

TITLE 15

Building Code

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Building 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 Village of Winneconne" 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.**
 - (1) New buildings hereafter erected in, or any building hereafter moved within or into the Village, 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. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and, use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
 - (2) This Code applies to all dwellings, commercial buildings/structures, decks, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings.
 - (3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

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 Village 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 Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
 - a. New buildings.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for re-siding. Exempted are finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector [see Subsection (f) below].
 - d. Permits are required for replacement of major building equipment including furnaces, central air conditioners, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.

- e. Any electrical wiring for new construction or remodeling.
- f. Any HVAC for new construction or remodeling.
- g. Any plumbing for new construction or remodeling.
- h. Exempt are normal repairs performed in Subsection (a)(1)e-g.
- i. Roofing shall be governed by Subsection (f)(2).

(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 exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. **Alterations 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 assessed 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.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board.

(d) 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 and a receipt for payment of electrical hookup is presented to the Building Inspector.

(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.

(e) Plans. With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, signature of the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. [Grades are approved by the Director of Public Works; zoning setbacks are approved by the Zoning Administrator.] Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce [commercial buildings in excess of twenty-five thousand (25,000) cubic feet]. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09(4), Wis. Adm. Code.

(f) Waiver of Plans; Permit Exceptions for Minor Repairs and Roofing.

(1) Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Five Hundred Dollars (\$500.00) or One Thousand Dollars (\$1,000.00) in the case of storm damage.

(2) Minor Repairs. The following projects do not require a building permit:

- a. Minor repairs and alterations costing less than Five Hundred Dollars (\$500.00) which do not change occupancy, area, structural strength, fire protection, exits, natural light or ventilation.

(g) Approval of Plans.

(1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said

building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(h) Inspections.

- (1) The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Winneconne. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "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."
- (2) The following inspections shall be requested forty-eight (48) hours (business work) in advance by the applicant/contractor or property owner as applicable:
 - a. Footing/foundation.
 - b. Rough carpentry, HVAC, electric and plumbing.
 - c. Underfloor plumbing/electric service.
 - d. Insulation.
 - e. Final carpentry, HVAC, electric and plumbing.
 - f. Erosion control.

FFailure to request any inspection will be the responsibility of the contractor and/or property owner.

(i) Sec. 15-1-9 Disclaimer on Inspections.

- (j) The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Winneconne. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "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."

- (l) Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced and completed within twelve (12) months for additions/remodeling and twenty-four (24) months for new home construction from the date of issuance thereof. If said permit does lapse, the property owner shall be responsible to obtain a new permit. If after obtaining

a second permit for the same project, the said project is still not completed within twelve (12) months of renewal, the structure will be considered in violation and a citation will be issued.

(m) Revocation of Permits.

(1) The Building Inspector or the Village Board may revoke any building, plumbing 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 or construction has been issued to him/her.
- 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 or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her 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 therefor, 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 reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

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

(1) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Adopted.

(a) Adoption of Codes.

The following Wisconsin Administrative Codes and subsequent revisions are adopted for

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municipal enforcement:

Chs. SPS 305	Administrative
Chs. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 326	Inspection Certification
Chs. SPS 367	Rental Unit Energy Efficiency
Chs. SPS 369	Barrier Free Design
Ch. SPS 370	Historic Building Code
Chs. SPS 381-386	Uniform Plumbing Code

- (2) Chapter SPS 350 through SPS 366, Wis. Adm. Code (Wisconsin State Building Code), SPS 375-379, Wis. Adm. Code (Existing Buildings Code) and SPS 370, Wis. Adm. Code (Historic Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of building to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the Building Inspector.
- (3) By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes and subsequent revisions are also adopted and incorporated by reference:
- IBC. The International Building Code® - 2000, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
 - IECC. The International Energy Conservation Code ® - 2000, subject to the modifications specified in SPS 363, Wis. Adm. Code.
 - IMC. The International Mechanical Code ® - 2000, subject to the modifications specified in SPS 364, Wis. Adm. Code.
 - IFGC. The International Fuel Gas Code ® - 2000, subject to the modifications specified in SPS 365, Wis. Adm. Code.
 - IEBC. International Existing Building Code.
- (4) 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 this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Building Inspector's Office.
- (b) Scope of Uniform Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of the following:
- (1) Additions.** Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
 - (2) Detached Garages.** Detached garages greater than two hundred (200) square feet serving one and two family dwellings. Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten (10) wire mesh. The slab shall be provided with a thickened edge

all around, eight (8) inches wide and eight (8) inches below the top of the slab.
(Exempted are "frost free footings" for detached residential accessory buildings) SPS 322, Wis. Adm. Code, shall not apply.

- (3) **Other Detached Accessory Buildings.** Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow Subsection (b)(2) above and/or SPS 321, Wis. Adm. Code.
- (c) **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 assessed value of the structure, said value to be determined by the Village Assessor.
 - (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 Section 15-1-2 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.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) **Department.** The State of Wisconsin.
 - (4) **Dwelling.**
 - 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.** 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 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.** An individual, partnership, firm or corporation.
 - (8) **Uniform Dwelling Code.** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the chapters of the Wisconsin Administrative Code:
Wis. Adm. Code Chapter SPS 305 – Administrative
Wis. Adm. Code Chapter SPS 316 - Electrical

Wis. Adm. Code Chapter SPS 320 - Administrative and Enforcement
Wis. Adm. Code Chapter SPS 321 - Construction Standards
Wis. Adm. Code Chapter SPS 322 - Energy Conservation Standards
Wis. Adm. Code Chapter SPS 323 - Heating, Ventilating and Air Conditioning
Wis. Adm. Code Chapter SPS 324 - Electrical Standards
Wis. Adm. Code Chapter SPS 325 - Plumbing and Potable Water Standards
Wis. Adm. Code Chapter SPS 382 - 387 – Plumbing

(e) Method of Enforcement.

