings of fire resistive construction throughout all basements, kitchens, shops, laundries, laboratories, stairways, corridors and throughout all other areas where combustible materials are handled or stored.

- (g) Nursing, convalescent, old age and other like institutional buildings. Throughout all nursing, convalescent, old age and other like institutional buildings.
- (h) Schools, colleges and universities.
1. Throughout all buildings of nonfire resistive construction.
  2. In buildings of fire resistive construction throughout basements, workshops, laboratories, stairways, corridors, stage areas of auditoriums, janitor closets, kitchens, cafeterias and throughout all other areas where combustible materials are handled or stored. An Underwriters Laboratory approved automatic fire or smoke detection system wired to the fire station may be substituted for automatic sprinkler protection.
- (i) Dormitories, fraternities and sorority houses.
1. Throughout all buildings of nonfire resistive construction.
  2. In buildings of fire resistive construction in such places as linen rooms, storage rooms, boiler rooms, kitchens, stairways, corridors and throughout all other areas where combustible materials are handled.
- (j) Hazardous properties. In buildings or structures the occupancy or use of which involves combustible, highly flammable or explosive material or that has characteristics that constitute a special fire hazard, including among others:
1. Aluminum powder factories.
  2. Cellulose nitrate plastic factories.
  3. Cereal mills.
  4. Distilleries.
  5. Explosives and pyrotechnics manufacturing.
  6. Floor and feed mills.
  7. Gasoline bulk plants.
  8. Grain elevators.
  9. Lacquer and paint factories and paint shops, linseed oil and varnish works.
  10. L.P.G. bulk plants.
  11. Mattress factories.
  12. Waste paper plants.
  13. Aircraft hangers.
  14. Chemical works.
  15. Linoleum and oil cloth, shade, cloth manufacturing.

16. Oil refineries.
  17. Pyrolytic plastic manufacturing and processing.
  18. Other occupancies involving the processing, mixing, storage and dispensing of volatile liquids.
- (3) APPLICATION TO EXISTING BUILDINGS. Where the Village Fire Chief finds that existing buildings which are used in whole or in part for the purposes set forth in sub. (2) above and which constitute a severe fire hazard to its occupants or to the adjoining property, he/she may require compliance with the provisions of this section, by the approval of the Village Board. Appeals from the decision of the Village Fire Chief may be made to the Village Board as provided in this Code.
- (4) INSTALLATION.
- (a) Approved automatic fire sprinkler equipment shall be installed in accord with the current edition of Pamphlet #13, entitled “Standards for the Installation of Sprinkler Systems,” other applicable standards of the National Fire Protection Association and §Comm 51.23, Wis. Admin. Code or other applicable state regulations, all of which are in effect at the time of installation.
  - (b) Required automatic sprinkler systems shall be designed and constructed in conformity with good established practice. Reinstallation of used sprinkler heads is prohibited and other secondhand devices may be installed only by special permission of the Village Board.
- (5) EXEMPTION AND SUBSTITUTION OF OTHER FIRE PROTECTION EQUIPMENT. Nothing contained herein shall be construed as to require the installation of sprinklers in safe deposit or other vaults or in rooms or buildings devoted to the manufacture or storage of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quick lime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion, nor in any other location where the installation of sprinklers may increase the hazard, or shall it be construed in any way to prohibit the substitution of other automatic protective equipment when approved by the Village Board.
- (6) OCCUPANCY. No occupancy permit shall be issued by the Building Inspector until this section is complied with.

**14.62 SMOKE AND FIRE DETECTION AND WARNING SYSTEMS IN PUBLIC RESIDENTIAL BUILDINGS.**

(1) **PURPOSE.** The purpose of this section is to require installation of smoke and fire detection and warning systems in public portions of residential buildings as well as private dwellings in accordance with §§101.145 and 101.645, Wis. Stats., and this section. Such systems will help to provide protection from death, personal injury and property damage from the hazards of smoke and fire. It is anticipated that early detection provided by such systems will result in the increased effectiveness in emergency actions by Village departments.

(2) **DEFINITIONS.**

Approved systems. Those systems or detectors which have received an approved rating by Underwriters Laboratory (UL).

Smoke detectors. Devices which detect visible or invisible particles or products of combustion. Detectors shall be sensitive to any of the products of combustion, except the detectors sensitive only to heat are not acceptable as smoke detectors.

