

TITLE 15

Building Code

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CHAPTER 1

Building, Plumbing, Electrical and Heating and Ventilation Code

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SEC. 15-1-1 BUILDING CODE ESTABLISHED.

(a) **Title.** This Chapter shall be known as the "Building Code of the City of Plymouth" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."

(b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.

(c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the City, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing, or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial, or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

(d) **New Buildings.** The construction requirements of this Chapter shall apply to one and two-family dwellings, including row houses not exceeding two (2) families, to their accessory structures, and to parts thereof, which are hereafter erected. This Chapter shall also apply to public buildings and places of employment pursuant to Wis. Admin. Code Ch. SPS 361.02.

(e) **Existing Buildings.** This Chapter shall also apply to buildings and conditions described in this Section:

(1) An existing building to be occupied as a one or two-family dwelling, which building was not previously so occupied.

(2) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Assessor/Inspector.

(3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector,

shall comply with the requirements of this Code for new buildings. The provisions of Section 15-1-2(a)(2) shall also apply.

(4) Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve- (12-) month period, all roof covering shall be in conformity with applicable sections of this Chapter.

(5) Any addition or alteration, regardless of cost, made to a building, shall be made in conformity with applicable sections of this Chapter.

(f) **Exclusion of Manufactured Homes.** This Chapter shall not apply to manufactured homes [defined as a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein] manufactured in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) as approved and administered by the United States Department of Housing and Urban Development (HUD).

SEC. 15-1-2 BUILDING PERMITS AND INSPECTION.

(a) Permit Required.

(1) General Permit Requirement. No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector. For purposes of this Title, "building inspector" shall mean the City of Plymouth Assessor/Inspector.

(2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:

a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to

conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.

b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.

c. Alterations When Not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) 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 Chapter 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 Chapter have been complied with.

SEC. 15-1-3 PERMITS.

(a) **Permits Required.** No building or structure or any part thereof shall hereafter be built, enlarged, altered or demolished within the City or moved into, within or out of the City 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:

- (1) Building.
- (2) Air conditioning.
- (3) Wrecking or razing.
- (4) Heating.
- (5) Moving of buildings.
- (6) Occupancy.
- (7) Other permits as required by the City.

(b) **Application for Permits.** Applications for a building 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 a 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 two (2) complete sets of plans, specifications and two (2) copies of a survey.

(1) Survey. The survey shall be prepared and certified by a surveyor 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:

- a. Location and dimensions of all buildings on the lot, both existing and proposed.
- b. Dimensions of the lot.
- c. Dimensions showing all setbacks of all buildings on the lot.
- d. Proposed grade of proposed structure, to city or village datum.
- e. Grade of land and of road opposite lot.
- f. Grade and set-back of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of road.
- g. Type of monuments at each corner of lot.
- h. Water courses or existing drainage ditches.
- i. Seal and signature of surveyor.

(2) Plans and Specifications. All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper 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 may be rejected. A complete set of plans for residential construction shall consist of:

- a. All elevations.
- b. All floor plans.
- c. Complete construction details.
- d. Fireplace details (3/4 inch per foot) showing cross-section of fireplace and flues.
- e. Plans of garage when garage is to be built immediately, or location of garage when it is to be built at a later date.

(3) Records. 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.

(c) **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. A survey may be waived for platted lots if a surveyor signed plot plan is approved.

(d) **Seal of Registered Engineer or Architect.** All plans, data and specifications for the construction of any building or structure or for any construction in connection with existing buildings and structures, other than one and two-family residences, containing more than fifty thousand (50,000) cubic feet, total volume, submitted with an application for permit, shall bear the seal of the registered architect or registered engineer. The plans shall also be stamped as approved as required by the Department of Industry, Labor and Human Relations of the State of Wisconsin. Such building or structure shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the approved plans. No permit shall be granted for such structure unless such construction will be under the supervision of an architect or engineer, as required by the Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer, with the Building Inspector with the application for permit.

(e) **Drainage.**

(1) Grading of Lots. The plans 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 grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of the adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining

neighboring property, unless suitable provision is made 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.

(2) Storm Water Drains. No dwelling shall be erected nor shall existing provisions for conveyance of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No storm water surface water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.

(f) **Building Inspector to Issue Permit.**

(1) If the Building Inspector finds that the proposed building will comply in every respect with this Chapter, other City ordinances, and all laws of the State of Wisconsin, and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.

(2) In case adequate plans are presented, the Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the City or laws of the State of Wisconsin or lawful orders issued pursuant thereto.

(3) For the construction of buildings requiring approval of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Building Inspector.

(g) **Site Plan Approval.**

(1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery, and

operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.

(2) Administration. The Building Inspector shall make a preliminary review of the application and any requiring site plan review and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and determine whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.

(3) Requirements. In acting on any site plan, the Plan Commission shall consider the following:

a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

c. The adequacy of the proposed water supply, drainage facilities and sanitation and waste disposal.

d. The landscape and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.

(4) Effect on Municipal Services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the

final approval until the City has entered into an agreement with the applicant regarding the development of such facilities.

(5) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the City Clerk-Treasurer within seven (7) days of the denial.

(h) **Dedicated Street and Approved Subdivision Required.** Unless a waiver is granted by the Common Council, following a recommendation from the Building Inspector, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey and required improvements are accepted by the Common Council.

(i) **Utilities Required.**

(1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required.

(2) Non-Residential Building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

(3) Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

(j) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed which, in the opinion of the Building Inspector, are valued at less than Five Hundred Dollars (\$500.00) which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(k) **Approved Plans.** 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 Chapter.

(l) **Permit Validity.**

(1) 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 applicant.

(2) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within eighteen (18) months from the date of issuance of the permit.

(m) **Inspections.**

(1) Notifications. Upon notification from the permit holder or his agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:

a. Inspection to determine if the location on the premises is in compliance with approved certified lot or plot plan of the premises and the terms of the permit.

b. Inspection to determine if the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundation walls is in compliance with approved plans, data and the terms of the permit.

c. Inspection of all wall, floor, and roof framing, fire stopping, and bracing when completed, and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.

d. Inspection prior to laying concrete for basement floor to inspect sub-grade, drain tile, and forms.

e. Upon completion of any building, structure, equipment, or construction for which a permit was issued and before the same is occupied or used, a final inspection shall be made by the Building Inspector, and until such building, structure, or equipment is in compliance with all the requirements of this Chapter and terms of the permit, no occupancy shall be maintained. If the construction

conforms to the requirements of this Chapter, a certificate of occupancy shall be issued.

(2) Coordinated Inspections All provisions of the laws and regulations of the City, 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 office discloses any violation of the provisions of this Chapter, or of any other rules, regulations, or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.

(3) Certified Report. The Building Inspector may require a certified report of all required inspections as regulated by this Chapter from the registered architect or registered engineer supervising the construction of any building, structure, or equipment requiring their supervision. Such certificate report shall state in detail that all construction work has been executed in accordance with all of the regulations of this Chapter, approved with all of the regulations of this Chapter, approved plans, specifications, terms of the permit, and data filed with the application for permit; and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

(n) **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 be found, the Building Inspector shall 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 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 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 or make the building or portion thereof comply with the requirements of this Chapter.

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. This requirement shall not apply to buildings used entirely for dwelling purposes.

(3) 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 judgment and discretion warrant occupancy before final stage of completion as set forth in the Chapter. 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.

(o) **Revocation of Permits.**

(1) The Building Inspector may revoke any building, plumbing, heating or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning has been issued to him.

b. Whenever the continuance of any construction becomes dangerous to life or property.

c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.

d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.

e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data

specifications or certified lot or plot plan on which the issuance of the permit or approval was based.

f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

(2) The notice revoking a building, plumbing, heating or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises or his agent, if any, and on the person having charge of construction.

(3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.

(4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, 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 Chapter. However, such work as the Building Inspector may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

(p) **Report of Violations.** City officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.

(q) **Completion and Security Deposit Required.** A deposit of One Thousand Dollars (\$1,000.00) is required, for all projects whose total cost, including labor, materials, and supplies, will equal or exceed Fifteen Thousand Dollars (\$15,000.00). This deposit is not required for any remodeling project that does not expand, enlarge, alter, or reduce the exterior dimensions or footprint of an existing structure.

The deposit shall be refunded after the project is completed and the Building Inspector/Zoning Administrator, and the Director of Public Works have found that the building complies with all applicable codes and that any damage to City infrastructure (sidewalks, streets, sanitary sewer, storm sewer, water supply system and erosion control) has been properly repaired or replaced.

a. The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires.

b. The Plan Commission, in its discretion, may require the owner responsible for any building construction that is not in compliance with building setbacks and top of building foundation elevation requirements to remove, repair, or correct any such violation or require forfeiture in the sum of two thousand dollars (\$2,000.00), which shall include the above deposit, for any such violation.

c. The Plymouth City Council, in its discretion, may require the owner responsible for damage to any City infrastructure to repair or replace any such damage within a reasonable period of time, or require the owner or contractor to forfeit any or all of the deposit.

d. The deposit shall be forfeited if the exterior is not finished within two (2) years of the date the permit is issued.

e. Forfeiture of the deposit shall be an additional ordinance enforcement remedy and shall not limit or prohibit the City from any other remedies available at law or in equity.

f. Any person aggrieved by a decision of the Plan Commission, Building Inspector, or the Director of Public Works with respect to the forfeiture of all or any portion of a deposit may appeal the decision to the Plymouth City Council. Any appeal must be made in writing and filed with the Plymouth City Clerk within thirty (30) days from the date of notice of any forfeiture decision. The Plymouth City Council may, within ninety (90) days from the date of the filing of such appeal, affirm, reverse or modify the decision as it deems appropriate. The appeal shall be deemed denied in the event the Common Council takes no action on the appeal within ninety (90) days from the date of filing.

(Revised 3/10)

SEC. 15-1-4 STATE UNIFORM DWELLING CODE ADOPTED.

(a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one- (1-) and two- (2-) family dwellings in Wis. Admin. Code Chs. SPS 320 through 325 are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions

incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one- (1-) and two- (2-) family dwellings in the City of Plymouth. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Clerk's Office.

(b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:

(1) An existing building to be occupied as a one- (1-) or two- (2-) family dwelling, which building was not previously so occupied.

(2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Building Inspector.

(3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Sections 15-1-2 and 15-1-3 shall also apply.

(4) Roof Coverings - Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve- (12-) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.

(5) Additions and alterations - Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.

(c) **Definitions.**

(1) **Addition.** "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

(2) **Alteration.** "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

(3) **Department.** "Department" means the Department of Safety and Professional Services.

(4) **Dwelling.** "Dwelling" means:

a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or

b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.

(5) **Minor Repair.** "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

(6) **One (1) or Two (2) Family Dwelling.** "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.

(7) **Person.** "Person" means an individual, partnership, firm or corporation.

(8) **Uniform Dwelling Code.** "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Admin. Code Ch. SPS 320	Administrative and Enforcement
Wis. Admin. Code Ch. SPS 321	Construction Standards
Wis. Admin. Code Ch. SPS 322	Energy Conservation Standards
Wis. Admin. Code Ch. SPS 323	Heating, Ventilating and Air Conditioning
Wis. Admin. Code Ch. SPS 324	Electrical Standards
Wis. Admin. Code Ch. SPS 325	Plumbing Water Standards

(d) **Method of Enforcement.**

(1) Certification. The Building Inspector shall be certified for inspection purposes by the department in each of the categories specified under Wis. Admin. Code § SPS 320.10.

(2) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.

- (3) Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties. If denied access, he may seek an inspection warrant pursuant to State law.
- (4) Records. The Building Inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code.
- (e) **Notice to Owner.** The Building Inspector or other person who shall issue a building permit to an owner shall require an owner who applies for a building permit to sign a statement advising the owner that if the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under Wis. Stat. § §101.654 (2)(a), that the following consequences might occur:
- (1) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.
- (2) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one and two family dwelling code or an ordinance enacted under Wis. Stat. § 101.65 (1) (a) because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

SEC. 15-1-5 CONSTRUCTION STANDARDS; CODES ADOPTED.

- (a) **Commercial Building Code Adopted.** Wis. Admin. Code Chs. SPS 61-66 (Commercial Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions, and modifications of said Chs. 61-66 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 61-66 and amendments thereto shall be kept on file in the office of the Building Inspector.

(b) **State Plumbing Code Adopted.** The visions and regulations of Wis. Stat. ch. 145 and Wis. Admin. Code Chs. SPS 325 and SPS 381-84 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City. Any further amendments, revisions, and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.

(c) **State Electrical Code Adopted.**

(1) Wis. Admin. Code Chs. SPS 316 and SPS 324 are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one- (1-) and two- (2-) family dwellings and additions or modifications to existing one- (1-) and two- (2-) family dwellings.

(2) Subject to the exceptions set forth in this Chapter, Wis. Admin. Code Ch. SPS 316 is hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.