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories required by the Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heading work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a file for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters SPS 350 - 364, Wis. Adm. Code (Wisconsin State 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. 350 to 364 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 350 to 364 and amendments thereto shall be kept on file with the Building Inspector.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. SPS 381, SPS 382, SPS 383 and SPS 325 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 Village. 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.** Wis. Adm. Code SPS 316, and the currently adopted

version of the National Electric Code (2009), and all future amendments thereto, 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.

- (d) Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State 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 Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 Electrical Permits and Inspections.

- (a) State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code. A copy of such code shall be kept on file in the office of the Village Clerk-Treasurer.
- (b) Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.
- (c) Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall inspect the same within forty-eight (48) hours of receipt of notification that a project is ready for inspection. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he/she finds that the work conforms to the State Electrical Code, he/she shall issue a statement or record of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until the Inspector's approval, inspection report, sticker or written notification has been issued.

Sec. 15-1-6 Plumbing Permits and Inspections.

- (a) Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:
- (1)** As defined in Sec. 145.01(1)(a), (c), (d) and (e), Wis. Stats.
 - (2)** The installation or alteration of any water supply or waste pipe including the removal and/or replacement of any plumbing fixture.
- (b) Inspectors.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his/her examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of SPS 382.21, Wis. Adm. Code, is necessary, he/she may require a water or air test on all or part of the installation.
- (c) Applications and Permits.**

- (1) **Application.** No plumbing shall be installed in the Village without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the Village before such building may be connected to the Village sewer or water system. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except 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/her home.
- (2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No Charge shall be made for such permit, and but the applicant shall furnish a bond when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.

Sec. 15-1-7 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 Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations) 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.
- (d) 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 Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations). The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Commerce (formerly the State Department of I.L.H.R.).

Sec. 15-1-8 Unsafe Buildings.

Whenever the Building Inspector or Village Board find any building or part thereof within the Village of Winneconne to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

Sec. 15-1-9 (Saved for Future Use)

Sec. 15-1-9 Disclaimer on Inspections.

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

Chapter: "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. 15-1-10 Garages.

(a) Definitions. As used in this Chapter:

- (1) Attached Private Garage.** A private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or a private garage so constructed as to form an integral part of the principal building.
- (2) Detached Private Garage.** A private garage entirely separated from the principal building.
- (3) Three-Quarter-Hour Fire Resistive Construction.** Construction which shall include the following assemblies and materials:
 - a** Two (2) inch brick/masonry or stone veneer.
 - b** Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
 - c** Five-eighths (5/8) inch of vermiculite plaster board.
 - d** Five-eighths (5/8) inch fire code gypsum plaster board.

(b) Locations.

- (1)** Unless otherwise regulated under applicable zoning, detached garages shall be located not less than ten (10) feet from any residence building unless placed on a permanent frost proof foundation.

(c) Footings and Foundations.

- (1) Detached Garage.** Detached private garages, two hundred (200) square feet or more in floor area, shall have, at a minimum, a reinforced concrete floor not less than four (4) inches thickness. Detached private garages of less than two hundred (200) square feet may be constructed on a reinforced concrete slab not less than four (4) inches in thickness.
- (2) Attached Garages.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building.
- (3) 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.

(d) Construction.

- (1) All Private Garages.** Private garages shall be constructed as follows:
 - a** Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
 - b** Detached private garages of wood frame construction shall be constructed with the following minimum requirements:
 1. Studs may have a maximum spacing of twenty-four (24) inches on centers.
 2. Diagonal corner bracing may be applied on the inside surface of studs or structural sheathing on corners.
 3. Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.

4. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
- c Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.
- (2) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:
 - a All walls in common with a principal building on attached private garage shall be of not less than three-quarter (3/4) hour fire resistive construction on garage interior.
 - b An attached private garage may have a door connecting directly into the principal building, provided that the door be rated as a twenty (20) minute fire retardant door.

Sec. 15-1-11 Regulation and Permit for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Village of Winneconne shall apply for and obtain a demolition permit from the Building Inspector prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
 - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.1, and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
 - (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and

shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than ten (10) consecutive days after demolition is completed.

- (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
- (1) 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.
 - (2) 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.
 - (3) All debris must be hauled away at the end of each week for the work that was done on that week. 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.
 - (4) 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.
 - (5) 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. 15-1-12 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring 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 (including for sewer and water lateral excavations) 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 before workers leave the job site.
- (c) Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than sixty (60) days shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats and the Cost Recovery Determination Formula found in Village Ord. Sec. 1-3-2.
- (d) Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

Sec. 15-1-13 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 Village 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) Sump Pump Discharge.

(1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall within sixty (60) days of installation discharge into a storm sewer wherever available. Storm sewers shall be considered "available":

- a In existing streets with storm sewers when storm sewer laterals are installed.
- b In non-existing streets and in existing streets without storm sewers when storm sewers are installed.

(2) Storm sewers shall not be considered "available" in existing streets with storm sewers until such time as sewer laterals are installed. If no storm sewer is available sump pumps shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than ten (10) feet from the building and is above permanent grade.

(3) No sump discharge shall be allowed to flow on or across a public sidewalk.

(4) No sump discharge or clear water drain shall be allowed to discharge at a point that allows for water to drain onto an adjacent property.

(5) The provisions contained herein shall be in addition to those required and imposed by the State Plumbing Code, Chapters SPS381, SPS382 and SPS383, Wis. Adm. Code, and Chapter 145, Wis. Stats., and shall not amend or alter the provisions therein except insofar as is necessary for the application and enforcement of this Subsection.

(f) Conducting Tests. If the Building Inspector or his/her 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/she 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.

Sec. 15-1-14 Duplex and Multi-Service Connections.

- (a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one (1) unit without disturbing the second unit.
- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

Sec. 15-1-15 Regulations for Moving Buildings.

(a) General Requirements.

(1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Village of Winneconne without first obtaining a

permit therefor from the Building Inspector and upon the payment of the fee as determined by Village Board. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

- (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.

- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized assessed value and no permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Village Assessor.
- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (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 Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be

disregarded.

(f) Bond.

(1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Winneconne 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 Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(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.

(g) Insurance. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.