(3) **DETECTORS REQUIRED.** Smoke detectors shall be provided in dwellings in the Village as required by the pertinent sections of this Municipal Code as follows:

(a) Existing one and two family dwelling units as required by State statutes and this Code.

(b) New one and two family dwelling units as required by this Code.

(c) Dwellings of 3 or more units as required by this Code.

(4) **DUTY TO INSTALL.** All smoke detectors required by this section shall be installed by the owner of the building. All other smoke detectors required by this section and not previously required shall be installed by the owner of the building.

(5) **MAINTENANCE.**

(a) The owner of the dwelling shall be responsible for maintaining the smoke detectors and the smoke detection system in good working order.

(b) Tenants shall be responsible for informing the owner in writing of any smoke detector malfunction within 5 days of the date of discovery of the malfunction.

- (c) The owner shall have 5 days upon receipt of written notice from the tenant to repair or replace the smoke detector.
  - (d) The owner shall check batteries at the beginning of a new lease.
  - (e) The owner shall furnish to the tenant written notice of the obligation of the owner and the responsibilities of the tenant regarding smoke detector maintenance.
- (6) TAMPERING. No person shall tamper with or remove a smoke detector or battery, except in the course of repair or replacement.
- (7) VILLAGE TO INSTALL. If upon inspection of an authorized representative of the village the inspector finds that the owner has failed to install the smoke detectors required by this section, the Village shall install or cause to be installed the proper smoke detectors in such dwelling unit. The Village shall charge the cost of the installation to the owner. If the owner fails to pay the charge within 30 days of the date of the billing, the cost shall be deemed a delinquent special charge and shall become a lien on the real estate and be extended on the next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge in accordance with the provisions of §66.60(16), Wis. Stats.
- (8) REQUIREMENT.
- (a) The owner of each public residential as well as private residential building shall install:
    1. A fire detection device in the basement or boiler/furnace room of each building.
    2. The smoke detection device at the head of each common stairway at each floor level and smoke detector units installed in each common hallway or corridor so that no entrance to the living unit (or sleeping unit in hotels, motels and similar buildings) is farther than 15' from a detector on the floor level.
    3. If there is a door at the head of the stairs, a smoke detector shall be installed at the center of the ceiling on the basement side of the door.
  - (b) The owners of each public residential building shall install, maintain in good working order and test any smoke detecting devices as the specifications of the manufacturer recommend. Records shall be maintained by the owner or his

representative and shall include, as to each smoke detector device, the date of installation, dates of testing, dates and type of maintenance and the name of the person who performed such installation, maintenance or testing.

- (9) **AUTOMATIC DIALERS PROHIBITED.** No person shall use or cause to be used any telephone or electronic device or attachment that automatically selects a public telephone trunk line of the Fire or Police Department and then reproduces a recorded message to report a fire alarm.

## MISCELLANEOUS AND VIOLATIONS

### **14.70 NEW MATERIALS AND METHODS.**

**ALTERNATE MATERIALS.** No provision in this Code is intended to prohibit or prevent the use of any alternate material or method of construction not specifically mentioned in this Code. Approval of alternate materials or methods of construction shall be obtained from the Village. Requests for approval shall be accompanied by evidence showing that the alternate material or method of construction performs in a manner equal to the material or method required by this Code. The Village may require any claims made regarding the equivalent performance of alternate materials or method to be substantiated by test.

### **14.71 TESTS.**

The Village may require that the materials, methods, systems, components or equipment be tested to determine the suitability for the intended use. The Village will accept results conducted by a recognized independent testing agency. The cost of testing shall be borne by the person requesting the approval.

- (1) The test method used to determine the performance shall be one that is a nationally recognized standard.
- (2) If no nationally recognized standard exists, past performance or recognized engineering analysis may be used to determine suitability.
- (3) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by this Code for the intended use. The Village may require tests in accordance with this Section.

**14.72 IDENTIFICATION OF PRODUCTS.**

All materials shall be identified by the approved label, the grade mark, the trade mark or by other approved manufacturer's identification.

**14.73 INVALIDITY OF PART.**

If any section, subsection, paragraph, clause or provision of this Code shall be adjudged invalid, such adjudication shall apply only to the provisions so adjudged and the rest of this Code shall remain valid and effective.