(d) **Conflicts.** If, in the opinion of the Building Inspector and the Common Council, the provisions of the Commercial Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

(e) **Wisconsin Uniform Building Code.** The Wisconsin Uniform Building Code and amendments thereto is adopted by reference and incorporated herein with the exception of the following Sections:

Section 30.04	Building Inspector
Section 30.05(6)	Fees
Section 30.07	Regulations for Moving Buildings
Section 30.20(3)	Garages
Section 30.40	Swimming Pools

SEC. 15-1-6 ELECTRICAL CODE – ONE- AND TWO-FAMILY DWELLINGS.

(a) **Definitions.** "Electrical work" shall be defined as the installation, supervision or inspection of electrical wiring and equipment for the production, modification, regulation control, secondary distribution, utilization or safeguarding of electrical energy for mechanical, chemical, heating, lighting or similar purposes.

(b) **State Codes Adopted.** Wis. Admin. Code Ch. SPS 316, as the same may be amended, revised, or modified from time to time, is hereby adopted by reference. Copies thereof shall be on file in the offices of the City Clerk-Treasurer and/or Building Inspector.

(c) **Local Regulations.**

(1) All Electrical work in the City of Plymouth shall also be done in conformity with the service rules and regulations of the Utility Commission as filed with the Wisconsin Public Service Commission.

(2) Minimum single phase service entrance and meter socket permitted to be installed shall be rated at 100 ampere, 3 wire, 120/240 volt. Service connections on the building shall be brought out on the side of the building in accordance with the approval granted by Plymouth Utilities. For above-ground installation for one and two-family dwellings, the service entrance shall be placed to assure that compliance of the service drop wires meet the minimum clearance above ground as permitted in the applicable section of the adopted electrical code per Wis. Admin. Code Ch. SPS 316, with waiver thereof to be granted by the Electrical Inspector should unusual conditions necessitate.

(3) In all existing installations, when the replacement of service equipment, service entrance, or meter socket is necessary, all indoor meter sockets shall be moved outdoors for one- and two-family dwellings.

(d) **Liability.**

(1) City. This Section shall not be construed to relieve or lessen the responsibility or liability of any person supplying electricity to, or selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, distributing, connecting, disconnecting, or maintaining any electrical equipment for damage to persons or property caused by any defect. The City of Plymouth shall assume no responsibility or liability by reason of the issuance or revocation of any permit or certificate, or any inspection authorized by this Section, or by reason of the approval or disapproval of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, formation of schedules authorized in any ordinance, nor shall the City of Plymouth be held liable for any damages resulting from enforcement of this Section.

(2) Inspector. Any action taken by the Electrical Inspector to enforce the regulations of this Section shall be considered as performed in the name of the City, and the Inspector shall not be held personally liable for

any damage that may accrue to persons or property as the result of any such action taken in the discharge of his duties as Electrical Inspector.

(3) Other Crafts. Persons associated with crafts other than electrical, and functioning in their native pursuits shall in no way alter the approved character of an electrical installation by the replacement of materials or equipment in too close proximity, by concealment, by making inaccessible an approved electrical installation so as to render it in violation of this Section. Exceptions to this Subsection shall be permitted only by written approval from the Electrical Inspector and from an owner of the affected premises. Any violation of this Subsection shall subject the offender to liability for construction costs incurred in remedying the electrical installation.

(e) **Electrical Inspector.**

(1) The Electrical Inspector shall have no financial interest in any contractor engaged in the installation of electrical wiring in the City which is the subject of his/her inspection without the knowledge and consent of the Assessor/Inspector. A violation of this Section shall constitute cause for dismissal.

(2) The Electrical Inspector shall enforce the provisions of this Chapter. The Plymouth Utilities shall also have concurrent jurisdiction to enforce this Chapter as to any violations which may be discovered from time to time.

(3) The Electrical Inspector shall keep and maintain complete records of all permits issued, inspections made, and other official work performed under the provisions of this Chapter, so as to afford full and prompt information as to all electrical installations inspected.

(4) The Electrical Inspector shall have the authority to cause the disconnection of any wiring or equipment which in his judgment is dangerous to life or property or which may interfere with the work of the fire department. No person shall reconnect any equipment ordered disconnected by the Electrical Inspector without written permission of said Inspector.

(5) Whenever the Electrical Inspector condemns all or part of an electrical installation in any building, the owner, within five (5) days after receiving written notice from the Inspector, may file a petition in writing with the City Clerk-Treasurer making appeal of such determination to the Common Council in accordance with the provisions of this Code of Ordinances.

(f) (Repealed by Ordinance No. 20, 1996 on 6/25/96)

(g) **Electrical Permits and Inspection.**

(1) The Building Inspector shall issue a permit for the installation or alteration of all electrical wiring or equipment upon the filing of application therefore, upon forms furnished thereby, which shall describe the nature of the work, alterations to be made, and equipment and materials to be used, as well as such other information as may be required by the Electrical or Building Inspector, including such plans, data, specifications, schedules, literature, information, materials, samples or test data as may be deemed necessary to determine the fitness of equipment for safe installation and use.

(2) No person shall undertake any electrical installation or repair upon any premises within the City without first having obtained a permit under this Section therefore. A fee in accordance with the current City fee schedule shall be charged for such permit. A separate permit shall be required for each separate premise upon which any electrical work is to be performed.

(3) When any electrical work for which an electrical permit shall have been issued under this Section is not commenced within six (6) months from the date of issuance of such permit, such electrical permit shall lapse and become void, and no electrical work shall begin until a new permit shall have been issued hereunder.

(4) When the electrical service to any building shall have been disconnected for a period of greater than one (1) year, an inspection by the Electrical Inspector shall be required prior to energization of the existing wiring.

(5) No permit shall be required under this Subsection for the following:

- a. Usual operations of Plymouth Utilities.
- b. The manufacturing, assembling, repair or testing of electrical equipment for which no permit is required.
- c. Minor repair work such as repairing cords, switches, replacing fuses or changing lamp sockets.
- d. Repairs made necessary for the proper maintenance of an existing installation.

(6) (Repealed by Ordinance No. 20, 1996 on 6/25/96)

(7) In the event a permit-holder shall fail to obtain a permit prior to commencement of electrical installation, except in emergency cases in which the Electrical Inspector shall have been notified the business day next following such commencement, the fee for such permit shall be double the regular fee.

(8) The Electrical Inspector may grant permission, for a specified limited period of time, for the installation or use of temporary wiring or equipment which does not conform with the regulations of this Section. The person installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of such installation at all times, and, for its complete removal upon expiration of the temporary use period as specified.

(9) Any emergency work shall be reported to the Electrical Inspector as soon as practicable on forms furnished by the Inspector, and shall be performed in accordance with applicable provisions of this Section.

(10) Upon completion of the wiring of any building or before any wiring is hidden from view, the person performing the work shall notify the Electrical Inspector, who shall make inspection thereof within forty-eight (48) hours of such notice. If it is found that such installation is fully in compliance with this Section and does not constitute a hazard to life or property, the Inspector shall approve the work and authorize concealment of the wiring or connection for electrical service. If the installation is incomplete or not in compliance with the provisions of this Section, the Inspector shall issue order to the person making such installation to remove any hazards and make changes or additions within ten (10) days of inspection. Concealment of electrical work before inspection of failure to comply with the lawful orders of the Electrical Inspector shall constitute a violation hereof.

(11) Any person who shall install electric wires or appliances shall be responsible for such installation until approved by the electrical Inspector. Any person who shall make any additions, corrections, alterations, or connections to the installation after approval shall be responsible for full compliance with all applicable codes.

(12) No certificate of inspection shall be issued unless the electrical installation and all apparatus connected with it are in strict conformity with the provisions of this Section, and all applicable statutes, administrative regulations and rules of the State of Wisconsin.

SEC. 15-1-7 ELECTRICAL CODE - COMMERCIAL AND PUBLIC BUILDINGS, AND PLACES OF EMPLOYMENT.

(a) **Purpose.** The purpose of this Section is to safeguard life and property by regulating and providing for the inspection of the installation and condition of electrical wiring, equipment and devices; and providing for the licensing of persons, firms and corporations undertaking electrical work in the City of Plymouth, and fixing a penalty for violation of the provisions of this Section.

(b) **Adoption of Wisconsin State Electrical Code.** Wis. Admin. Code Ch. SPS 316 and all amendments thereto is hereby adopted by reference and made a part hereof. The City of Plymouth will do electrical inspection of public buildings and places of employment pursuant to Wis. Admin. Code Ch. SPS 316, Subchapter II. The City of Plymouth shall employ or contract for a state certified Commercial Electrical Inspector (COMEL). Except as otherwise regulated by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the statutes of the State, and any orders, rules, and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property, and to all other provisions of the Municipal Code of the City of Plymouth that may be applicable thereto.

(c) **Authority to Enter Premises.** The Electrical Inspector or his/her authorized agent may enter any building or premises in the discharge of his/her official duties for the purpose of making any inspection or test of the electrical wires, equipment or devices contained therein. The Electrical Inspector or his/her authorized agent shall be given access to any premises upon request made to the owner or person in immediate charge of the premises.

(d) **Records.** There shall be kept in the Inspection Department a complete record of all applications, regularly numbered in the order of their issue, of all inspections made, and other official work performed under the provisions of this Code.

(e) **Inspections.** Upon the completion of the wiring on any building or before any wiring is to be hidden from view, it shall be the duty of the person, firm or corporation doing the installation to notify the Electrical Inspector, who shall inspect the installation within forty-eight (48) hours of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with this Code and does not constitute a hazard to life or property, the Inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in conformance with this Code, the Inspector shall issue orders to the person, firm or corporation installing the same to remove all hazards and make the necessary changes or additions. Concealment of electrical work before inspection, or failure to comply with the order of the Electrical Inspector, shall constitute a violation.

(f) **Authority to Stop Electrical Work.** Whenever any electrical work is being done contrary to any provision of this Code or other applicable law, the Electrical Inspector may order the work to be stopped by notice in writing served on any person or firm engaged in doing or causing such work to be done, and any such person or firm shall forthwith stop all such work until authorized by the Electrical Inspector to commence or proceed with the work.

(g) **Authority to Discontinue Electrical System.** The Electrical Inspector may order the disconnection of all electrical current from any electrical system which is found to be in an unsafe condition, and order the disconnection of electrical current in cases of emergency or where such electrical currents are dangerous to life or property, or may interfere with the work of the Fire Department. No person shall reconnect any such deenergized equipment thus cut off until permission is given by the Electrical Inspector.

(h) **Information.** All requests for information pertaining to or involving an interpretation of this Code shall be submitted in detail to the Electrical Inspector. The Electrical Inspector while working in his capacity as Electrical Inspector for the City of Plymouth shall not design or lay out any electrical installation or act in the capacity of a consulting engineer or designer.

(i) **City Not liable.** This Code shall not be construed to relieve from or lessen the responsibility or liability of any person supplying electrical energy to, or selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting, or maintaining any electrical wiring, device or equipment, for damages to persons or property caused by any defect therein or therefrom, nor shall the City of Plymouth be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or the inspection or reinspection authorized by this Code, or by reason of the approval or disapproval of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this Code. The City of Plymouth shall not be held liable for any damages resulting from the enforcement or lack of enforcement of this Code.

(j) **License Qualifications and Revocation.** The Electrical Inspector shall determine if an applicant is qualified for an electrical license.

(1) Master Electrician certification from the State of Wisconsin shall serve as qualification for a license unless provided otherwise in this Code. A firm or corporation shall have an individual licensed by the City supervising any electrical work performed in the City. In the case of an employee who holds the Master Electrician certification terminating employment with the firm or corporation, the firm or corporation is required to employ another licensed individual prior to being permitted to perform other electrical work. In the case of an electrician who has been a

contractor engaged in electrical work for four (4) or more years, evidence of such experience shall serve as qualification to obtain the annual electrical license though December 31, 1998, but not thereafter.

(2) The Electrical Inspector may investigate any charges or complaints filed which may be brought against the holder of a license and may revoke such license for repeated violations or noncompliance with any of the provisions of this Code on the part of the licensee or any person performing any work under their direction. An aggrieved party may appeal to the Electrical Inspector or to the Common Council.

(k) **Electrical License.** No person, firm, or corporation shall alter, install, or repair electrical wires and apparatus for any purpose whatsoever in public buildings or places of employment in the City of Plymouth without having procured a license as provided in this Section. The owner of a single-family residence may do electrical work in his own home without a license if said home is the owner's current residence.

(1) Application or renewal application for a license shall be made on forms furnished by the Electrical Inspector, and no license shall be valid unless signed by the Electrical Inspector. An applicant shall pay the necessary fee for such license or renewal. All licenses shall be issued for a calendar year period. The fee for such license shall be Twenty-five Dollars (\$25.00) for each calendar year, or any portion thereof.

(Revised 11/09)

(2) The supervising electrician shall hold a valid State of Wisconsin Master Electrician certification.

(3) All licenses shall be nontransferable.