(h) Village Board Approval.

(1) No such permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village Board, which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within

a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of Village Clerk-Treasurer who shall send a copy of it to the Building Inspector and applicant.

Sec. 15-1-16 Pole Barn/Shed Buildings in the Village.

No structure or accessory building shall be erected in any residential zoning district within the Village of Winneconne using pole barn/shed type construction. No building permit shall be issued for such a structure.

Cross-Reference: Village Zoning Code.

Sec. 15-1-17 Construction Sites; Maintaining Clean Streets.

Village streets are to be kept clean of dirt and debris from all construction sites. The primary contractor and/or permit applicant (owner) for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Village of Winneconne will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor and/or permit applicant (owner) for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-3-1.

Sec. 15-1-18 Fees.

- (a) **Permit Fees.** Fees for permits issued pursuant to this Section shall be based on the square footage of the work to be done. This value will be based on current costs of construction as determined by the Building Inspector. Permit fees shall be as determined by Village Board.
- (b) **Administrative Fee.** In addition to the permit fee, an administrative fee will be charged based on the following formula: 10% of permit fee.
- (c) **Commencing Work without a Permit.** If the required permit is not obtained prior to commencement of construction or installation, the above fees shall be doubled.

Sec. 15-1-19 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. 15-1-20 Penalties and Violations.

(a) Violations. 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 Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this 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 Village 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) Compliance; Penalties.

- (1)** If an inspection reveals a noncompliance with this Chapter 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 prior to continuing on to the next phase of construction.
- (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 period, shall constitute a separate offense. Nothing in this Chapter shall preclude the Village 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. In addition, the violator may be subject to a forfeiture as prescribed in Section 1-3-1.

(c) Appeals.

- (1)** Any person feeling aggrieved by an order or determination of the Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Commerce for a UDC interpretation.
- (2)** 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) Liability. Except as may otherwise be provided by the Statute or Ordinance, no officer, agent

or employee of the Village of Winneconne charged with the enforcement of this Chapter shall render himself/herself 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/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

Title 15 Chapter 2

Construction Site and Stormwater Runoff Management

Article A Construction Site Erosion Control

- 15-2-1 Authority
- 15-2-2 Findings and Purpose
- 15-2-3 Applicability of Regulations
- 15-2-4 Definitions
- 15-2-5 Design Criteria, Standards and Specifications for Control Measures
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Article B Stormwater Runoff Management

- 15-2-20 Authority
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Sec. 15-2-1 Authority.

This Article is adopted pursuant to the guidelines in Sec. 61.354, Wis. Stats and Wis Adm Code NR151, hereby incorporated by reference..

Sec. 15-2-2 Findings and Purpose.

- (a) **Findings.** The Village Board of the Village of Winneconne finds that soil erosion from land disturbing activities and subsequent development can disturb natural cover and land surfaces resulting in a change of run-off patterns that may have a detrimental effect on water quality and downstream uses. Land disturbing activities and subsequent development need to be strictly regulated to avoid damage to other properties and sensitive areas. Further, effective sediment and storm water management depends upon proper planning, design and timely installation of conservation practices, as well as continuing maintenance practices.
- (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 Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment, soil loss, and other pollutants carried by runoff or discharge from land disturbing activities and subsequent development of the property to lakes, streams and wetlands.

Sec. 15-2-3 Applicability of Regulations.

This Article applies to any land disturbing activity occurring anywhere within the territorial limits of the Village and publicly- or privately-owned lands within the extraterritorial plat review jurisdiction of the Village which involve an area in excess of four thousand (4,000) square feet or involve activity on a slope of greater than ten percent (10%) grade which may have off site impacts, excluding agricultural activities. This Article shall not apply to construction sites regulated by the Wisconsin Uniform Dwelling Code ("UDC"), although the Village shall regulate these sites during the period that residential building permits are in effect under the provisions of Section 15-1-3 of this Municipal Code consistent with then-existing UDC regulations. In addition, this Article applies to activities unrelated to actual building construction such as, but not limited to, land disturbing activity prior to excavation for foundation work, landscaping, installation of driveways, parking areas and sidewalks, extensive earth work on sites not directly related to structural concerns, developments of ponds and channelized water courses, commercial parks and landing strips or airport runways. The Village may enter into intergovernmental cooperative agreements pursuant to Sec. 66.0103, Wis. Stats., with other governmental entities to enhance enforcement of these requirements.

Sec. 15-2-4 Definitions.

- (a) **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.
- (b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (c) **Erosion Control Measure.** A control measure used to meet the requirements of Section 15-2-7 of this Code of Ordinances.
- (d) **Control Measure.** A practice or combination of practices to control erosion and attendant

pollution.

- (e) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Article submitted by the applicant for review and approval by the Building Inspector and/or Village Engineer.
- (f) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (g) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (h) **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.
- (i) **Landowner.** Any person holding title to or having any interest in land.
- (j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
- (k) **Plan.** The erosion control plan required by Section 15-2-7 of this Code of Ordinances.
- (l) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (m) **Sensitive Area.** Lakes, perennially flowing and intermittent streams or wetlands.

Set of Average Annual Rainfall dataOne (1) Year Design Storms. The following Rain intensities and rain volumes or corresponding values specific to the community for the storm durations necessary for determination of post-construction stormwater management shall comply with NR151.12 Wis Adm Code. These values shall be obtained from the Wisconsin Water Science Center of the USGS files for the nearest referenced regional area which for the year 2012 included Green Bay, Wisconsin, or as most recently advised from the WDNR. 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:

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average Total Rain (Inches)
0.5	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
24	0.1	2.3

- (n) **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.
- (o) **Soil Loss Rate.** The rate, measured in tons per acre per year, at which soil movement occurs as a result of sheet and rill erosion and does not apply to ditches or areas of concentrated flows.

15-2-5 Design Criteria, Standards and Specifications for Control Measures.

All control measures required to comply with this Article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and/or Village Engineer.

Sec. 15-2-6 Maintenance of Control Measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Article 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. 15-2-7 Requirement for Specific Erosion Control Plans.