**14.74 VIOLATIONS.**

It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Code, or to cause, permit or suffer any such violations to be committed. Any person violating any of the provisions of this Code shall be subject to the penalty provisions as set forth in the Municipal Code. It shall be the responsibility of the offender to abate the violation as expeditiously as possible and each day that such violation is permitted to continue shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. For the purpose of administering and enforcing the provisions of this Code, the Village designates the office of the Building Inspector.

**14.75 FAILURE TO OBTAIN PERMIT.**

It shall be unlawful to commence work prior to obtaining a permit therefore. Double fees shall be charged if work is commenced prior to the issuance of a permit.

**14.76 DISPOSAL OF HUMAN EXCRETA AND LIQUID WASTE.**

- (1) No person shall build, erect, maintain, occupy or use any residence, place of business or other building in the Village wherein persons reside, congregate or are employed without providing for the use of such occupants adequate and properly maintained water closets and sinks conforming to the State Plumbing Code and local plumbing regulations or without providing a sanitary septic tank, constructed according to the plans and specifications approved by the state agency with jurisdiction over the same.
- (2) The owner or agent of each building in the Village which abuts any street, alley or way along which there are public sewer or water lines or is within 250' of such a sewer or water line in the street abutting the property shall connect with such

sewer all water closets, toilets, bathtubs, lavatories, sinks, urinals and similar devices so that their contents will empty into such sewer in accordance with the provisions of the State Plumbing Code and such additional local rules and regulations not inconsistent herewith.

- (3) No person shall build, erect, construct or maintain any septic tank or private system for the disposal of human excreta, liquid waste or water upon any lot or premise abutting or within 250' of any street, alley or way in which there is a public sewer and water line.
- (4) Whenever any public sewer and water lines are laid along any street, avenue, lane or public alley in the Village and the same is ready for use, the Clerk/Treasurer shall notify in writing the occupant, owner or agent of every residence or building situated on lots abutting upon the streets, avenues or alleys along which such sewer and water lines are laid, to connect all water closets, toilets, sinks, bathtubs, lavatories, urinals and similar devices upon their respective lots with such sewer lines, so that the contents of the same will discharge into such sewer in a sanitary manner within 60 days after notice of such service, unless an extension is granted by the Village Board. Street excavations from the curb to the center of the street to make connections to the sanitary sewer shall be back filled with sand.
- (5) All septic systems and septic tanks shall be maintained in a sanitary manner.
- (6) Any water closet, sink, cesspool or septic tank existing or being maintained which does not conform to the requirements of this section shall be and is hereby declared a nuisance, dangerous to the public health and the Building Inspector shall order abatement of such nuisance in accordance with the Wisconsin Statutes and this Municipal Code.
- (7) The Building Inspector shall strictly enforce the provisions of this section and see that each and every violation thereof is promptly abated and the violators prosecuted, and the Village Fire Chief shall promptly report to the Building Inspector in writing each and every violation of this section within this Village which shall come to his knowledge.

#### **14.80 IMPACT FEES.**

- (a) **Intent.** The intent of this section is to impose impact fees on developers to pay for the capital costs that are necessary to accommodate land development.
- (b) **Authority.** Authority for this section is provided by Section 66.0617 of the Wisconsin Statutes.
- (c) **Definitions.** In this section:

- (1) “Capital Costs” means the capital costs to construct, expand, or improve public facilities, including the cost of land, and including legal, engineering, and design costs to construct, expand, or improve public facilities, except that not more than ten (10) percent of capital costs may consist of legal, engineering, and design costs unless the Village can demonstrate that its legal, engineering, and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten (10) percent of capital costs. Capital costs does not include other non-capital costs to construct, expand, or improve public facilities, vehicles, or the costs of equipment to construct, expand, or improve public facilities.
- (2) “Developer” means a person that constructs or creates a land development.
- (3) “Impact Fees” means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by the Village under this section.
- (4) “Land Development” means the construction or modification of improvements to real property that creates additional REUs within the Village or that results in nonresidential uses that create a need for new, expanded, or improved public facilities within the Village.
- (5) “Public Facilities” means highways, as defined in section 340.01 (22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. “Public facilities” does not include facilities owned by a school district.
- (6) “Service Area” means the entire Village.
- (7) “Building Permit” shall mean a permit required for new construction and additions pursuant to the Village Code of Ordinances. The term building permit, as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or for the reconstruction or replacement of a structure existing at the time of the adoption of this section, provided that there is no increased need for new, expanded or improved public facilities therefrom.
- (8) “Needs Assessment” means the assessment of needs required by section 66.0617, Wis. Stats.
- (9) “REU” means one residential housing (dwelling) unit. Each single-family residential unit constitutes one REU, regardless of whether such unit is located in within a one-family, multi-family, condominium, cooperative, rental, or owner-occupied unit. For example, a single family house would constitute one REU, a duplex would constitute two REUs, and a six family apartment building would constitute six REUs. Facilities such as nursing