(4) Any license granted under this Section may be suspended or revoked if the licensee violates any ordinance or law relating to electrical work or is guilty of installing electrical construction which is a hazard to life or property. No license shall be suspended or revoked unless the licensee has been notified in writing of charges against him/her and the time, place, when, and where they may appear to answer such charges. When a license is suspended, such license shall be automatically reinstated on the date specified in the order of suspension unless the suspension shall have been because of a faulty installation of electrical construction, in which event such license shall be reinstated only upon correction of the faulty installation. When a license is revoked, a new license shall not be granted to the licensee until such licensee shall have applied for a new license and met all of the requirements of this Code.

(l) **Permits for Light, Heat, and Power Installations.**

(1) The Electrical Inspector shall issue permits for the erection of electrical installations for light, heat, and power, as covered within the scope of the Wisconsin State Electrical Code upon the filing of proper applications, which shall be made on forms furnished by the Electrical Inspector and shall prescribe the nature of the work as well as such other information as may be required for inspection. In no event shall any electrical work be done unless a permit has been obtained, except under the following cases:

a. Any person manufacturing or repairing electrical apparatus and equipment and employing a competent electrician shall not be required to have a permit for their testing of equipment.

b. No permit shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses, or changing lamp sockets.

c. No permit shall be required for portable devices such as grinders, drills, portable signs, washing machines, vacuum cleaners, radios, electrical refrigerators, and similar devices not permanently wired but intended to be connected to the circuit by a flexible cord or plug. However, proper approved wiring is to be installed, together with approved receptacle and plug.

d. No permit shall be required for the installation, alteration or repair of electrical generation, transmission, or distribution equipment at is owned by the Plymouth Utilities.

e. No permit shall be required for the installation, alteration, or repair of signal or communications equipment where such equipment is owned and operated by a public utility company, or by the City of Plymouth.

(2) The permit application and non-refundable permit fee shall be submitted to the City Building Inspector. The complete fee schedule is found in the City of Plymouth Building Fee Resolution, which may be changed from time to time by action of the Common Council.

(3) If a licensee shall fail to obtain a permit before an electrical installation has been started, except in emergency cases as determined by the Electrical Inspector, the total permit fee shall be double the regular fee.

(4) No permits may be issued to a licensee until all arrears in fees have been paid and all lawful orders of the Electrical Inspector have been complied with.

(5) The connection of replacement appliances and equipment such as furnaces, signs, air compressors, air conditioners, water heaters and like equipment shall constitute an extension of an existing or new branch circuit. The connection shall comply with the current electrical code.

(6) Existing installations which have been declared as a hazard to life and/or proper shall be made safe. The installation of any permanent wiring and equipment to correct this hazard will constitute an extension of existing or new circuits.

(7) No permit for electrical installation in connection with a permanent or temporary sign shall be issued until the necessary sign permit has been obtained.

(m) **Temporary Work.** On applying for a permit for temporary work, a specified period of time during which such wiring is to remain in service must be stated, but such period shall not exceed ninety (90) days. Service shall be cut off at the end of this period and shall not again be connected without permission of the Electrical Inspector.

(n) **Emergency Work.** In emergency work, the person doing or causing such work to be done shall report the same to the Electrical Inspector the next business day after commencing such work. All such work shall be in accordance with this Code.

(o) **Compliance Required.** All wiring shall be done in accordance with Wis. Admin. Code Ch. SPS 316 and all applicable codes of the City of Plymouth.

SEC. 15-1-8 PLUMBING CODE.

(a) **Plumbing Defined.** "Plumbing" for the purposes of this Chapter is defined as follows:

(1) As stated in Wis. Stat. § 145.01(10).

(2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, storm water or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.

(b) **State Codes Adopted.** The provisions and regulations of Wis. Stat. ch. 145 of the Wisconsin Statutes, and Wis. Admin. Code Chs. SPS 381-84 are hereby made a part of this Chapter by reference, and shall extend over and govern the installation, alteration, or repair of all plumbing in the City.

(c) **Authority of Plumbing Inspector.**

(1) The Plumbing Inspector shall have authority to enter all buildings in the City in the performance of his duties, and no person shall willfully or knowingly resist or obstruct the Plumbing Inspector in the performance of his duties.

(2) The Plumbing Inspector may withhold approval of an application for a plumbing permit to any person who has not complied with a lawful order he has given. The person refused a permit may appeal within ten (10) days to the Board of Appeals. Notice of such withholding shall be given to the Building Inspector.

(3) The plumber in charge of any plumbing work shall notify the Plumbing Inspector whenever any work is ready for inspection (i.e., soil, vent, underground drain, final inspection). All plumbing work shall be left exposed until such time as the Plumbing Inspector has completed his examination and inspection. When in the opinion of the inspector a test, in addition to the requirements of Wis. Admin. Code Ch. SPS 382.21 is necessary, he may require a water or air test on any part or on the entire installation.

(4) No person shall install any plumbing without first filing an application and receiving a permit. Each application must be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Licensed master plumbers only may receive such permits, with the exception that a permit may be issued to a property owner to install plumbing in a single-family residence which is owned and occupied by such owner as his home. The permit shall be issued by the Building Inspector.

(d) **Backflow Preventers.**

(1) All new residential, commercial, and industrial buildings shall have backflow prevention valves (also known as floor check valves) installed on all sanitary building drains at the owner's expense, except as provided below. (New shall mean constructed after October 1, 2009)

(2) In this Section "sanitary building drain" shall mean horizontal piping within or under a building installed below the lowest fixture or the lowest

floor level from which fixtures can drain by gravity to the building sanitary sewer.

(3) A property owner may apply in writing to the Building Inspector for an exception to the provisions of this Section. The application must include evidence of the elevation of both the sanitary building drain and the nearest manhole to which the sanitary building drain is to be connected. The Building Inspector may approve the exception if the elevation of the sanitary building drain is at least two (2) feet higher than the elevation of the nearest manhole to which the sanitary building drain is or will be connected.

SEC. 15-1-9 NEW METHODS AND MATERIALS.

(a) All materials, methods of construction, and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Commerce for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

(b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Commerce. The data, test, and other evidence necessary to prove the merits of such material, method of construction, or device shall be determined by the State Department of Commerce.

SEC. 15-1-10 UNSAFE BUILDINGS.

Whenever the Common Council, upon the inspection and report of the Building Inspector, finds any building or part thereof within the City to be, in its judgment, so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Council may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Council shall give specific reasons for its determination. Such order and proceedings shall be as provided in Wis. Stat. § 66.0413.

SEC. 15-1-11 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer

shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

SEC. 15-1-12 GARAGES.

(a) Definitions.

(1) 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.

(2) A **detached private garage** shall mean a private garage entirely separated from the principal building by a distance as required by Subsection (b).

(3) **One-hour fire-resistive construction** shall include the following assemblies and materials:

- a. Two inch (2") brick or stone veneer.
- b. Metal lath or perforated rock lath and three-fourths inch (3/4") of plaster.
- c. Five-eighths inch (5/8") of vermiculite plaster board.
- d. Five-eighths inch (5/8") fire code gypsum plaster board.

(b) **Locations.** Detached garages shall be governed by the following unless otherwise provided for in appropriate zoning codes:

(1) Garages of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the adjacent wall is protected with not less than one- (1-) hour fire-resistive construction and has no openings except for a metal door.

(2) Garages of masonry wall construction shall not be located less than five (5) feet from any residence building.

(c) **Area.** All private garages shall be limited in total combined area as set forth in Section 13-1-140 of this code.

(d) **Foundations and Footings.** Attached private garages shall be provided with the same type of 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 #10 six by six -(6x 6-) inch wire mesh. The slab shall be provided with a thickened edge all round, 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 edge adjacent to the garage. Bolts three-eighths (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.

(e) **Floor Surface.** The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage per plumbing regulations.

(f) **Construction.** Private garages shall be constructed as follows:

(1) Load-bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.

(2) Detached private garages of wood frame construction shall be constructed with the following minimum requirements:

a. Studs may have a maximum spacing of twenty-four (24) inches on centers.

b. Diagonal corner bracing may be applied on the inside surface of studs.

c. Corner posts may consist of two (2) two by four- (2x4-) inch studs or a single four by four- (4x4-) inch stud.

d. Horizontal bracing and collar beams may be two by six (2x6) inches with a maximum spacing of four (4) foot on centers.

e. A triple two by twelve- (2x12-) header or its equivalent shall be used over openings fifteen (15) feet or greater.

(3) Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.

(g) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:

(1) All walls in common with a principal building and attached private garage shall be of not less than one (1) hour fire-resistive construction on the garage interior.

(2) Where a private garage is part of a building having habitable rooms over such garage, there shall be provided a horizontal and vertical separation between the two occupancies.

(3) An attached private garage may have a rated door assembly connecting directly into the principal building.

(h) **Garage Heating.** All open flame equipment shall be prohibited in a garage or shall be effectively separated from the garage by not less than one (1) hour fire-resistive wall, floor or ceiling; however, suspended furnaces or direct fired units that are fired with a liquid fuel or gas may be used without an enclosure, provided that they are located at least seven (7) feet above the floor, are listed by a third party testing agency, and are installed in accordance with the installation instructions accompanying that listing. All units shall be supported by noncombustible brackets or hangers.

SEC. 15-1-13 REGULATION AND PERMIT FOR RAZING BUILDINGS.

(a) No building within the City of Plymouth shall be razed without a permit from the Building Inspector. 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. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Excavations shall be filled with solid fill to match lot grading within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers, and/or lights. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

(b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in or would likely result in an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

SEC. 15-1-14 BASEMENTS; EXCAVATIONS.

(a) **Basement Sub-flooring.** First floor sub-flooring shall be completed within sixty (60) days after the basement is excavated.

(b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.

(c) **Closing of Excavations.**

(1) When the owner of any lot or plot of land or the City in making improvements is about to excavate or cause an excavation to be made, which excavation in any way affects any building or structure on any adjoining lot, a notice shall be given to all owners of all adjoining lots at least ten (10) days prior to commencing the excavation. Such notice shall describe the extent and character of the excavation work about to be done, and the adjoining owners shall thereafter be given a reasonable opportunity to protect their property in compliance with the regulations of this Chapter.

(2) Whenever an excavation or foundation for building purposes has remained open for a period of thirty (30) days with no work having been done at the site for said period, the Building Inspector shall serve a notice upon the owner of the property that work at the site be commenced forthwith or that the excavation be filled to grade. The order shall be served upon the owner or his agent and upon the holder of any encumbrance of record as provided in Wis. Stat. § 66.0413. If the owner fails to comply with the order within fifteen (15) days after the service thereof upon him, the Building Inspector shall cause the excavation to be filled to grade and the cost charged against the real estate as a special charge as provided by Wis. Stat. § 66.0413. In addition to filling the

excavation, any person who violates this Section is subject to the provisions of Section 15-1-19.

(d) **Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector shall give the owner thereof written notice to secure said building or structure and comply with City Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector to condemn and raze said building or structure in accordance with the applicable provisions of Wis. Stat. § 66.0413.

SEC. 15-1-15 DISCHARGE OF CLEAR WATERS.

(a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining, or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

(b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining, or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety, and well-being of the residents of the City and to the protection of the property.

(c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

(d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits, or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining, or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch, or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

(e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

(f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

(g) **Groundwater and Storm Water Dischargers.** Landowners shall place downspouts, sump pump piping, and similar outlets so that water discharged onto the ground surface is released within the building setbacks applicable to the property. Landowners shall position such outlets so as to minimize the volume and rate of water flow onto adjoining properties. Violations of this Subsection are public nuisances. The City Director of Public Works may grant a waiver from this regulation due to hardship, after taking into consideration the topography of the subject and nearby properties, established drainage patterns, existing structures, and other factors deemed relevant.

SEC. 15-1-16 REGULATIONS FOR MOVING BUILDINGS.

(a) General Requirements.

(1) No person shall move any building or structure upon any of the public ways of the City of Plymouth 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) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal, and replacement of public trees, as determined by the City, shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.

(b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to

prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

(c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways, and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

(d) **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(e) **Bond.**

(1) Before a permit is issued to move any building over any public way in the City, the party applying therefore shall give a bond to the City of Plymouth in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the City Attorney or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the

accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) 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.

(f) **Insurance.** The Building Inspector shall require, in addition to the said bond above indicated, public liability insurance covering personal injury and property damage in an amount of not less than One Million Dollars (\$1,000,000.00) from an insurance company licensed to do business in the State of Wisconsin.

Sec. 15-1-17 FEES.

The fees for the following permits, applications, and services shall be established by the City of Plymouth Building Code Fee Schedule which may be changed from time to time by resolution of the Common Council:

(a) Building Permits - Residential.

- (1) Minimum Permit Fee for permits not requiring inspection.
- (2) Swimming Pools.
 - a. Above ground;
 - b. In ground.
- (3) New single-family dwellings.
- (4) New two-family dwellings (incl. Bldg/HVAC/Electrical/Plumbing).
- (5) Manufactured Home Installation.
- (6) Additions to residential dwellings (Incl: Bldg/HVAC/Electrical)*.
 - a. Attached garages.
 - b. Additions without full foundations.
 - c. Additions with full foundations.
 - d. Detached or attached decks/porches.
 - e. Residential detached garage.
 - f. Residential accessory building.
 - g. Remodeling/renovation projects as follows:*

1. Remodeling (opening walls).
2. Finishing basement.

(7) Residential improvements not requiring inspection as determined by Inspector (for replacing roofing, siding, soffit/fascia/gutters, cabinets, countertops, fixture updates, windows, doors, etc.),

(8) Early start,

(9) Moving buildings over public ways,

(10) Wrecking or razing,

(11) Flammable liquid storage,

(12) Special inspection/re-inspection.