(a) Applicability. Activities on public lands and on all private lands shall be subject to this Article if:

- (1) There is a subdivision of land or a land division, as those terms are defined in Chapter 236, Wis. Stats., and Title 14 of this Code of Ordinances.
- (2) An area of four thousand (4,000) square feet or greater will be disturbed by grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activities, or activities on a slope of ten percent (10%) or more.
- (3) Excavation, filling or a combination thereof exceeds four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
- (4) Any public street, highway, road or bridge is to be constructed, enlarged, relocated or substantially reconstructed.
- (5) Any public or private utility laying, repairing, replacing or enlarging an underground pipe or facility for a distance of three hundred (300) feet or more.

(b) General Plan Requirements.

(1) **Generally.** Erosion control plans required under Section 15-2-7(a) may include consideration of adjoining landowners' cooperative efforts to control transport of sediment, and shall include the items required in Section 15-2-7(c) or Section 15-5-7(b)(3) as applicable.

(2) **Plan Elements.** All erosion control plans shall include the following elements:

- a. Site boundaries superimposed on a USGS 7.5 minute topographical map;
- b. Cross sections of road and drainage ditches;
- c. Profiles within road and drainage ditches;
- d. Culvert sizes;
- e. Direction of flow of run-off;
- f. Watershed size for each drainage area;
- g. Design discharges for ditches and structural measures;
- h. Run-off velocities for particular projects:
 1. The standard design shall include run-off velocities for the two (2) year twenty-four (24) hour storm event;
 2. Designs of detention basins shall include, in addition to the two (2) year twenty-four (24) storm, run-off velocities for the ten (10) year twenty-four (24) hour

storm event;

- i. Fertilizer, mulching and seeding rates and recommendations;
 - j. Time schedules for stabilization of ditches and slopes;
 - k. Plans shall adhere to the following minimum standards:
 - 1. Prevent gully erosion and limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative rate not to exceed fifteen (15) tons per acre per year for construction commencing between May 1 and October 31 each year and not to exceed seven and one-half (7.5) tons per acre per year for construction commencing between November 1 and April 30 each year. Where sites are located adjacent to or directly drain into sensitive areas, the annual, cumulative rate shall not exceed seven and one-half (7.5) tons per acre per year regardless of the starting date for the project;
 - 2. Plan compliance under Subsection (b)(2)k.1. shall be determined using the Soil Conservation Service technical guide or other commonly accepted soil erosion control methodology approved by the Village Engineer, which includes the following considerations: season of year; site characteristics; soil erodibility and slope; and
 - 3. For internally drained sites, erosion control measures for plan approval need not attempt to regulate soil transportation within the limits of the disturbed area;
 - l. Description of methods by which sites are to be developed, indicating how the project will be phased to minimize the extent of area disturbed throughout the construction period;
 - m. A proposed timetable of steps to mitigate the erosion caused by land disturbing activity, in a manner consistent with accepted erosion control methods suitable to the specific site, including a timetable for prompt revegetation;
 - n. Provisions to ensure no increase in surface water drainage from sites during or after construction, unless water is discharged into existing, adequate drainage areas, specifying all- storm water management controls such as outlet control structures or basins necessary to comply with maximum permitted discharges;
 - o. Provisions to prevent mud-tracking off-site onto public thoroughfares during the construction period;
 - p. Special provisions for erosion control practices and maintenance on sites with disturbed slopes greater than ten percent (10%); and
 - q. Special provisions for erosion control practices and maintenance on sites adjacent to wetlands or surface water bodies; and any proposed modifications to approved plans or alterations to accepted sequencing of land disturbing activities at the site shall be approved by the Village Engineer prior to implementation of said changes.
- (3) **Content of Standard Erosion Control Plan for Land Disturbing Activity.** Applicants submitting erosion control proposals not meeting the criteria for a simplified plan checklist under Section 15-2-7(c) shall submit the following:
- a. 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:
 - 1. Site boundaries of adjacent lands which accurately identify site location;
 - 2. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site;
 - 3. One hundred (100) year floodplains, flood fringes and floodways;

4. Location of the predominant soil types;
 5. Vegetative cover;
 6. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
 7. Locations and dimensions of utilities, structures, roads, highways and paving; and
 8. Site topography at a contour interval not to exceed two (2) feet.
- b. Plan of Final Site Conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes.
- c. Site Construction Plan.** A site construction plan including:
1. Locations and dimensions of all proposed land disturbing activities;
 2. Locations and dimensions of all temporary soil or dirt stock piles;
 3. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Article;
 4. Schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of erosion control measures needed to meet the requirements of this Article; and
 5. Provisions of maintenance of the erosion control measures during construction and until permanent cover is well established.
- (c) Simplified Plan Checklist.** Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices to be installed on sites, on a standard form approved by the Village, wherever the following conditions exist:
- (1) The site is not more than twenty thousand (20,000) square feet in area;
 - (2) The site is not adjacent to and does not directly drain into any sensitive areas nearby; and
 - (3) There is a slope of less than ten percent (10%) throughout the site.

Sec. 15-2-8 Administration.

- (a) Application.** No person may begin a land disturbing or a land development activity subject to this Article, and no person shall receive a zoning permit without having received prior approval of an erosion control plan pursuant to Section 15-2-7. The applicant shall submit an application for an erosion control plan along with a proposed erosion control plan and pay an application fee as determined by Village Board. By submitting an application, the applicant authorizes Village enforcement officials to enter the site to obtain specific information required for an informed review of the erosion control plan.
- (b) Review.** Within twenty (20) days of receipt of the application, the Village shall review the application. A simplified plan checklist pursuant to Section 15-2-7(c) may be reviewed by the Zoning Administrator, other staff or a Building Inspector certified by the Wisconsin Department of Commerce to review such plans. In all other cases, erosion control plans shall be reviewed by the Village Engineer. If the application and proposed plan are deficient, the approving official shall inform the applicant, in writing, of any deficiency and may either ask for additional information or disapprove the plan, giving written reasons for the disapproval. All deficiencies in the application and in the erosion control plan shall be corrected before an erosion control permit or a zoning permit is issued.
- (c) Duration of Erosion Control Permit.** Any erosion control permit issued shall be valid for a period of one hundred eighty (180) days. Upon application, the Village Engineer may extend

the period for an additional one hundred eighty (180) days, and may require additional erosion control measures as a condition for the extension if necessary to meet the requirements of this Article. The applicant shall not be required to pay any additional fee for any extension granted.