homes, community based residential care facilities (CBRFs) or residential care apartment complexes (RCACs), as defined by statute, whether for-profit or not-for-profit, and state prisons or penal facilities, which include living space for five or more patients or residents and which are intended for long-term or permanent residential purposes, shall not constitute residential development for purposes of imposing impact fees under this section.

- (d) **Needs Assessment.** The “Public Facility Needs Assessment Park Impact Fee For The Village Of Sturtevant, Racine County, Wisconsin,” dated April, 2005, as it may be amended and supplemented from time to time, is hereby approved and incorporated by reference. A copy of this document and any amendments or addenda thereto shall be available for inspection in the Village Clerk’s office, and shall be the basis for the impact fee imposed pursuant to this section.
- (e) **Impact Fees.** Any developer creating or constructing any land development within the Village shall pay a fee to the Village pursuant to this subsection to help defray the capital costs necessary to accommodate the land development.
- (1) **Residential Development.** Residential development shall mean land development resulting in the construction or creation of new REUs within the Village. For each REU to be constructed or created by the proposed development, a residential developer shall pay a park facility impact fee in the amount of \$1,250.00 per REU.
  - (2) The Village may adjust the number of REUs assigned, or the Impact Fee imposed, based upon satisfactory evidence from the developer that such an adjustment is justified, and shall adjust impact fees to account for contributions to the cost of public improvements from other funding sources.
  - (3) Impact fees shall be imposed as a condition of approval of any building permit for the subject land development and full payment thereof must be made to the Village within fourteen days of the issuance of such building permit.
- (f) **Other Means of Financing Improvements Reserved.** Pursuant to Section 66.0617 (2)(b), Wis. Stats., the imposition of impact fees under this section does not prohibit or limit the Village’s authority to finance public facilities by any other means authorized by law.
- (g) **Administration.**
- (1) **Segregated Account.** There is hereby established a park facility impact fee fund, which shall be placed in a segregated, interest-bearing account and shall be accounted for separately from all other funds of the Village.
  - (2) **Expenditures.** Impact fee revenues and interest earned thereon may be expended only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded as provided under subsection (3). Funds shall not be used for maintenance nor to address any existing

- deficiencies in any public facilities at the time of enactment.
- (3) **Refund of Impact Fees.** Any impact fees collected under this section, and all interest earned thereon, which is not expended or committed for expenditure within 7 years from the date the impact fee was paid, shall be refunded to the current owner of the property, unless by Board Resolution the Village extends this period for up to an additional three years due to specified extenuating circumstances or hardship.
  - (4) The expenditure and use of the impact fee shall be under the control and supervision of the Village Board. The Village’s annual budget summary, required under §65.90, Wis. Stats., shall include revenue and expenditure totals for each impact fee fund.
- (h) **Appeal.**
- (1) Any person upon whom an impact fee is imposed, may, within 15 days of the imposition of the impact fee, contest the amount, collection, or use of the impact fee by filing a written request with the Village Clerk which describes the nature of the appeal, provides supporting documentation, and specifies the basis upon which the appeal is made.
  - (2) At the next regular Village Board meeting, the Village Board shall hear and decide the appeal.
  - (3) The Clerk shall notify the appealing party of the time and place of the Village Board meeting at which time the appealing party shall be given the opportunity to present additional information in support of the appeal.
- (i) **Severability.** If any portion of this section is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining legal and valid portions of this section, which shall remain in full force and effect.”