(13) Plan examination for one- or two-family dwelling without permit.

(14) WI Uniform Permit Seal without a permit.

(15) Occupancy Permit.

- a. Residential.
- b. Commercial.

(16) Permit renewal - City of Plymouth permits only.

(b) Building Permits – Commercial.

(1) New Commercial Construction (excludes manufacturing, industrial, storage units).

(2) Manufacturing, industrial, and storage units.

(3) Minimum fee for additions/remodels (projects that require inspection).

(4) Interior remodeling not requiring inspection as determined by Inspector.

(5) Build-out in new commercial tenant space.

(6) Improvements not requiring inspection (replacing roofing, siding, soffit/fascia/gutters, cabinets, countertops, fixture updates, windows, doors, etc.).

(7) Erosion control.

(8) Early start

(9) Interior remodeling, opening walls, etc. for affected area.

(c) **Electrical Permit.**

(1) Residential Electrical Service (minimum).

(2) Commercial Electrical Service (minimum).

(3) New Commercial Construction (Excl. mfg/ind).

(4) Manufacturing and Industrial.

(5) Annual Plant Permit.

(6) Unless the additions or changes to the electrical system are included in the building permit, an electrical permit is required if:

a. Adding six or more devices or fixtures to existing circuits.

b. Creating a new branch circuit that supplies power to an appliance requiring 240 volts or more.

c. Changing the service panel with or without upgrading the service. A service upgrade always requires a permit.

(d) **Plumbing Permits**

(1) Minimum fee (Inspection Required)

(2) New Commercial Construction (Excl. mfg/ind)

(3) Manufacturing and Industrial

(4) Storm sewer or sanitary sewer connection at main, curb, or lot line

(5) Relaying of sanitary sewer, storm sewer, or building drain on private property

(e) **Heating, Ventilation, or Air Condition Permits**

- (1) New Commercial Construction (Excl. mfg/ind)
- (2) Manufacturing and Industrial
- (3) Residential/Commercial Appliance Replacement (Inspection required) (Includes but not limited to furnace, space heater, A/C, Solid fuel burning appliances and the like)

(f) If a private party utilizes the following services of the City Building Inspector, the party shall be responsible for the actual and necessary costs incurred by the City for such services:

- (1) special inspections, reports, and letters (one event)
- (2) per inspection fee for individual inspections
- (3) plan review for 1 or 2 family dwelling without a permit
- (4) court appearance (per hour)

(g) **Permit Exemption.** Repairs or replacements where the estimated cost of materials is under One Thousand Dollars (\$1,000.00) need not obtain a permit under this Chapter unless one of the following is being done which will require a permit no matter what the cost.

- (1) Re-shingling an entire principal building
- (2) Widening the opening of a window or doorway
- (3) Closing up an exit door or a stairway
- (4) Building a new structure or enlarging an existing one
- (5) Stairs – interior or exterior.

“Estimated cost” shall mean the amount that the work would cost if done by a contractor charging a normal rate. Do-it-yourself jobs should add labor equal to the cost of materials unless they have an estimate for the job by a contractor which could be used as estimated cost.

SEC. 15-1-18 SEVERABILITY.

If any Section, clause, provision, or portion of this Chapter or of the Wisconsin Administrative Code adopted by reference is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 15-1-19 PENALTIES AND VIOLATIONS.

(a) Any building or structure hereafter erected, enlarged, altered, or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair, or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure, or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

(b) (1) If an inspection reveals a noncompliance with this Chapter, the Commercial Building Code, or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Wis. Admin. Code § SPS 320.21.

(2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

(4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

(c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Plymouth charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

SEC. 15-1-20 CROSS CONNECTION CONTROL.

(a) **Definition of Cross Connection.** A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Plymouth Utilities public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

(b) **Unprotected Cross Connections Prohibited.** No person, firm, or corporation may establish or maintain, or permit to be established or maintained, an unprotected cross connection. Cross connections shall be protected as required in Wis. Admin. Code Ch. SPS 382.

(c) **Inspection.** The water utility may inspect or arrange for an inspection of property served by the public water system for cross connections. The frequency of inspections shall be established by the water utility in accordance with Wis. Admin. Code § NR 810.15. Any unprotected cross connections identified by the inspection shall be promptly corrected at the user's expense. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Subsection (f) of this ordinance.

(d) **Right of Entry.** Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Subsection (f) of this ordinance. If entry is refused, a special inspection warrant under Wis. Stat. § 66.0119 may be obtained.

(e) **Provision of Requested Information.** The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be

sufficient cause for the water utility to discontinue water service to the property, as provided under Subsection (f) of this ordinance.

(f) **Discontinuance of Water for Violation.** The water utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Wis. Stat. ch. 68 except as provided in Subsection (7) of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(g) **Emergency Discontinuance.** If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

CHAPTER 2

Fair Housing

15-2-1	Statement on Fair Housing
15-2-2	Definitions as Used in This Chapter
15-2-3	Unlawful Practices
15-2-4	Exemptions
15-2-5	Enforcement

SEC. 15-2-1 STATEMENT ON FAIR HOUSING.

It is hereby declared to be the policy of the City of Plymouth to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

State Law Reference: Wis. Stat. § 66.1011.

SEC. 15-2-2 DEFINITIONS AS USED IN THIS CHAPTER.

(a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

(b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

(c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.

(e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(f) **Owner.** Lessee, sub-lessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing accommodation.

(g) **Financial institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.

(h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary, or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Section.

(j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.

(k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental, or lease.

SEC. 15-2-3 UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the City for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry,

national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or

(g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

(h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

- (1) The lowering of property values in the area;
- (2) An increase in criminal or antisocial behavior in the area; or

- (3) A decline in the quality of schools serving the area.
- (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
- (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
- (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or
- (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or
- (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or
- (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
- (p) To deny and qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, relating to the business of selling or renting dwellings, against him in their terms or conditions of such access, membership, or participation, on account of race,

color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

SEC. 15-2-4 EXEMPTIONS.

This Chapter shall not apply to:

(a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

(b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:

(1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and

(3) Without the violation of Section 15-2-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

SEC. 15-2-5 ENFORCEMENT.

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Common Council within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Common Council or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Common Council to forward the complaint and findings to appropriate state and federal agencies.

CHAPTER 3

Grievances Regarding Access to Public Buildings by Handicapped Persons

15-3-1 Grievance Procedures Regarding Access to Public Buildings by
Handicapped Persons

SEC. 15-3-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.

(a) **Statement of Purpose.** The City of Plymouth is committed to providing adequate access by handicapped or visually-impaired persons to City-owned buildings. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) and respect to the Americans With Disabilities Act, 42 USC Sec. 12101; Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or it activity receiving federal financial assistance."

(b) **Complaint Procedure.**

(1) Complaints should be filed with the Director of Public Works who has been designated to coordinate Section 504 Compliance.

(2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it and briefly describe the alleged violation of the regulations.

(3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

(4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Director of Public Works who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.

(5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated

person and a copy forwarded to the complainant no later than thirty (30) days after its filing.

(6) The Section 504 coordinator shall maintain the files and records of the City relating to the complaints filed.

(c) **Appeals.**

(1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the Director of Public Works.

(2) The grievance shall be heard by the Common Council within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the City Hall at a convenient time fixed by the Common Council. The Director of Public Works shall give at least three (3) days' written notice to the applicant by first class mail of any such grievance hearing.

(3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses, and make argument either in person or by an agent of his or her choosing. Proceedings may, and upon request of the applicant, shall be recorded.

(4) The decision of the Common Council on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Council shall be rendered within three (3) working days of the close of the hearing and the Common Council shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Director of Public Works.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City complies with Section 504 regulations.

CHAPTER 4

Minimum Housing Code

15-4-1	Title
15-4-2	Intent and Purpose
15-4-3	Rules and Definitions
15-4-4	Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service
15-4-5	Safe and Sanitary Maintenance of Property
15-4-6	Quantity, Location and Use of Space in Residential Buildings
15-4-7	Fixing the Responsibility of Owners, Operators, and Occupants
15-4-8	Inspection
15-4-9	Designation of Unfit Dwellings and Legal Procedure Therefore
15-4-10	Enforcement, Service of Notices, and Orders and Hearings

SEC. 15-4-1 TITLE.

This Chapter shall be known as the Minimum Housing Code.

SEC. 15-4-2 INTENT AND PURPOSE.

(a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, and monetary values.

(b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained, or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

(c) This Chapter shall not apply to manufactured homes [defined as a structure transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein] manufactured in accordance with standards established by the National

Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Sec. 5401 et seq) as approved and administered by the United States Department of Housing and Urban Development (HUD).

SEC. 15-4-3 RULES AND DEFINITIONS.

(a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- (1) Words used in the present tense shall include the future.
- (2) Words used in the singular number shall include the plural number, and the plural the singular.
- (3) The word "shall" is mandatory and not discretionary.
- (4) The word "may" is permissive.
- (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) **Adequate** - "Adequate" shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Chapter. "Adequately" shall mean the same as adequate.
- (2) **Apartment** - "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (3) **Approved** - "Approved" shall mean approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law or this Chapter.
- (4) **Attractive Appearance** - "Attractive Appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (5) **Basement** - "Basement" shall mean a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

- (6) **Boarding House** - See "Lodging House" and "Lodging Room."
- (7) **Building** - "Building" means a combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (8) **Capacity in Persons** - The "Capacity in Persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
- (9) **Dwelling** - "Dwelling" is a place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- (10) **Dwelling Unit** - "Dwelling Unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (11) **Extermination** - "Extermination" shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
- (12) **Family** - A "Family" is an individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers.
- (13) **Good Working Condition** - "Good Working Condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (14) **Habitable Space** - "Habitable Space" is one (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- (15) **Impervious to Water** - "Impervious to Water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.

(16) **Infestation** - "Infestation" means the sustained presence of household pests, vermin, or rodents.

(17) **Living Room** - "Living Room" shall mean a room used primarily for living, dining, or cooking purposes.

(18) **Lodging House** - "Lodging House" is a dwelling containing lodging rooms that will accommodate three (3) or more persons not members of a family.

(19) **Lodging Room** - "Lodging Room" is a portion of a dwelling used primarily for sleeping and living, purposes, excluding cooking facilities.

(20) **Mixed Occupancy** - "Mixed Occupancy" shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.

(21) **Occupant** - "Occupant" means one who occupies or has actual possession of usable space.

(22) **Operator** - "Operator" shall mean any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.

(23) **Owner** - The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.

(24) **Person** - A "Person" shall mean and include any individual, firm, corporation, association, or partnership.

(25) **Properly** - "Property" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.

(26) **Provided** - "Provided" shall mean furnished, supplied, paid for or under control of the owner.

(27) **Residential Building** - A "Residential Building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:

- a. Single-family dwellings.
- b. Two- (2-) family dwellings.
- c. Multiple-family dwellings (including apartment hotels).
- d. Lodging houses.
- e. Fraternity and sorority houses.

(For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)

(28) **Rooming House** – See "Lodging House" and "Lodging Room."

(29) **Sleeping Room** – A "Sleeping Room" shall mean a room used for sleeping purposes.

(30) **Structure** – "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

(31) **Supplied** - "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

SEC. 15-4-4 STANDARDS FOR BASIC EQUIPMENT, LIGHTING, VENTILATION, HEATING AND ELECTRICAL SERVICE.

(a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage and other refuse, safe means of egress, provision of light, air, heat, and electrical service.

(b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

(1) **Basic Plumbing Requirements.** Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in the State Plumbing Code.

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

(3) Refuse Storage. The owner of every residential building shall be responsible for supplying such building with garbage and refuse storage facilities, the type and location of which is approved by the City.

(4) Egress. Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, Provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum size of three (3) feet by four (4) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in the Wisconsin Administrative Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.

(5) Plumbing. Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each eight (8) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(6) Windows and Ventilation.

a. Every living and sleeping room shall have available for natural light and ventilation windows, sky lights, or glazed doors opening to sky, street, court, alley, or approved yard area on the same lot with the building. The area required for natural light shall

be equal to eight percent (8%) of the floor area but not less than eight (8) square feet and at least fifty percent (50%) of the required area shall be open able for natural ventilation. Open able areas in adjacent rooms may serve kitchens or alcoves without exterior windows, provided that the area of connecting opening is not less than twenty percent (20%) of the area served and the outside opening shall be based on the total included floor area.

b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is open able directly to the exterior of the building.

c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.

d. In all non-owner occupied dwelling units, where heat is not paid for by the landlord, all exterior windows shall have storm windows installed or maintained to prevent excessive drafts and heat loss no earlier than October 15, but not later than November 15, annually, except where permanent and open able.

e. Existing habitable rooms without open able windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.