- (d) **Surety.** As a condition of approval and issuance of an erosion control permit, the Village Engineer may require the applicant to deposit a surety bond, irrevocable letter of credit or other form of surety satisfactory in form and amount to the Village Attorney to assure execution of the approved erosion control plan and any conditions upon the erosion control permit.
- (e) **Conditions of Permit.** All erosion control permits shall require the permittee to:
- (1) Notify the Building Inspector at least forty-eight (48) hours prior to commencing any land disturbing activity;
 - (2) Notify the Building Inspector of completion of any erosion control measures within ten (10) days after their installation;
 - (3) Obtain written permission from the Building Inspector and/or Village Engineer prior to modifying the erosion control plan;
 - (4) Install all erosion control measures identified in the approved erosion control plan;
 - (5) Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the erosion control plan;
 - (6) Promptly repair any situation or erosion damage to adjoining services and drainageways resulting from the land disturbing or land developing activities regulated under the terms of the erosion control plan, initiating the repair within twenty-four (24) hours of notice of the situation or erosion damage;
 - (7) Inspect the erosion control measures after each rain of one-half (1/2) inch or more and at least once per week, and to initiate repairs within twenty-four (24) hours;
 - (8) Allow the Building Inspector and/or Village Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan and for performing any work necessary to bring the site into compliance with the erosion control plan;
 - (9) Keep a copy of the erosion control plan on the site.

NOTE: These standards conditions shall be stated on the face of any permit issued by the Village.

- (f) **Implementation of Plan.** The erosion control plan shall be implemented prior to the start of any land disturbing or land developing activity, and shall be maintained throughout the entire term of such activity. The applicant is responsible for successful completion of the erosion control plan as approved. Upon issuance of the permit, the permittee shall be liable for any and all costs incurred resulting from noncompliance with the permittee's approved plan. When a permittee seeks to transfer an interest in property subject to an approved erosion control plan prior to completion of the steps necessary to attain soil stabilization, the permittee must secure approval from the Village to transfer any portion of the permittee's responsibility for implementing the approved plan to another party.

Sec. 15-2-9 Enforcement.

- (a) **Inspections.** As part of the plan approval process, the Building Inspector shall establish a minimum number of inspections to be conducted consistent with the land disturbing or land developing activity proposed to be undertaken.

(b) Verification. Within ten (10) days after completion of installation of all required erosion control measures in an approved plan, and when soil stabilization has been achieved, the permittee shall notify the Village to arrange a final inspection to verify plan compliance. This inspection shall not relieve the permittee from the responsibility to maintain erosion control measures or uphold plan requirements as set forth in Section 15-2-7(b).

(c) Noncompliance.

- (1)** If an inspection reveals any noncompliance with an approved erosion control plan, the Building Inspector shall notify the permittee by certified or registered mail of all specific instances of noncompliance. The notice shall describe the nature of the violation, remedial actions needed, a schedule of remedial action and additional enforcement action which may be taken.
- (2)** Upon receipt of written notification from the Building Inspector, the permittee shall bring the work into compliance with the erosion control plan as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice. The permittee shall initiate such corrective action within twenty-four (24) hours of notification by the Village.
- (3)** If violations of this Article are likely to result in damage to properties, public facilities or waters of the Village and/or state, the Building Inspector or designee may enter the land and take emergency actions necessary to prevent such damage. The cost incurred by the Village, plus interest and legal costs, " shall be billed to the owner of record title of the property and, if not paid, shall be entered on the tax rolls and collected as a special charge pursuant to Sec. 66.0627, Wis. Stats.

(d) Stop Work Orders.

- (1)** The Building Inspector shall issue and post a stop work order under any one of the following circumstances:
 - a.** Any land disturbing or land developing activity regulated under this Article is being undertaken without a permit;
 - b.** Any noncompliance with an approved erosion control plan in which the permittee has failed to initiate corrective action within twenty-four (24) hours or to follow the specifications and schedule set forth by the Building Inspector under Section 15-2-9(c), above.
 - c.** The Building Inspector may revoke approval of the plan issued under this Article for noncompliance with the provisions of this Article.
 - d.** Any erosion plan revocation, stop work order or cease and desist order shall remain in effect unless retracted by the Building Inspector or of a Court of competent jurisdiction.
 - e.** The Building Inspector is authorized to refer any violation of this Article, or of a stop work order or cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- (2)** Upon issuance of a stop work order, the only permissible activity on the project shall be actions to bring the project into compliance with the approved plan following the specifications and schedule set forth by the Building Inspector, or actions to assure issuance of an approved erosion control plan until such time as the Building Inspector certifies compliance.

(e) Injunction. Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by an action for an injunction by the Village pursuant to Sec. 62.23(8), Wis.

Stats. It shall not be necessary for the Village to prosecute for forfeiture pursuant to Section 15-2-9(f) before resorting to injunctive proceedings.

(f) Forfeitures. Any person violating any of the provisions of this Article shall also be subject to a forfeiture, with penalties as provided in Section 1-1-6.

(g) Transfers of Ownership.

(1) When a permittee transfers ownership, possession or control of property subject to an uncompleted erosion control plan, the party who is successor in interest to any portion of said real estate shall bear responsibility to control soil erosion on that portion of the real estate under the successor's ownership, possession or control, and shall comply with the standards provided in this Article.

(2) When ownership, possession or control of property subject to an uncompleted erosion control plan is transferred from one (1) party to another, the former owner shall notify the party taking possession as to the current status of compliance with the approved erosion control plan, also providing a copy of said notice to the Building Inspector, and shall provide a copy of the approved erosion control plan to the purchaser if the soil on the property being transferred has not been stabilized prior to the date of transfer.