**14.81 PENALTIES.**

Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

STURTEVANT UNIFORM BUILDING CODE APPENDIX

**14.86 BUILDING CODE PERMIT FEES.**

1. Minimum permit fee .....	\$ 73.00
2. Reinspections .....	\$152.00
<b>3. Plan Review Fees:</b>	
1 & 2 Family Residences Plan Review	\$220.00
1& 2 Family Additions	\$116.00
1& 2 Family Alterations	\$73.00

- Accessory Building -120 sq ft or more \$73.00
- Apartment 3 Family & over \$343.00 plus \$33.00 per unit
- Row Housing \$343.00 plus \$33.00 per unit
- Multiple family dwelling \$343.00 plus \$33.00 per unit
- Deck Plans \$73.00
- Swimming Pool Plans \$73.00
- Heating Plans (submitted separately w/calculations) \$73.00
- Lighting & Electric Plans (submitted separately w/calculations) \$73.00
- Fire Suppression or Protection Plans (Non-commercial) \$73.00
- Re-submission of previously approved plans \$73.00
- 4. Wisconsin Uniform Building Permit Seal \$44.00

**5. Commercial Plan Review Fees:**

Area Sq. Feet	Commercial Plan Review Fees for:			
	Building	HVAC	Fire Alarm	Fire Suppression
2,500 or Less	\$ 600	\$ 253	\$ 385	\$ 385
2,501 – 5,000	\$ 600	\$ 333	\$ 385	\$ 385
5,0001 – 10,000	\$ 851	\$ 399	\$ 495	\$ 495
10,001 – 20,000	\$ 1,158	\$ 613	\$ 495	\$ 495
20,001 – 30,000	\$ 1,691	\$ 825	\$ 605	\$ 605
30,001 – 40,000	\$ 2,302	\$ 1,265	\$ 605	\$ 605
40,001 – 50,000	\$ 3,061	\$ 1,691	\$ 1,100	\$ 1,100
50,001 – 75,000	\$ 4,139	\$ 2,302	\$ 1,650	\$ 1,650
75,001 – 100,000	\$ 5,204	\$ 3,221	\$ 2,750	\$ 2,750
100,001 – 200,000	\$ 8,571	\$ 4,139	\$ 3,850	\$ 3,850
200,001 – 300,000	\$ 15,160	\$ 9,650	\$ 5,500	\$ 5,500
300,001 – 400,000	\$ 22,960	\$ 14,082	\$ 8,800	\$ 8,800
400,001 – 500,000	\$ 28,324	\$ 18,368	\$ 13,200	\$ 13,200
500,001 & over	\$ 30,613	\$ 20,670	\$ 16,500	\$ 16,500

- 6. Commercial Alternations/Additions Plan Review \$600.00
- 7. Industrial Alternations/Additions Plan Review \$600.00
- 8. Special Inspections & Reports \$333.00 each

**Priority Plan Review:** At the discretion of the Building Inspector and depending upon workload of the department, 2 business days Priority Plan Review may be provided at double the regular rate of plan review fees. Priority Plan Review shall not apply to submittals requiring reviews and/or approval by other governing agencies of the municipality.

**NOTE: The state fee schedule for commercial building projects may be charged in lieu of or in addition to this fee schedule at the Village’s discretion.**

**NOTE: An additional fee for plan review may be assessed at the time of application if renewal of the permit is needed.**

**9. Occupancy Permits:**

Residential	\$73.00
Apartment Rental	\$31.00
Office	\$103.00
Commercial	\$230.00
Industrial	\$230.00
Temp Occupancy Permit (6 months or less)	\$116.00
Additions, alteration, or accessory building over 120 sq ft	\$73.00

**Building Permit Fees:**

10. 1-2 Family residence	\$ 0.51
Attached garages	\$ 0.51
11. Residences and Apartments 3 family & over	\$ 0.51
Row Housing	\$ 0.51
Multiple Family Dwellings	\$ 0.51
Institutional	\$ 0.51
12. Residences – Additions	\$ 0.51
13. Local business	\$ 0.48
Office buildings	\$ 0.48
Additions	\$ 0.48
14. Manufacturing (office area charged under 13)	\$ 0.41
Industrial (office area charged under 13)	\$ 0.41
15. Agricultural Buildings	\$ 0.32
Detached Garages	\$ 0.32
Accessory buildings (sheds, etc.)	\$ 0.32
16. All other buildings, structures, alterations, repairs where sq ft cannot be calculated	\$15.00