(7) Electrical.

a. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be

protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the capacity of the smallest wire size in the circuit.

b. Every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, and public hall shall contain at least one (1) supplied ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

c. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords, temporary wiring, and exposed abandoned wiring shall be removed.

(8) Heating.

a. All habitable rooms shall be provided with a permanently connected heating system complying with the City ordinances.

b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind chill factor. The outdoor temperature for the City shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.

c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above, as long as it does not affect the temperature in other habitable areas of the building.

(9) Lighting.

a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be

provided during a period one (1) hour before sunset to one (1) hour after sunrise.

b. Every residential building that will accommodate transients, four (4) or more families, or thirty (30) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" or "OUT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

(10) Cooking Areas Restricted. The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, designed or intended to be used for cooking or preparation of meals.

SEC. 15-4-5 SAFE AND SANITARY MAINTENANCE OF PROPERTY.

(a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.

(b) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:

(1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.

(2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefore as a special charge against the benefitted property.

(3) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.

(4) Fences, Walks, Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide convenient all-weather access to buildings.

(5) Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

(6) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items.

(7) General Requirements.

a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

b. Every foundation, exterior wall, floor, and roof shall be reasonably weather tight, water tight, and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.

(8) Stairs. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.

(9) Plumbing Fixtures. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

(10) Bathrooms. Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(11) Supplied Facilities.

a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.

b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.

c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.

(12) Equipment Removal Restricted. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.

(13) Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building. However, abandoned fuel oil tanks may remain in the building providing:

- a. All fuel oil is removed from the tank.
- b. The tank fill piping is removed and the tank openings plugged with pipe fittings.
- c. The oil supply line is removed and the opening is plugged with pipe fittings.
- d. The tank vent remains connected and terminates outside the building at least two (2) feet above grade.

(14) Removal of Debris.

- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
- b. No landowner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

SEC. 15-4-6 QUANTITY, LOCATION, AND USE OF SPACE IN RESIDENTIAL BUILDINGS.

(a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.

(b) **Size of Dwellings and Rooms.**

(1) Detached Single-Family Dwellings. Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.

(2) Size of Rooms.

- a. Apartments. The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - b. Lodging Rooms. The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
- (3) Excluded Spaces. The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
- (4) Hallways. Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
- (5) Cellar Space. No cellar space shall be used as a sleeping room.
- (6) Basement Use as a Sleeping Area. No basement space shall be used for a sleeping room unless:
- a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area. The required minimum window area if not above grade shall be provided with a well or areaway.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approve by the Building Inspector.
 - d. At least two (2) means of egress shall be provided to the basement bedrooms that comply with applicable adopted building codes.

SEC. 15-4-7 FIXING THE RESPONSIBILITY OF OWNERS, OPERATORS AND OCCUPANTS.

(a) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.

(b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:

(1) Every owner of a residential building containing four (4) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.

(2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse and garbage in the containers required by Section 15-4-4(b)(3).

(3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.

(4) Every owner of a residential building shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. In all residential buildings, except for single-family dwellings an owner occupied three (3) or more family dwellings, extermination services shall be performed by a licensed exterminator.

(5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and the occupancy is limited to the maximum permitted thereby.

(7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

(8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

SEC. 15-4-8 INSPECTION.

(a) The Building Inspector is authorized and empowered to inspect all residential buildings within the City for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.

(b) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

SEC. 15-4-9 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE THEREFOR.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

(a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.

(2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.

(3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.

(b) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.

(c) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(d) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placards as such, except as herein provided.

(e) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Building Inspector under the procedure set forth in Section 15-4-10.

SEC. 15-4-10 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

(a) (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall:

- a. Be in writing.
- b. Include a statement of the reasons why it is being issued.
- c. Allow a reasonable time for the performance of any act it requires.
- d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

(2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.

(b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.

CHAPTER 5

Commercial Exterior Maintenance Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Safe, Sanitary and Attractive Maintenance of Property
15-5-5	Fixing Responsibility of Owners, Operators and Occupants
15-5-6	Enforcement, Service of Notices and Orders and Hearings

SEC. 15-5-1 TITLE.

This Chapter shall be known as the Commercial Exterior Maintenance Code.

SEC. 15-5-2 INTENT AND PURPOSE.

(a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, and monetary values.

(b) It is recognized that there may now be or may in the future be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

SEC. 15-5-3 RULES AND DEFINITIONS.

(a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise:

- (1) Words used in the present tense shall include the future.
- (2) Words used in the singular number shall include the plural number, and the plural the singular.
- (3) The word "shall" is mandatory and not discretionary.
- (4) The word "may" is permissive.

(5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(b) **Definitions.**

(1) **Adequate** - "Adequate" shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Chapter. "Adequately" shall mean the same as adequate.

(2) **Approved** - "Approved" shall mean approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law or this Chapter.

(3) **Attractive Appearance** - "Attractive Appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.

(4) **Commercial** - "Commercial" shall mean not residential.

(5) **Commercial Use** - "Commercial Use" shall mean any nonresidential use.

(6) **Building** - "Building" means a combination of material to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Code, each portion of a building completely separated from other portions by an unpierced firewall shall be considered as a separate building.

(7) **Good Working Condition** - "Good Working Condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.

(8) **Impervious to Water** - "Impervious to Water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.

(9) **Mixed Occupants** - "Mixed Occupants" shall be occupancy of a building in part for commercial use and in part for some other use not accessory thereto.

(10) **Occupant** - "Occupant" means one who occupies or has actual possession of usable space.

(11) **Operator** - "Operator" shall mean any person who has charge or control of a commercial property or part thereof.

(12) **Owner** - The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.

(13) **Person** - A "Person" shall mean and include any individual, firm, corporation, association, or partnership.

(14) **Properly** - "Properly" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.

(15) **Provided** - "Provided" shall mean furnished, supplied, paid for or under control of the owner.

(16) **Structure** - "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, or attached to something having permanent location on the ground.

(17) **Supplied** - "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

SEC. 15-5-4 SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY.

(a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.

(b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:

(1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.

(2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefore as a special assessment against the benefitted property.

(3) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.

(4) Fences, Walks, and Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.

(5) Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

(6) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items unless these items are raw materials used in the business carried out on the premises.

(7) General Requirements. Every foundation, exterior wall, and roof shall be reasonably weather tight, water tight, and rodent proof, shall be kept in proper repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and

maintained so as to ensure that it safely and properly removes the products of combustion from the building.

(8) Windows and Doors. Every window, exterior door, and basement hatchway shall be reasonably weather tight, water tight, and rodent proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.

(9) Outside Stairs and Porches. Every outside stair, every porch, and ever appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.

(10) Removal of Debris

a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.

b. No landowner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

SEC. 15-5-5 FIXING RESPONSIBILITY OF OWNERS, OPERATORS AND OCCUPANTS.

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

SEC. 15-5-6 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of

any rule or regulation adopted pursuant thereto, he shall give notice such alleged violation to the person or persons responsible therefore and commence an enforcement action pursuant to Section 15-4-10.

CHAPTER 6

Construction Site Erosion Control

15-6-1	Authority
15-6-2	Findings and Purpose
15-6-3	Applicability of Regulations
15-6-4	Definitions
15-6-5	Design Criteria, Standards and Specifications for Control Measures
15-6-6	Maintenance of Control Measures
15-6-7	Required Control of Erosion and Pollutants During Land Disturbance and Development
15-6-8	Permit Application, Control Plan, and Permit Issuance
15-6-9	Inspection
15-6-10	Enforcement
15-6-11	Appeals; Variances

SEC. 15-6-1 AUTHORITY.

This Chapter is adopted pursuant to the guidelines in Wis. Stat. § 62.2345.

SEC. 15-6-2 FINDINGS AND PURPOSE.

(a) **Policy Declaration.** The Common Council finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the City of Plymouth.

(b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the State and City; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands. The Common Council finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment deposition in waters located within or near the City. It is, therefore, declared to be the purpose of this Chapter to control and, if possible, prevent soil erosion and minimize water runoff increases and, thereby, to preserve the natural resources, control floods, and prevent impairment of dams and reservoirs, protect the quality of public waters and wetlands, prevent property damage, preserve wildlife, protect the tax base and protect and promote the health, safety, and general welfare of the people of the City of Plymouth. This Chapter is in accordance and consistent with the City's Zoning Code, so far as practicable.

SEC. 15-6-3 APPLICABILITY OF REGULATIONS.

(a) **Scope of Coverage.** This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the City and the public and private lands subject to extraterritorial review under Wis. Stat. § ch. 236. All State funded or conducted construction is exempt from this Chapter. This Chapter shall apply outside the City limits within the extraterritorial plat review area provided by Wis. Stat. ch. 236 and Title 15 of the City Code of Ordinances but only to those land-disturbing activities relating to, arising from, or connected with a subdivision as defined in Wis. Stat. § 236.02(12).

(b) **Exclusions.** The following activities are generally excluded from coverage under this Chapter:

(1) State-funded or conducted activities that are subject to the State Site Erosion Control and Storm water Runoff Plan.

(2) Agricultural land uses as defined in this Chapter and quarries, except where the Common Council, Plan Commission, Director of Public Works or Building Inspector determine that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

(3) Small land disturbing activities such as gardens, minor landscaping modifications and minor repair of sidewalks, paths or driveways, except where the Common Council, Plan Commission, Director of Public Works or Building Inspector determine that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

NOTE: State-funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Storm water Runoff", which contains similar requirements as contained in this Chapter, as a minimum.

SEC. 15-6-4 DEFINITIONS.

(a) The following definitions shall be applicable in this Chapter:

(1) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

(2) **Building Inspector.** The Assessor Inspector of the City of Plymouth.

- (3) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (4) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
- (5) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector and/or Director of Public Works.
- (6) **Erosion.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice or gravity.
- (7) **Existing Grade.** The vertical location of the existing ground surface prior to excavation or filling.
- (8) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man/woman to a new location and shall include the conditions resulting therefrom.
- (9) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.
- (10) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (11) **Land Disturbing Activity.** Any change to the land surface which may result in soil erosion, sedimentation or increase in water runoff, including but not limited to tilling, removal of vegetative cover, stockpiling of soil, grading, excavating, livestock grazing and filling of land.
- (12) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- (13) **Landowner.** Any person holding title to or having any interest in land.
- (14) **Land Treatment Measures.** Structural or vegetative practices (including fencing) used to control erosion, sediment and water runoff.

(15) **Land User.** Any person who uses land collectively or individually as owner, operators lessor or renter, or who occupies land by providing work or service that requires alteration of the land, or any person who has made other arrangements with a landowner which gives them the right and/or responsibility for use of the land.

(16) **Major Land-Disturbing Activities.** Those activities where the land disturbance covers one or more acres, where a subdivision (as defined by Wis. Stat. ch. 236) is created, or where the Common Council, Plan Commission, Director of Public Works or Building Inspector determines that special circumstances due to topography, proximity to watercourses or relation to sensitive environmental area make the disturbance a major one.

(17) **Minor Land Disturbing Activities.** Those activities where the land disturbance covers less than one (1) acre and the activities do not otherwise fall within the definition of major land disturbing activities.

(18) **Parcel.** All continuous lands under the ownership or control of a land occupier or land user.

(19) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.

(20) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government or any combination thereof.

(21) **Public Lands.** All lands owned or controlled by any unit of government.

(22) **Runoff.** Includes, but is not limited to, ice or water flowing over the ground surface.

(23) **Sediment.** Solid material, mineral or organic, that is in suspension, is being transported to, or has been moved from, its site of origin by air, water, gravity or ice and has come to rest or has been deposited on the earth's surface at another location.

(24) **Sedimentation.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources, or the deposition of water-borne sediments in

stream channels, lakes, reservoirs, or on floodplains, usually resulting from a decrease in the velocity of the water flow.

(25) **Set of 1-Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin.

Average Storm Duration (Hours)	Rain Intensity (Inches/Hours)	Average Total Rain (Inches)
0	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

(26) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

(27) **Soil Loss.** Soil removed from a given site by land disturbing activities or by the forces of erosion, and redeposited at another site.

(28) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(29) **Storm Sewer.** A closed conduit for conducting collected storm water.

(30) **Storm water Runoff.** The waters derived from rains falling within a tributary drainage basin, flowing over the ground surface or collected in a water drainage system.

(31) **Structural Measures.** Land treatments intended to prevent erosion, sediment or runoff that include, but are not limited to, gully control structures, grass waterways, rip-rap, detention basins or ponds, sediment basins or ponds, flood retention dams, diversions, and lining channels with rock concrete or other materials. Contour strip cropping is not considered a structural measure under this Chapter.

(32) **Water Drainage Facility.** Any element in a water drainage system which is made or improved.

(33) **Water Drainage System.** All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, reservoirs, detention basins or ponds, storm sewers, streets, and pumping stations.

(34) **Working Day.** Monday, Tuesday, Wednesday, Thursday, or Friday excluding, however, any such day officially observed by the City as a legal holiday. Also referred to as "business day."