(3) Transfers of interest in real estate subject to an approved, uncompleted erosion control plan may be completed consistent with this Article under any of the following circumstances:

- a. The transferee shall file a new, approved erosion control plan;
- b. The transferee shall obtain an approved assignment from the Village as subpermittee to complete that portion of the approved erosion control plan for the transferred property; or
- c. The permittee shall provide the Village with a surety or a cash deposit in an amount sufficient to complete the work proposed in the approved plan. At the time of transfer, the permittee may seek to reduce any prior surety to the amount necessary to complete the remaining work. If the permittee enters into escrow agreements with transferees to complete an approved plan, such escrowed amounts shall be available to the Village to attain plan compliance. When an approved erosion control plan is not completed as proposed, the Building Inspector may obtain the surety to complete remaining work to achieve plan compliance.

Sec. 15-2-10 Appeals.

(a) Appeals. The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector or Village Engineer in administering this Article. Upon appeal, the Board of Appeals may authorize variances from the provisions of this Article which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship. The Board of Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.

(b) Who May Appeal. Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector and/or Village Engineer in administering this Article.

Sec. 15-2-11 through Sec. 15-2-19 Reserved for Future Use.

Sec. 15-2-20 Authority.

- (a) This Article is adopted by the Village Board under the authority granted by Sec. 61.354, Wis. Stats. This Article supersedes any conflicting and contradictory stormwater management regulations previously enacted under Sec. 61.35, Wis. Stats. Except as specifically provided for in Sec. 61.354, Wis. Stats., Sec. 61.35, Wis. Stats., applies to this Article and to any amendments to this Article.
- (b) The provisions of this Article shall not limit any other lawful regulatory powers of the Village Board.
- (c) The Village Board hereby designates the Building Inspector to administer and enforce the provisions of this Article.
- (d) The requirements of this Article do not limit any additional stormwater management requirements that may be imposed by WPDES Storm Water Permits issued by the Wisconsin Department of Natural Resources under Sec. 147.021, Wis. Stats.

Sec. 15-2-21 Findings and Purpose.

- (a) **Findings of Fact.** The Village Board 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 stream bed 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 major flood peaks and volumes;
 - (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (b) **Purpose.** The general purpose of this Article 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 Village Board that this Article manage the long-term post-construction stormwater discharges from land development activities. The Village Board 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 Article. Where such system plans have been developed and approved by the Village Board, it is the intent that all land development activities, as defined in Section 15-2-23(e), will include stormwater management measures that meet performance standards set forth in those approved plans. Where such stormwater management system plans have not been developed or approved by the Village Board, it is the intent of the Village Board that the generic stormwater management standards set forth in Sections 15-2-26(a) and 15-2-26(b) be applied unless otherwise excepted by the Village Board. This Article shall not apply to lands on which the only structures are buildings existing on the effective date of this Article which are not redeveloped in a manner that increases discharge volume after the effective date of this Article.

Sec. 15-2-22 General Applicability of Regulations.

This Article applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats.

Cross-Reference: Section 15-2-24.

Sec. 15-2-23 Definitions.

(a) **The following definitions are applicable in this Article:**

- (1) **Agricultural Land 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.
- (2) **Business Day.** A day on which the Village offices are routinely and customarily open for business.
- (3) **Cease and Desist Order.** An order issued by the Building Inspector or by a Court to halt land developing activity that is being conducted without the required permit.
- (4) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (5) **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.
- (6) **Control Plan.** Plan containing the necessary calculations and design implementation procedures to assure the requirements of this Article will be met.
- (7) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total rainfall depth.
- (8) **Discharge Volume.** The quantity of runoff discharged from the land surface as the result

of a rainfall event.

- (9) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (10) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantee submitted to the Village by the permit holder to assure that requirements of this Article are carried out in compliance with the stormwater management plan.
- (11) **Gross Aggregate Area.** The total area, in acres, of all land located within the property boundary containing the land development activity.
- (12) **Groundwater Enforcement Standard.** A numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.07, Wis. Stats., and NR 140.10, Wis. Adm. Code, or Sec. 160.09, Wis. Stats., NR 140.12, Wis. Adm. Code.
- (13) **Groundwater Preventive Action Limit.** A numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.15, Wis. Stats., and NR 140.10, 140.12 or 140.20, Wis. Adm. Code.
- (14) **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.
- (15) **Infiltration.** The process by which rainfall or surface runoff percolates or penetrates into the underlying soil.
- (16) **Land Developing Activity.** The construction or re-development of buildings, roads, parking lots, paved and unpaved areas and similar facilities, but not including agricultural activity.
- (17) **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.
- (18) **Landowner.** Any person holding title to or having any interest in land.
- (19) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
- (20) **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.
- (21) **Non-Storm Discharge.** A discharge to the storm sewer system created by some process other than stormwater runoff.
- (22) **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.
- (23) **Off-Site.** Located outside the property boundary described in the permit application for land development activity.
- (24) **On-Site.** Located within the property boundary described in the permit application for the land development activity.
- (25) **Other than Residential Development.** Development of the following land uses: commercial; industrial; government and institutional; recreation; transportation, communication and utilities.