**Calculations are determined as follows:**

a. Gross square footage calculations are based on exterior dimensions, including garage

and each finished floor level. Unfinished basements or portions thereof are not included

b. In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

17. <b>Early footings/foundations:</b>	- Commercial	\$326.70
	- Industrial	\$326.70
	- Multi-family	\$326.70
	- 1 & 2 Families Residential	\$302.50
<b>Other Miscellaneous Fees:</b>		
18. Wrecking, Razing or Interior Demolition fees		\$72.60 plus \$0.13 per sq. ft. with \$825.00 maximum fee for a building
19. Moving building over public ways		\$314.60 plus \$0.15 per sq. ft.
20. Pools – Above Gr. & Below Gr. (see also plan review fees)		\$14.30 per \$1,000 valuation – \$72.60 minimum
21. Spas/Hot Tubs		\$72.60
22. Decks (see also plan review fees)		\$72.60
23. Fences		\$72.60
24. Water Heaters		\$72.60
25. Fuel Tanks (for removal purposes)		\$72.60
26. Grade Recertification Fee		\$150.00
27. Impact Fees		Charged in accordance with Municipal Code Section 14.80
28. Sewer Connection Fee		Charged in accordance with Municipal Code Section 13.17
29. Commercial Sewer Connection Fee		Charged in accordance with Municipal Code Section 13.17
30. Erosion Control Fees:		
1 & 2 Family Lots		\$302.50 per lot
Multi-Family Lots		\$363.00 per Bldg plus \$9.08/1,000 sq ft of disturbed lot area (max \$4,500)
Commercial Lots		\$462.00 per Bldg plus \$9.08/1,000 sq ft of disturbed lot area (max \$4,500)
Industrial Lots		\$462.00 per Bldg plus \$9.08/1,000

	sq ft of disturbed lot area (max \$4,500)
Institutional Lots	\$462.00 per Bldg plus \$9.08/1.000 sq ft of disturbed lot area (max \$4,500)
Other	\$181.50
<u>HVAC Permit Fees</u>	
31. Heating – Incinerators – Wood burning appliances	\$72.60 per unit, up to & including 150,000 input BTU units
<u>Additional fee of</u>	\$31.90 ea additional 50,000 BTUs or fraction thereof, \$1,540 (max/unit)
32. Commercial/Industrial Exhaust Hoods	\$121.00 per unit
33. Exhaust Systems	\$121.00 per unit
34. Heating & Air Conditioning Distribution System	\$3.14 per 100 sq ft of conditioned area \$72.60 minimum fee
35. Air Conditioning	\$72.60 per unit, up to 3 tons or ] 12,000 BTUs or fraction thereof
<u>Additional fee of</u>	\$31.90/each additional ton or 12,000 BT BTUs or fraction thereof \$1,540 Max/unit)

**14.87 ELECTRICAL PERMIT FEES.**

36. Unit Charge New Residential Construction only (plus ampere charges listed below)		
	1-bedroom	\$72.60
	2-bedroom	\$79.20
	3-bedroom	\$86.800
	4-bedroom	\$121.00
Residential	0 – 100 amp	\$72.60 + \$1.94 per circuit
New, Add, Alters	101 – 200 amp	\$79.20 + \$1.94 per circuit
<b>Ampere charge</b>	201 – 400 amp	\$91.30 + \$1.94 per circuit
	401 – 600 amp	\$110.00 + \$1.94 per circuit
	601 – 800 amp	\$145.20 + \$1.94 per circuit
Commercial/Industrial/Agricultural Work (New Construction, alternations, or additions)		
	\$50 – \$500 of electrical cost	\$3.63 per each \$100 of work
	\$500 – \$10,000 cost of electrical work	\$48.40 for 1 <sup>st</sup> \$500 of work, plus \$3.03 for each additional \$100 of work
	Over \$10,000 electrical cost	\$302.50 for the 1 <sup>st</sup> \$500 of work, plus \$1.82 for each additional \$100 of work

Minimum Electrical Permit Fee	\$72.60
Re-Inspection Fee	\$151.80

**14.88 PLUMBING FEES.**

37. Each plumbing fixture	\$16.50 per fixture
Connection to main sewer holding tank/mound	\$96.80 plus \$.73 per ft for each ft over 100 ft
Water service connection	\$96.80 plus \$.73 per ft for each ft over 100 ft
Storm sewer installation	\$96.80 plus \$.73 per ft for each ft over 100 ft
Building sewer abandonment	\$72.60
Septic tank abandonment	\$84.70
Well abandonment or registration	\$84.70
Sanitary building drain	\$96.80 plus \$.73 per ft for each ft over 100 ft
Storm building drain	\$96.80 plus \$.73 per ft for each ft over 100 ft
Minimum Plumbing Permit Fee	\$72.60
Alterations to Residential Buildings	\$16.50 per fixture plus \$48.40 per number of anticipated inspections (Minimum fee of \$151.80)
Re-Inspection	\$151.80