SEC. 15-6-5 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.

All control measures required to comply with this Chapter shall be measures based on accepted design criteria, standards and specifications periodically established by the United States Soil Conservation Service, Wisconsin Department of Natural Resources or otherwise identified as acceptable by the Building Inspector or Director of Public Works. Where design criteria, standards or specifications conflict, the most restrictive provisions shall apply.

SEC. 15-6-6 MAINTENANCE OF CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

SEC. 15-6-7 REQUIRED CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

(a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:

(1) Those sites requiring certified survey map approval or subdivision or land division plat approval under City land division ordinances.

(2) Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats, or subdivision plats.

(3) Those involving grading, removal of protective ground cover or vegetation, excavation, landfilling, or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.

(4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.

(5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

(6) Those involving the laying, repairing, replacing, inspecting, or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.

(7) Those sites involving the changing, enlargement, dredging, or other alteration to any watercourse, waterway, and/or wetlands.

(8) Those other situations where the Director of Public Works or Building Inspector, at the request of the Plan Commission or Common Council, determines that erosion or runoff is likely to occur unless control measures are taken.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the City clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

(b) **Minimum Erosion and Runoff Control Standards to be Met.** At a minimum, the erosion and runoff control standards listed below must be met on all sites described in Subsection (a) above. Additional or more stringent control standards may be required in those situations where the Director of Public Works and/or Building Inspector determines that special circumstances due to topography, proximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards. In cases where no permit has been issued, the landowner is responsible for obtaining compliance with the required standards:

(1) Site De-Watering. Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate control measures. Such sedimentation basins shall have a depth of at least three (3) feet, be surrounded by snow fence or equivalent barrier, and have sufficient surface area to provide a surface-settling rate of not more than one thousand five hundred (1,500) gallons per square foot per day at the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site, a neighboring site, or the bed or banks of the receiving water. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope

chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate.

NOTE: There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low (1 gal/min), then an inclined or vertical enlargement pipe (about 8" in diameter for 1 gal/min) several feet long would be an adequate control device to restrict the discharge of one hundred (100) micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4-1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. With very large pumping rates (10,000 gal/min), sediment basins (about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three (3) feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydro-cyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices described above, but they would not be required.

(2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(3) Tracking. Each site shall have a three (3) inch graveled entrance pad of sufficient width and length to prevent sediment from being tracked into public or private roadways. Sediment reaching a public or private road shall be removed by street cleaning (not hydraulic flushing) before the end of each workday.

(4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards, and specifications.

(5) Channelized Runoff. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas.

(6) Sequenced Activities. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.

(7) Stabilized Disturbed Ground.

a. All disturbed ground and soil or dirt storage piles shall be contained on the site by filter barriers or other suitable means. The containment measures shall remain in place until the site is adequately stabilized. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching, filter barriers or covering, or other equivalent control measure.

b. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of one (1) year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

c. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slopes and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

(8) Filter Fences, Straw Bales on Slopes. Filter fences, straw bales, or equivalent control measures shall be placed continuously along all side slope and down slope sides of the site where deemed appropriate by City officials. If a channel or area of concentrated runoff passes through the site, filter barriers shall be placed continuously along the channel edges to reduce sediment reaching the channel.

(9) Soil Storage Piles. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a down slope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be

covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

(c) **Additional Erosion and Runoff Control Standards to be Met on Larger Sites.** These control standards are in addition to the minimum control standards as set forth in Subsection (b), and thus include, but are not limited to, all sites involving land divisions, subdivisions or certified survey maps [where land divisions, subdivisions or certified survey maps involve either one (1) or more acres or create five (5) or more lots or building sites], or all sites where one (1) or more acres are disturbed at a time where special circumstance due to topography, proximity to water covers, or relation to environmentally sensitive lands make the disturbance a major one, shall meet the added control plan requirements as set up by the Director of Public Works or Building Inspector. These requirements may include required public dedication of water runoff control measures. The permittee is responsible for obtaining compliance with the control plan requirements. Informal guidelines for the control plan for a major land disturbing activity are hereto attached and incorporated herein as a part of this Chapter as an addendum.

(d) **Special Circumstances.** The control standards set forth in this Chapter are intended to apply on a typical development site. When land disturbing and/or development activity is proposed for a site with extraordinary features, the Plan Commission may recommend to the Common Council and the Council, at its discretion, will require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land disturbing or development activities are proposed to occur on slopes of more than twenty percent (20%) grade in designated floodplain, wetland, or conservancy areas or in environmental corridor areas identified in the City Master Plan.

(e) **Erosion and Runoff Control by Public Dedication of Water Runoff Control.** The Common Council may require dedication of water runoff control measures. When such dedication is required, the dedicated land may also be utilized for parkland and for recreational use. Once dedicated and accepted, the City shall maintain the runoff control measures as necessary to adhere to this Chapter and any other applicable laws or contracts. The potential costs of maintaining proposed runoff control measures will be among the criteria considered in both accepting or rejecting an entire "Erosion and Runoff Control Plan" for the areas and determining whether or not to require dedication to the City of and/or all runoff control measures. In the event that the City does not require dedication of any water runoff control measures, the continued maintenance of such measures shall be assured through such means as deed restrictions, easements or a contract with the City.

SEC. 15-6-8 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.

(a) **Permit Application.** No landowner or land user, other than the City, may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Director of Public Works. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector or Director of Public Works. By submitting an application, the applicant is authorizing the Building Inspector, Director of Public Works and other designated City officials to enter the site to obtain information required for a review of the control plan.

(b) **Content of the Control Plan for Land Disturbing Activities.**

(1) Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:

- a. Site boundaries of adjacent lands which accurately identify site location;
- b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
- c. 100-year floodplains, flood fringes and floodway;
- d. Vegetative cover;
- e. Location and dimensions of Storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
- f. Locations and dimensions of utilities, structures, roads, highways, and paving; and
- g. Site topography at a contour interval not to exceed five (5) feet.

(2) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

(3) Site Construction Plan. A site construction plan including:

- a. Locations and dimensions of all proposed land disturbing activities;
- b. Locations and dimensions of all temporary soil or dirt stockpiles;
- c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter;
- d. Schedule of anticipated starting and completion date of each land disturbing or land Developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and (1)Provisions of maintenance of the construction site control measures during construction.
- e. Provisions of maintenance of the construction site control measures during construction.

(c) **Emergency Situations.** Notwithstanding the above, a private landowner or the City may commence land disturbing activity without an approved control plan where immediate action is necessary in order to respond to an existing or threatened emergency situation. When such emergency activity is undertaken, care will be taken to comply with the erosion and runoff control standards set forth in this Chapter to the fullest extent practicable under the circumstances. The Building Inspector or Director of Public Works shall be notified by the private landowner within three (3) hours after commencing such land disturbing activities under this Section.

(d) **Minor Land-Disturbing Activities - Content of Control Plan Statement.** Minor land-disturbing activities are all those activities other than those deemed to be major land-disturbing activities. For minor land-disturbing activities, an erosion control plan (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule). These documents will be used to meet the requirements of this Chapter.

(e) **Review of Major and Minor Land-Disturbing Control Plans.**

(1) Major Land Disturbing Activities. Within forty-five (45) days of receipt of a completed control plan, the Director of Public Works and Building Inspector shall determine if the requirements of this Chapter are met. The applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

(2) Minor Land Disturbing Activities. Control plan statements for minor land-disturbing activities shall be reviewed by the Building Inspector for compliance with this Chapter. The Building Inspector shall approve, reject, or conditionally approve the plan within the same number of working days as required for issuance of a building permit, but in no event more than ten (10) working days after receipt of the completed control plan statement. If the control plan statement is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

(f) **Permits.**

(1) Duration. Permits shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or Director of Public Works may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.

(2) Permit Fees - Major Land-Disturbing Activities. The application fee for a major land-disturbing activity permit shall be Twenty Dollars (\$20.00). In addition to this fee, before any permit will be issued, the applicant shall pay the actual engineering fees or expenses incurred by the City in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. These additional charges shall be determined by the Building Inspector and City Clerk-Treasurer.

(3) Permit Fees - Minor Land-Disturbing Activities. The application fee for a minor land-disturbing activity permit shall be Ten Dollars (\$10.00), except where a building permit fee is paid in connection with the same activity, then a fee of Five Dollars (\$5.00) shall be paid in order to obtain the necessary land-disturbing activity permit.

(g) **Permit Requirements - Major Land-Disturbing Activity.** All Major Land-Disturbing Activity Permits shall require the permittee to do at least the following:

(1) The applicant shall provide the City, prior to issuance of the permit, and irrevocable letter of credit, certificate of deposit or certified check to the City in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all required control measures as determined by the Director of Public Works and/or Building Inspector. The security deposited shall guarantee that all required control measures will be taken or installed

according to the approved plan. The security shall remain in full force for the entire period of the permit unless released earlier by the City. The City shall have the right to draw upon the security for the purposes of obtaining compliance with the approved Control Plan as it deems necessary, if the erosion and runoff control requirements of this Chapter are included as part of plat or certified survey map conditions of approval, then security for performance of the control requirements may be included as part of the overall security required for installation of improvements under this Code of Ordinances.

(2) Contact the Building Inspector upon completion of any control measures and at least two (2) business days prior to commencing any land disturbing activity.

(3) Obtain written permission from the Director of Public Works or Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.

(4) Install all control measures as identified in the Control Plan.

(5) Maintain all control measures as identified in the Control Plan.

(6) Repair any damage to adjoining surfaces and drainage ways resulting from any land-developing or disturbing activities on the permitted site.

(7) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.

(8) Allow the Building Inspector, Director of Public Works, or other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.

(9) Keep a copy of the approved Control Plan on site.

(h) **Permit Requirements - Minor Land-Disturbing Activity.** All Minor Land-Disturbing Activity Permits shall require the permittee to:

(1) Obtain permission in writing from the Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.

(2) Install all control measurers as identified in the approved Control Plan.

- (3) Maintain all control measures as identified in the Control Plan.
- (4) Repair any damage to adjoining surfaces and drainage ways resulting from any land-developing or disturbing activities on the permitted site.
- (5) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
- (6) Allow the Building Inspector, Director of Public Works, and other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.

SEC. 15-6-9 INSPECTION.

- (a) The Director of Public Works (City Engineer), Building Inspector or other designated City officials shall inspect all Major Land-Disturbing activities in order to ensure compliance with the Control Plan and permit.
- (b) In the case of Minor Land-Disturbing activities, the Building Inspector shall inspect sites in order to ensure compliance with the Control Plan and permit.
- (c) If the land-disturbing or land development activities are being carried out without a valid permit, i.e., unauthorized, City inspection officials may enter the land in question pursuant to the special inspection warrant provisions of Wis. Stat. § 66.0119.

SEC. 15-6-10 ENFORCEMENT.

- (a) **Violations.** No land development or land disturbing activities within the scope of this Chapter may occur without full compliance with the provisions of this Chapter. Any person who violates or fails to comply with any provision of this Chapter is subject to the enforcement and penalty provisions contained herein.
- (b) **Enforcement.** This Chapter shall be enforced consistent with the policies and purposed underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this Chapter:

- (1) Stop Work Order.

- a. A stop work order may be issued by the Director of Public Works, Building Inspector, or their authorized agents, after an inspection if:

1. Any land-disturbing or land-developing activity regulated under this Chapter is being undertaken without a permit;
2. The Control Plan is not being implemented in a good faith manner;
3. The conditions of the Permit are not being met.

b. Stop work orders may be retracted when compliance with the Chapter is obtained. The Director of Public Works, Common Council, Building Inspector, or their designee has the authority to retract a stop work order for Major Land-Disturbing activities; the Building Inspector, City Engineer, and their designees may retract stop work orders on Minor Land-Disturbing activities.

(2) Revocation of Permit. Where a stop work order has been issued in order to obtain compliance with a Control Plan, the City may revoke the Permit if the permittee does not cease the illegal activity or obtain compliance with the Control Plan or Permit conditions within five (5) days from issuance of the Stop Work Order.

(3) City to Perform Work. Five (5) days after posting a stop work order, the City may issue a notice of intent to the permittee or landowner or land user of the City's intent to perform work necessary to comply with this Chapter. Upon receipt of permission from the landowner or pursuant to a court order, the Director of Public Works and/or other designated City officials or agents, as determined by the Common Council, may go on the land and commence the work. The costs of the work performed by the City, plus interest, shall be billed to the permittee or the landowner or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the City Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stat. § 66.0703.

(4) Injunction and Other Judicial Remedies. Compliance with the provisions of this Chapter may also be obtained by the Common Council authorizing the City Attorney to commence appropriate action to enjoin violations, compel compliance, or pursue other appropriate judicial relief.

(5) Private Remedies Preserved. These enforcement provisions are not intended in any way to restrict or limit the rights of private parties to pursue whatever private legal remedies they may have available as a result of any erosion, sediment or water runoff.