- (26) **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.
- (27) **Pervious Surface.** A surface that infiltrates rainfall during a large portion of the design rainfall event. Well managed lawns, fields and woodlands are examples of pervious surfaces.
- (28) **Post-Construction Stormwater Discharge.** Any stormwater discharged from a site following the completion of land disturbing construction activity and final site stabilization.
- (29) **Post-Development Condition.** The extent and distribution and land cover types, anticipated to occur under conditions of full development, that will influence stormwater runoff and infiltration.
- (30) **Pre-Development Condition.** The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (31) **Pre-Treatment.** The treatment of stormwater prior to its discharge to the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.
- (32) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (33) **Site Restriction.** Any physical characteristic which limits the use of a stormwater best management practice as prescribed in the Wisconsin Storm Water Manual.
- (34) **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. [The ten (10) year storm is a storm with a frequency of ten (10) years and would be equaled or exceeded, on the average, once every ten (10) years. A ten (10) year storm would have a ten percent (10%) probability of being equaled or exceeded in any given year.]
- (35) **Stormwater Drainage System.** All facilities used for the conducting of runoff to, through or from a drainage area to the point of final outlet including, but not limited to, the following: conduits, canals, channels, ditches, streams, culverts, reservoirs, detention ponds, storm sewers and pumping stations.
- (36) **Stormwater Management Plan.** A document that identifies what actions will be taken to reduce stormwater quantity and pollutant loads from land development activity to levels meeting the purpose and intent of this Article.
- (37) **Stormwater Management System Plan.** A comprehensive plan developed to address stormwater drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this Article.
- (38) **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 the natural or artificial conveyance or drainage network.
- (39) **Structural Measure.** Source area practices, conveyance measures, and end-of-pipe treatment that are designed to control stormwater runoff pollutant loads, discharge volumes, and peak flow discharge rates.
- (40) **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 has soils indicative of wet conditions. These wetlands include natural, mitigated and restored wetlands.
- (41) **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.

- (42) **WPDES Stormwater Permit.** A permit issued by the Wisconsin Department of Natural Resources under Sec. 147.021, Wis. Stats., that authorizes the point source discharge of stormwater to waters of the state.

Sec. 15-2-24 Applicability and Jurisdiction.

- (a) **Applicability.** This article applies to land development activities which meet the applicability criteria specified in this Section. The Article 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 though 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 (5) acres or more;
 - (2) Residential land development with a gross aggregate area of at least three (3) acres, but less than five (5) acres, if there are at least one and one-half (1.5) acres of impervious surfaces;
 - (3) Land development, other than a residential land development, with a gross aggregate area of one and one-half (1.5) acres or more, or any nonresidential land development which creates an impervious area of one-half (.5) acres or more;
 - (4) Land development activity of any size that, in the opinion of the Village Engineer, 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 increases water pollution by scouring or the transportation of particulate matter or which endangers property or public safety.
 - (5) Land development activity with a gross aggregate area of one-half (.5) acres or more, but less than the area of Subsection (a)(1), (2) or (3) above is subject to payment of fees in lieu of on-site stormwater management practice pursuant to Section 15-2-26(d).
- (b) **Jurisdiction.** This Article applies to land development activities within the boundaries of the Village. This Article also applies to all lands located within the extraterritorial plat approval jurisdiction of the Village, even if plat approval or land division is not involved.

Sec. 15-2-25 Design Criteria, Standards and Specifications.

Unless prior authorization is given by the Building Inspector, the following methods shall be used in meeting the requirements of this Article:

- (a) **Water Quality Components.** The following methods shall be used in designing components of stormwater structures needed to meet the water quality standards of this Article:
- (1) Practices shall be designed in accordance with the methods set forth in the latest edition of the Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's as published and amended by the State of Wisconsin Department of Natural Resources.
 - (2) Runoff volumes and peak flow rates used in designing the water quality components of stormwater structures shall be calculated using the "Small Storm Hydrology" method set forth in the latest edition of the Wisconsin Storm Water Manual, Part 2: Technical Design

Guidelines for Storm Water BMP's as published and amended by the State of Wisconsin Department of Natural Resources.

- (b) Water Quantity Components.** The following methods shall be used in designing components of stormwater structures needed to meet the water quantity standards of this Article.
- (1) Peak flow reducing components and all other stormwater management structures shall be designed in accordance with standard engineering practice.
 - (2) 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 55: Engineering Division, Soil Conservation Service, United States Department of Agriculture, June 1992)."

Sec. 15-2-26 Stormwater Management Standards.

(a) Stormwater Discharge Quantity. Unless otherwise provided for in this Article, all land development activities subject to this Article 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 15-226(a)(2) and pre-development conditions specified in Section 15-2-26(a)(3). Discharge velocities must be non-erosive to discharge locations, outfall channels and receiving streams.
- (2) At a minimum, the two (2) year/twenty-four (24) hour, the ten (10) year/twenty-four (24) hour and twenty-five (25) year/twenty-four (24) hour design storms shall be used in comparing peak flow discharge rates for pre-development and post-development conditions.
- (3) Pre-development conditions for land developing activities shall assume a "good" level of land management. WinSLAMMThe 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 Village of Winneconne area. NRCS curve numbers shall not exceed the criteria within NR151 or the most recent version following:

NRCS Curve Number for Meadow	58
NRCS Curve Number for Woodland	55
NRCS Curve Number for Pasture/Grain	61
NRCS Curve Number for Paved Roadways with Open Ditches*	89
NRCS Curve Number for Commercial/Business Districts*	92
NRCS Curve Number for Industrial Districts*	88
NRCS 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 Village Engineer and in conformity with NR 103, Wis. Adm. Code. Significant degradation of wetland functional values shall be avoided.

(b) Stormwater Discharge Quality. Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the quality of stormwater discharged from the site. On-site management practices shall be used to meet the following minimum standard:

- (1)** Stormwater discharges shall be treated to remove, on an average annual basis, a minimum of eighty percent (80%) of the total suspended solids load. To achieve this level of control, stormwater practices shall be designed to accommodate, at a minimum, the runoff volume resulting from one and one-half (1.5) inches of rainfall.
- (2)** Discharge of urban stormwater pollutants to wetlands shall be minimized. Where such discharges are proposed, the impact of the proposed discharge on wetland functional values shall be assessed using a method acceptable to the Village Engineer and in conformity with NR 103, Wis. Adm. Code. At a minimum, stormwater discharges shall be pre-treated prior to discharge to wetlands. Significant degradation of wetland functional values due to stormwater pollutant loads shall be avoided.
- (3)** Stormwater discharges shall be pre-treated prior to infiltration where necessary to prolong maintenance of the infiltration practice and to prevent discharge of stormwater pollutants at concentrations that will result in exceedances of groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in NR 140, Wis. Adm. Code. Stormwater shall not be injected underground through excavations or openings that would violate NR 812.05, Wis. Adm. Code.
- (4)** Stormwater ponds and infiltration devices shall not be located closer to water supply wells than indicated below without first notifying the Building Inspector:
 - a.** One hundred (100) feet from a well serving a private water system or a transient, non-community public water system;
 - b.** One thousand two hundred (1,200) feet from a well serving a municipal public water system, an other-than municipal water system, or a non-transient non-community public water system;
 - c.** The boundary of a recharge area to a wellhead identified in a wellhead area protection plan.