**14.89 FIRE INSPECTION FEES.**

	<b>Fee for Calculations/Review of Plans</b>	<b>Fees Per Unit</b>
1.	Fire sprinkler, fire control and/or fire suppression system plan review with one set of hydraulic calculations, per system for each review (This fee is charged for each separate system, floor and/or area of a building)	\$385.00 each minimum plus appropriate square footage fee per Table 34-132-1
2.	Verification of additional sets of hydraulic calculations (This fee is charged for each additional set of hydraulic calculations required by the AHJ.)	\$195.00 each
3.	Verification of additional sets of hydraulic calculations utilizing the Darcy-Weisbach calculation method which is required for all antifreeze systems in addition to the review fees charged above (This fee is charged for each additional set of hydraulic calculations required by the AHJ.)	\$295.00 each
4.	Stand pipe systems	\$385.00 each
5.	Fire pumps, per review	\$300.00 each

6. Modifications to existing sprinkler systems:
  - a. Minimum fee for a system modification without hydraulic calculations \$200.00 each
  - b. The fee per sprinkler head up to 19 sprinklers without hydraulic calculations – up to 19 sprinklers \$20.00 each
  - c. Modifications of existing systems over 19 sprinklers with hydraulic calculations \$385.00 per system
  
7. Fire sprinkler system underground mains, including combination mains:
  - a. 0 to 999 feet \$200.00 + .73 foot
  - b. 1,000 feet or more \$400.00 + .73 per foot
  
8. Other fire protection, fire control and/or fire suppression systems including wet chemical, dry chemical or gaseous agent systems, etc. \$300.00 each
  
9. Fire alarm systems per control panel, per review \$250.00 each
  
10. Fire alarm system manual pull stations, initiating and annunciating devices; this includes smoke, heat, flame, ionization, photoelectric detectors, water flow devices, horns, strobes, bells and all monitoring devices, per device \$50.00 up to 3  
\$10.00 per additional
  
11. Fire hose standpipe connections \$15.00 per outlet
  
12. Fire hydrant \$50.00 per hydrant
  
13. Various Site Inspection Services, witnessed tests, etc.
  - a. Witnessing of all required tests \$100.00 per hour (2 hour minimum)
  - b. Witness final acceptance tests of fire protection systems \$100.00 per hour (2 hour minimum)
  - c. Hydrant Flow test \$100.00 per hour
  - d. Site inspection of all types of fire protection/prevention systems during installation NOTE: Fire protection/prevention systems may NOT be concealed prior to inspection. Inspections are required for all installations, \$100.00 per hour (2 hour minimum)
  - e. Site Inspections/Special Inspection Services for: Spray booths, Dip Tanks, Liquid Spray, Hood & Duct Ventilation, Halon, Carbon Dioxide, Water or Foam Spray, Dry Chemical Ect. \$100.00 per hour (2 hour minimum)

- f. Fire protection consulting on systems and/or for occupancies or permits including fire hydrant site plan review, fire department access review \$175.00 per hour
- 14. Testing of emergency lighting \$100.00 per hour
- 15. General Fee Information
  - a. These fees apply to all above listed plan reviews, system inspections, system testing whether conducted by the fire department or fire department consultant or other municipal representative.
  - b. All fees shall be rounded up to the next full dollar amount.
  - c. Tests and inspections must be scheduled with the fire department a minimum of 72 hours in advance.
  - d. Tests and inspections shall be scheduled when the contractor can assure the work has been completed. Tests scheduled before the job is complete will be charged a re-inspection fee.
  - e. Tests and inspections must begin within 30 minutes after the arrival of the Fire Inspector.
  - f. Other fees charged to the Village of Mount Pleasant from other governmental entities for reviewing plans or permits, as indicated by the above indicated code section in their entirety fees charged are at cost.
  - g. Except in emergency cases, the standard permit fee shall be tripled upon failure to obtain a permit BEFORE work on a building has started.
  - h. Failure to call for a final inspection is a \$100.00 charge.

**14.90 FEES GENERALLY.**

39. All fees shall be rounded up to the next full dollar amount.
40. Other fees charged to the Municipality from other governmental entities for reviewing plans or permits, as indicated by the above indicated code section in their entirety fees charged are at costs.
41. Except in emergency cases, the standard permit fee shall be tripled upon failure to obtain a permit BEFORE work on a building has started.
42. Failure to call for a final inspection is a \$55.00 charge.