(c) **Penalties.** Any person violating any provision of this Chapter shall be subject to a forfeiture as provided in Section 1-1-7. Each day a violation exists shall constitute a separate offense. Before commencing a forfeiture action, the City shall issue a written warning to the person believed to be violating the Chapter, granting the person two (2) business days in which to remedy the violation and avoid the commencement of a forfeiture action.

SEC. 15-6-11 APPEALS; VARIANCES.

(a) Appeals or Variance Requests.

(1) By Applicant or Permittee. Any aggrieved applicant, permittee or land user may appeal any order, decision, determination or inaction of the City in administering or enforcing this Chapter, or may apply for a variance from the requirements of this Chapter. A Twenty-five Dollar (\$25.00) filing fee must accompany the appeal or variance request. Appeal or variance requests must be submitted in writing, state the grounds for the appeal or variance request, and be filed with the City Clerk-Treasurer. Publication and other associated costs will be in addition to this fee and paid by the applicant.

(2) Appeal By Citizens.

a. An appeal of any order, decision, determination, or inaction of the City in administering or enforcing this Chapter may be commenced upon the filing of a petition signed by twenty-five (25) adult residents of the City and payment of a Fifty Dollar (\$50.00) fee to cover the cost of the appeal.

b. The appeal must be filed with the City Clerk-Treasurer and shall state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the City Clerk-Treasurer.

CHAPTER 7

Stormwater Management

15-7-1	Authority
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SEC. 15-7-1 AUTHORITY.

(a) This ordinance is adopted under authority granted by Wis. Stat. § 62.234 and supersedes all conflicting and contradictory stormwater management regulations previously enacted under Wis. Stat. § 62.23. Except as specifically provided for in Wis. Stat. §§ 62.234, 62.23 applies to this ordinance and any amendments thereto.

(b) The provisions of this Ordinance shall not limit any other lawful regulatory powers of the Common Council.

(c) The Common Council hereby designates the Director of Public Works to administer and enforce the provisions of this Ordinance.

(d) The requirements of this Ordinance do not limit any additional stormwater management requirements that may be imposed by a WPDES Storm Water Permit issued by the Department of Natural Resources under Wis. Stat. § 147.021.

SEC. 15-7-2 FINDINGS AND PURPOSE.

(a) Findings of Fact. The Common Council finds that uncontrolled stormwater runoff from land development activity has a significant impact upon water resources and the health, safety, general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled stormwater runoff can:

- (1) Degrade physical stream habitat by increasing bank erosion, increasing streambed scour, diminishing groundwater recharge, and diminishing stream base flows
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing loadings of nutrients and other urban pollutants;
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- (4) Reduce the quality of groundwater by increasing pollutant loading;
- (5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities;
- (6) Threaten public health, safety, property, and general welfare by increasing m flood peaks and volumes;
- (7) Undermine floodplain management efforts by increasing the incidence and level of flooding.

(b) Purpose. The general purpose of this Ordinance is to set forth stormwater requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of stormwater from land development activity. Specific purposes are to:

- (1) Further the maintenance of safe and healthful conditions;
- (2) Prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish and aquatic life;
- (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; prevent conditions that endanger downstream property;
- (4) Control building sites, placement of structures, and land uses, and promote sound economic growth.

(c) Intent. It is the intent of the Common Council that this Ordinance manage the long-term post-construction stormwater discharges from land development activities. The City recognizes that the preferred method of addressing stormwater management problems is through the preparation of comprehensive

stormwater management system plans for subwatershed areas which are designed to meet the purpose and intent of this Ordinance. Where such system plans have been developed and approved by the Common Council, it is the intent that all land development activities, as defined in Section 15-7-3(m) of this Ordinance, will include stormwater management measures that meet performance standards set forth in those approved plans. Where such stormwater management system plans have not be developed or approved by the Common Council, it is the intent that the generic stormwater management standards set forth in Sections 15-7-6(a) 15-7-6(b) of this Ordinance be applied unless otherwise excepted by the Common Council. This Ordinance shall not apply to lands on which the only structures are buildings existing on the effective date of this Ordinance which are not redevelop in a manner that increases discharge volume after the effective date of this Ordinance.

SEC. 15-7-3 DEFINITIONS.

(a) Agricultural Activity. Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption; pasturing or yarding of livestock; growing and tending of gardens and trees; harvesting of trees.

(b) Business Day. A day on which the Public Works office is routinely customarily open for business.

(c) Cease and Desist Order. An order issued by the Director of Public Works or by a Court to halt land developing activity that is being conducted without the required permit.

(d) Common Plan of Development on Sale. All lands within the boundary of a certified survey or plat created for the purpose of development or sale of property where multiple, separate and distinct land developing activity may take place at different times and on different schedules.

(e) Design Storm. A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total rain depth.

(f) Discharge Volume. The quantity of runoff discharged from the land surface as the result of a rainfall event.

(g) Financial Guarantee. A performance bond, maintenance bond, surety bond irrevocable letter of credit, or similar guarantee submitted to the City by the permit holder to assure that requirements of the Ordinance are carried out in compliance with the stormwater management plan.

(h) Grass Aggregate Area. The total area, in acres, of all land located within property boundary containing the land development activity.

- (i) Groundwater Enforcement Standard. A numerical value expressing the concentration of a substance in groundwater which is adopted under Wis. Stat. §§ 160.07 or 160.09 and Wis. Admin. Code §§ NR 140.10 or NR 140.12.
- (j) Groundwater Preventive Action Limit. A numerical value expressing the concentration of a substance in groundwater which is adopted under Wis. Stat. 160.15 and Wis. Admin. Code §§ NR 140.10, 140.12, or 140.20.
- (k) Impervious Surface. A surface that releases the rainfall as Surface runoff during a large portion of the design rainfall event. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surfaces.
- (l) Infiltration. The process by which rainfall or surface runoff percolates or penetrates into the underlying soil.
- (m) Land Development Activity. The construction or re-development of building roads, parking lots, paved and unpaved areas, and similar facilities, not including agricultural activity.
- (n) Maintenance Agreement. A legal document that is filed with the County Register of Deeds as a property deed restriction and which provides for long-term maintenance of stormwater management practices.
- (o) Non-Storm Discharge. A discharge to the storm sewer system created by some process other than stormwater runoff.
- (p) Non-Structural Measure. A practice, technique, or measure to reduce the volume peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.
- (q) Off-Site. Located outside the property boundary described in the permit application for land development activity.
- (r) Other than Residential Development. Development of the following land uses: commercial; industrial; government and institutional; recreation; transportation, communication, and utilities.
- (s) On-Site. Located within the property boundary described in the permit application for the land development activity.
- (t) Peak Flow Discharge Rate. The maximum rate of flow or surface water at which a unit volume of stormwater is discharged resulting from a storm event.

(u) Pervious Surface. A surface that infiltrates rainfall during a large portion the design rainfall event. Well-managed lawns, fields, and woodlands are examples of pervious surfaces.

(v) Post-Construction Stormwater Discharge. Any stormwater discharged from a site following the completion of land-disturbing construction activity and final site stabilization.

(w) Post-Development Condition. The extent and distribution of land cover types anticipated to occur under conditions of full development that will influence stormwater runoff and infiltration.

(x) Pre-Development Condition. The extent and distribution of land cover type present before the initiation of land development activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(y) Site Restriction. Any physical characteristic which limits the use of a stormwater best management practice as prescribed in the Wisconsin Storm Water Manual.

(z) Stormwater Management Plan. A document that identifies what actions be taken to reduce stormwater quantity and pollutant loads from land development activity to levels meeting the purpose and intent of this Ordinance.

(aa) Stormwater Runoff. That portion of the precipitation falling during a rainfall event or that portion of snow-melt that runs off the surface of the land and into natural or artificial conveyance or drainage network.

(bb) Wetlands. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which soils indicative of wet conditions. These wetlands include natural, mitigated, and restored wetlands.

(cc) Wetland Functional Value. The type, quality, and significance of the ecological and cultural benefits provided by wetland resources such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.

SEC. 15-7-4 APPLICABILITY AND JURISDICTION.

(a) Applicability. This Ordinance applies to land development activities which meet entire applicability criteria specified in this section. The Ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of

development or sale that meets any of the following applicability criteria, even through multiple, separate and distinct land development activities may take place at different times on different schedules:

- (1) Residential land development with a gross aggregate area of five acres (5) or more.
- (2) Residential land development with a gross aggregate area of at least three acres but less than five acres, if there are at least 1.5 acres of impervious surfaces.
- (3) Land development, other than a residential land development, with a gross aggregate area of 1.5 acres, if there are at least 1.5 acres or more.
- (4) Land development activity of any size that in the opinion of the Director of Public Works is likely to result in stormwater runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water which causes undue channel erosion which endangers property or public safety.
- (5) Land development activity with a gross aggregate area of .5 acres or more, but less than the area of Subsections (1), (2) or (3) above is subject to payment of fees in lieu of site stormwater management practice pursuant to Section 15-7-6 (d).

(b) Jurisdiction. This Ordinance applies to land development activities within the boundaries of the City. This Ordinance also applies to all lands located within the extraterritorial plat approval jurisdiction of the City, even if plat approval or land division is not involved.

SEC. 15-7-5 DESIGN CRITERIA, STANDARDS, AND SPECIFICATIONS.

The following methods shall be used in designing components of stormwater structures needed to meet the water quantity standards of this Ordinance:

- (a) Peak flow reducing components and all other stormwater management structures shall be designed in accordance with standard engineering practice.
- (b) Runoff volumes and peak flow rates used in designing the water quantity components of storm water structures shall be based on the principles of the document entitled "Urban Hydrology for Small Watersheds" (Technical Release 5 Engineering Division, Soil Conservation Service, United States Department of Agriculture, June 1992)."

SEC. 15-7-6 STORMWATER MANAGEMENT STANDARDS.

(a) Stormwater Discharge Quantity. Unless otherwise provided for in this Ordinance, all land development activities subject to this Ordinance shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site. Infiltration of stormwater runoff from driveways, sidewalks, rooftops, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows. On-site management practices shall be used to meet the following minimum performance standards:

(1) The peak flow discharge rates of stormwater runoff from the development shall not exceed those calculated for the series of design storms specified in Section 15-7-6(a)(2) and pre-development conditions specified in Section 15-7-6(a)(3). Discharge velocities must be non-erosive to discharge locations, outfall channels, and receiving streams.

(2) At a minimum, the 2-year/24 hour and the 10-year/24 hour design storms shall be used in comparing peak flow discharge rates for pre-development and post-development conditions. The discharge rate for a 100-year/24 hour design storm post development shall not exceed the discharge rate of a 10-year/24 hour pre-development design storm.

(3) Pre-development conditions for land developing activities shall assume a good level of land management. The Natural Resource Conservation Service TR-55 Method shall be used to calculate peak flow discharge rates and runoff volumes for the pre-development condition, for the Plymouth area. Runoff curve numbers shall not exceed the following:

Curve Number for Meadow - 58

Curve Number for Woodland - 55

Curve Number for Pasture/Grain - 61

Curve Number for Paved Roadways with Open Ditches* - 89

Curve Number for Commercial/Business Districts* - 92

Curve Number for Industrial Districts* - 88

Curve Number for Residential Districts -75

*For use with re-development projects only.

(4) Increases or decreases in the hydrology of wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using a methodology acceptable to the Director of Public Works and in conformity with Wis. Admin. Code Ch. NR 103. Significant degradation of wetland functional values shall be avoided.

(b) Exceptions. The Director of Public Works may establish stormwater management requirements either more stringent or less stringent than those set forth herein, provided that at least one of the following conditions applies:

(1) The Director of Public Works determines that an added level of protection is needed to protect sensitive resources.

(2) The Director of Public Works determines that the land development activity is covered by an approved stormwater management system plan that contains management requirements consistent with the purpose and intent of this Ordinance.

(3) Provisions are made to manage stormwater by an off-site facility, provided that all of the following conditions for the off-site facility are met:

a. The facility is in place.

b. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the requirements of this Ordinance.

c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(4) The Director of Public Works finds that meeting the minimum on-site management requirements of this Ordinance is infeasible due to space or site restrictions.

(c) Fee in Lieu of On-Site Stormwater Management Practice. Where the site meets the size criteria of Section 15-7-4(a)(5), or the Director of Public Works otherwise determines that it would be inappropriate to require a site to meet the minimum stormwater management requirements on site pursuant to Section 15-7-6(b), the applicant shall pay a fee to the City, to be used by the City exclusively for the cost of land, engineering design, construction and maintenance stormwater management practices.

(1) The fee shall be based upon the differing costs and requirements for managing stormwater arising from residential, commercial, or industrial development. The following fees in lieu of on site stormwater management practices hereby established:

Land Use:	Residential Construction Cost
	Per Acre\$ 890
	Land Cost Per Acre.....\$400
	Total Cost Per Acre\$1,290

Land Use:	Commercial & Industrial Construction	
	Cost Per Acre.....	\$1,640
	Land Cost Per Acre.....	\$1,010
	Total Cost Per Acre.....	\$2,650

(2) The fee shall be adjusted annually as of January 1 of each year by the Director of Public Works, utilizing the Consumer Price Index. All Urban Consumers for Small Metro Areas prepared by the United States Department of Labor.

(3) All such fees collected shall be placed in a designated fund to be used exclusively for the regional stormwater management practices to be constructed.

(d) General Considerations for On-Site and Off-Site Stormwater Management Measures. The following considerations shall be observed in managing stormwater runoff:

(1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge area shall be preserved and used, to the extent possible, to meet the requirements of section.

(2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

SEC. 15-7-7 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(a) Permit Required. No landowner or operator may undertake a land develop activity subject to this Ordinance without receiving a permit from the Director of Public Works prior to commencing the proposed activity.

(b) Permit Application and Fee. Unless specifically excluded by this Ordinance, any landowner or operator desiring a permit shall submit to the Director of Public Works a permit application made on a form provided by the Director of Public Works for that purpose.

(1) Unless otherwise excepted by this Ordinance, a permit application must be accompanied by the following in order that the permit application be considered the Director of Public Works: a stormwater management plan, a maintenance agreement, and a non-refundable permit administration fee.

(2) The stormwater management plan shall be prepared to meet the requirements of Section 15-7-8, the maintenance agreement shall be prepared to meet the requirements of Section 15-7-9, and the financial guarantee shall meet the intent of Section 15-7-10.

(3) Permit fees shall be as follows:

a. Stormwater Management Plan without detention plan:.....\$25.00

b. Stormwater Management Plan with detention plan:.....\$50.00

(c) Review and Approval of Permit Application. The Director of Public Works shall review any permit application that is submitted with a stormwater manage plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(1) Within five (5) business days, the Director of Public Works shall determine when the applicant has submitted a complete permit application including all items required by Section 15-7-7(b)(1). If the materials are incomplete, the Director Public Works shall inform the applicant regarding what additional materials are required.

(2) Within twenty (20) business days of the receipt of a complete permit application including all items as required by Section 15-7-7(b)(1), the Director of Public Works shall inform the applicant whether the application, plan, and maintenance agreement is approved or disapproved. The Director of Public Works shall base the decision on requirements set forth in Sections 15-7-6, 15-7-8, and 15-7-9.

(3) If the stormwater permit application, plan, and maintenance agreement are approved or if payment of fees in lieu of stormwater management practices is made when allowed, the Director of Public Works shall issue the permit.

(4) If the stormwater permit application, plan, or maintenance agreement are disapproved, the Director of Public Works shall detail in writing the reasons for disapproval.

(d) Permit Conditions. All permits issued under this Ordinance shall be subject to the following conditions, and holders of permits issued under this Ordinance shall be deemed to have accepted these conditions. The Director of Public Works may suspend or revoke a permit for violation of a permit condition following written notification of the permittee. An action by the Director of Public

Works to suspend or revoke this permit may be appealed in accordance with Section 15-7-13.

- (1) Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, State, and local laws and regulations.
- (2) The permit holder shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
- (3) The permit holder shall notify the Director of Public Works at least two (2) business days before commencing any work in conjunction with the stormwater management plan, and within ten (10) days upon completion of the stormwater management practices. If required as a special condition, the permit holder shall make additional notifications according to a schedule set forth by the Director of Public Works so that practice installations can be inspected during construction.
- (4) Stormwater management practice installations required as part of this Ordinance shall be certified 'as built' by a licensed professional engineer. Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and Ordinance. The administering authority shall notify the permit holder in writing of any change required in such practices to bring them into compliance with the conditions of this permit.
- (5) The permit holder shall notify the Director of Public Works of any significant modifications it intends to make to an approved stormwater management plan. The Director of Public Works may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution.
- (6) The permit holder shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the City, or are transferred to subsequent private owners specified in the approved maintenance agreement.
- (7) The permit holder authorizes the City to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special charge against the property as authorized under Wis. Stats. § 66.0627 or to charging such cost against the financial guarantee posted under Section 15-7-10.

(8) If so directed by the Director of Public Works, the permit holder shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by stormwater runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(9) The permit holder shall permit property access to the Director of Public Works or designee for the purpose of inspecting the property for compliance or for performing work to bring the property into compliance with the approved stormwater management plan and this permit.

(10) Where a stormwater management plan involves changes in direction, increase in peak rate and/or total volume of runoff from a site, the Director of Public Works may require the permittee to make appropriate legal arrangements with adjacent property owners concerning the prevention of endangerment to property or public safety.

(11) The permit holder is subject to the enforcement actions detailed in Section 5-7-11 if the permit holder fails to comply with the terms of this permit.

(e) Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works notifies the permit holder that all stormwater management practices have passed the required final inspection. If work is not commenced within one hundred eighty (180) days, the permit shall expire. The Director of Public Works may attach additional conditions before reissuing a permit.

SEC. 15-7-8 STORMWATER MANAGEMENT PLANS.

(a) Plan Requirements. The stormwater management plan required under Sect 15-7-7(b) shall contain any information the City may need to evaluate the environmental characteristics of the area affected by land development activity, the potential impacts of the proposed development upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this Ordinance. Unless specified otherwise by this Ordinance, stormwater management plans shall contain at a minimum the following information:

(1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

(2) A proper legal description of the property proposed to be developed reference to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat. Include a USGS 7.5 minute topographical map showing the property boundaries of the proposed development.

(3) Pre-development site conditions, including:

a. One or more site maps at a scale of not less than one inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and conditional topographic contours of the site at a scale not to exceed two feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, amid from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each; watershed boundaries used in determinations of peak flow discharge rates discharge volumes from the site; lakes, streams, wetlands, channels, ditches, an other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells located within 1,200 feet of stormwater detention ponds, infiltration basins, or infiltration trenches; delineation of wellhead protection area delineated pursuant to Wis. Admin. Code § NR 811-16.

b. Computations of peak flow discharge rates and discharge volumes for the 2-year/24 hour, 10-year/24 hour, and 25-year/24 hour design storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-reference the required map(s).

(4) Post-development site conditions, including:

a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surf waters and wetlands.

b. Explanation of any restrictions on stormwater management measures in the development area imposed by Wellhead protection plans and Ordinances.

c. One or more site maps at a scale of not less than one inch equals 100 feet showing: revised previous land use including vegetative cover type and condition impervious land use including all buildings, structures, and pavement; revised topographic contours of the site at a scale not to exceed two (2) feet; revised drainage network including enough of the contiguous properties to show runoff patterns through, around, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area, location and type of conveyance system that will carry runoff from the drainage area and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed bound used in determinations of peak flow discharge rates and discharge volumes; any changes to lakes, streams, wetlands, channels, ditches, and other watercourses immediately adjacent to the site.

d. Computation of the runoff volume resulting from the 1.5 inch rainfall and computations of peak flow discharge rates and discharge volumes for the 2-year/24 hours, 10-year/24 hours and 25-year/24 hours storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making time calculations shall be clearly cross-referenced to the required(s).

e. Results of investigations of soils and groundwater required for the placement design of stormwater management measures.

f. Results of impact assessments on wetland functional values.

g. Design computations and all applicable assumptions for the stormwater conveyance (open channel, closed pipe) system.

h. Design computations and all applicable assumptions for stormwater quality practices (sedimentation type, filtration-type, infiltration-type) as needed to show that practices are appropriately sized to accommodate runoff from the 1.5 inch rainfall. For practice designs that depart from those specified in the "Wisconsin Storm Water Manual, Part 2," the results of continuous simulation modeling, conducted according to the guidelines established in this manual, shall be present in such a way as to show the reduction in

average annual total suspended solids loading from the developed site.

i. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.

(5) A storm water practice installation schedule.

(6) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

(7) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

(8) Other information as needed by the Director of Public Works to determine compliance of the proposed stormwater management measures with the provision of this Ordinance.

(9) All site investigations, plans, designs, computations, and drawings shall be certified by a professional engineer, to be prepared in accordance with accepted engineering practice and in accordance with The Wisconsin Storm Water Manual, Part Two: Technical Design Guidelines for Storm Water BMP's (latest edition).

(b) Exceptions. The Director of Public Works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-7-6 (c) of this Ordinance.

SEC. 15-7-9 MAINTENANCE AGREEMENT.

(a) Maintenance Agreement Required. The maintenance agreement required stormwater management practices under Section 15-7-7(b) shall be an agreement between the City and the permittee to provide for maintenance of stormwater practices beyond the duration period of this permit. The agreement shall be recorded with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.

(b) Agreement Provisions. The maintenance agreement shall contain the following information and provisions:

(1) Identification of the stormwater facilities and designation of the drainage are served by the facilities.

(2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan.

(3) Identification of the landowner(s), organization or municipality responsible for long-term maintenance of the stormwater management practices.

(4) The landowner(s), organization, or municipality shall maintain stormwater management practices in accordance with the schedule included in the agreement.

(5) The City is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(6) The City shall maintain public records of the results of the site inspections, shall inform the party responsible for maintenance of the inspection results, and specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.

(7) That if the City notifies the party responsible for maintenance of the stormwater management system of maintenance problems which require correction, the specified corrective actions shall be taken within a reasonable time frame as by the Director of Public Works.

(8) The City is authorized to perform the corrected actions identified in the inspection report if the party responsible for maintenance does not make the required corrections in the specified time period. The City Clerk/Treasurer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. § 66.0627.

SEC. 15-7-10 FINANCIAL GUARANTEE.

(a) Establishment of the Guarantee. The City may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the City Attorney, and which generally shall be an irrevocable letter of credit. The financial guarantee shall be in an amount determined by the Director of Public Works, to be the estimated cost of construction and the estimated cost maintenance during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City the authorization to use the funds to complete the project if the landowner defaults or does not properly implement the approved stormwater management plan.

(b) Conditions for Release. Conditions for the release of the financial guarantee are as follows:

(1) The Director of Public Works shall release the portion of the financial guarantee established to assure installation of stormwater practices, minus any costs incurred by the City to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Director of Public Works may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(2) The Director of Public Works shall release the portion of the financial security established to assure maintenance of stormwater practices, minus any costs incurred by the City, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

SEC. 15-7-11 ENFORCEMENT AND PENALTIES.

(a) Any land development activity initiated after the effective date of this Ordinance by any person, firm, association, or corporation subject to the Ordinance provision shall be deemed a violation unless conducted in accordance with said provisions.

(b) The Director of Public Works shall notify the responsible owner or operator by certified or registered mail of any non-complying land development activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(c) Upon receipt of written notification from the Director of Public Works, the permit holder shall correct work which does not comply with the stormwater management plan or other provisions of this permit. The permit holder shall make corrections necessary to meet the specifications and schedule set forth by the Director of Public Works in the notice. The permit holder shall initiate such corrective action within 24 hours of notification by the City.

(d) If the violations to this Ordinance are likely to result in damage to properties, public facilities or waters of the State, the Director of Public Works or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City, plus interest and legal costs, shall be billed to the owner of title of the property, and if not paid shall be entered on the tax rolls and collected as a special charge pursuant to Wis. Stats. § 66.0627.

(e) The Director of Public Works is authorized to post a stop work order on all land development activity in violation of this Ordinance or to request the City Attorney to obtain a cease and desist order.

(f) The Director of Public Works may revoke a permit issued under this Ordinance for any non-compliance with Ordinance provisions.

(g) Any permit revocation, stop work order, or cease and desist order shall remain effect unless retracted by the Director of Public Works or by a Court of competent jurisdiction.

(h) The Director of Public Works is authorized to refer any violation of this Ordinance or of a stop work order or cease and desist order issued pursuant to the provisions of this Ordinance to the City Attorney for the commencement of further legal proceedings.

(i) Any person, firm, association, or corporation who does not comply with the provisions of this Ordinance shall be subject to a forfeiture of not less than Five Hundred Dollars (\$500.00) per day for each day of violation. Every violation of this Ordinance is a public nuisance. Compliance with this Ordinance may be enforced by injunctive order at the suit of the City pursuant to Wis. Stats, § 62.23(8). It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

(k) When the Director of Public Works determines that the holder of a permit issued pursuant to this Ordinance has failed to follow practices set forth in the stormwater management plan or has failed to comply with schedules set forth in said stormwater management plan, the Director of Public Works or a party designated the Director of Public Works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works shall keep a detailed accounting of time costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guarantee posted pursuant to Section 15-7-10. Where such a guarantee has not been established, or where such guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property pursuant to Wis. Stats. § 66.0627 and collected with any other taxes levied thereon for the year in which the work is completed.

SEC. 15-7-12 APPEALS.

(a) Board of Appeals. The zoning Board of Appeals shall hear and decide appeals whether it is alleged that there is error in any order, decision, or determination made by the Director of Public Works in administering this Ordinance. The Board of Appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals.

(b) Variances. The Board of Appeals may authorize variances from the provisions of this Ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the Ordinance will result in unnecessary hardship.

SEC. 15-7-13 SEVERABILITY.

If any section, clause, provision or portion of this Ordinance is judged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in force and not be affected by such judgment.

History: Ord. 10, 2010; Ord. 2, 2011; Ord. 11, 2012; Ord. 4, 2014; Ord. 8, 2016