(c) Exceptions. The Building Inspector may establish stormwater management requirements either more stringent or less stringent than those set forth in Sections 15-2-26(a) and (b), provided that at least one (1) of the following conditions applies:

- (1)** The Village Engineer determines that an added level of protection is needed to protect sensitive resources.
- (2)** The Village Engineer 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 Article.
- (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 Article.

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

(4) The Village Engineer finds that meeting the minimum on-site management requirements of this Article is infeasible due to space or site restrictions.

(d) Fee in Lieu of On-Site Stormwater Management Practice.

(1) Where the site meets the size criteria of Section 15-2-24(a)(5), or the Building Inspector otherwise determines that it would be inappropriate to require a site to meet the minimum stormwater management requirements on site pursuant to Section 15-2-26(c), the applicant shall pay a fee to the Village, to be used by the Village exclusively for the cost of land, engineering design, construction and maintenance of stormwater management practices.

(2) The fee shall be based upon the differing costs and requirements for managing stormwater arising from residential, commercial or industrial development. Based upon a study by the Village Engineer, the following fees in lieu of onsite stormwater management practices are hereby established:

Land Use	Construction Cost/Per Acre (\$)	Land Cost/Per Acre (\$)	Total Cost/Per Acre (\$)
Residential	890	400	1,290
Commercial & Industrial	1,640	1,010	2,650

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

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

(e) General Consideration 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 areas shall be preserved and used, to the extent possible, to meet the requirements of this 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. 15-2-27 Permitting Requirements; Procedures and Fees.

(a) Permit Required. No landowner or operator may undertake a land development activity subject to this Article without receiving a permit from the Building Inspector prior to commencing the proposed activity.

(b) Permit Application and Fee.

(1) Unless specifically excluded by this Article, any landowner or operator desiring a permit shall submit to the Building Inspector a permit application made on a form provided by the Building Inspector for that purpose.

(2) Unless otherwise accepted by this Article, a permit application must be accompanied by

the following in order that the permit application be considered by the Building Inspector: a stormwater management plan, a maintenance agreement, and a nonrefundable permit administration fee as determined by Village Board.

- (3) The stormwater management plan shall be prepared to meet the requirements of Section 15-2-28, the maintenance agreement shall be prepared to meet the requirements of Section 15-2-29, and the financial guarantee shall meet the intent of Section 15-2-30.
- (c) **Review and Approval of Permit Application.** The Building Inspector shall review any permit application that is submitted with a stormwater management plan, maintenance agreement and the required fee. The following approval procedure shall be used:
 - (1) Within five (5) business days, the Building Inspector shall determine whether the applicant has submitted a complete permit application, including all items required by Section 15-2-27(b)(1). If the materials are incomplete, the Building Inspector 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 15-2-27(b)(1), the Building Inspector shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The Building Inspector shall base the decision on requirements set forth in Sections 15-2-26, 15-2-28 and 15-2-29.
 - (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 Building Inspector shall issue, the permit.
 - (4) If the stormwater permit application, plan or maintenance agreement are disapproved, the Building Inspector shall detail in writing the reasons for disapproval.
- (d) **Permit Conditions.** All permits issued under this Article shall be subject to the following conditions, and holders of permits issued under this Article shall be deemed to have accepted these conditions. The Building Inspector may suspend or revoke a permit for violation of a permit condition, following written notification of the permittee. An action by the Building Inspector to suspend or revoke this permit may be appealed in accordance with Section 15-2-33.
 - (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 Building Inspector 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 notification according to a schedule set forth by the Building Inspector so that practice installations can be inspected during construction.
 - (4) Stormwater management practice installations required as part of this Article 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 this Article. The administering authority shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

- (5) The permit holder shall notify the Building Inspector of any significant modifications it intends to make to an approved stormwater management plan. The Building Inspector 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 Village, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (7) The permit holder authorizes the Village 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 Sec. 66.0627, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-2-30(a).
 - (8) If so directed by the Building Inspector, 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 Building Inspector 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, increases in peak rate and/or total volume of runoff from a site, the Building Inspector 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 15-2-31 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 Building Inspector 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 Building Inspector may attach additional conditions before reissuing a permit.

Sec. 15-2-28 Stormwater Management Plans.

- (a) **Plan Requirements.** The stormwater management plan required under Section 15-2-27(b) shall contain any information the Village 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 Article. Unless specified otherwise by this Article, 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 referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat. Include a USGS seven and one-half (7.5) minute topographical map showing the property boundaries of the proposed development.
- (3) Pre-development site conditions, including:
 - a. One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (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 condition; topographic contours of the site at the scale not to exceed two (2) feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and 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 and discharge volumes from the site; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the one hundred (100) year floodplain; location of wells located within one thousand two hundred (1,200) feet of stormwater detention ponds, infiltration basins, or infiltration trenches; delineation of wellhead protection areas delineated pursuant to NR 811.16, Wis. Adm. Code.
 - b. Computations of peak flow discharge rates and discharge volumes for the two-(2) year/twenty-four (24) hour, ten- (10) year/twenty-four (24) hour, and twenty-five-(25) year/twenty-four (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-referenced to 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 surface waters and wetlands.
 - b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and Village ordinances.
 - c. One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing: revised pervious 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 onto, through, 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 and treatment practices to the nearest adequate outlet

- such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes; any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
- d. Computation of the runoff volume resulting from the one and one-half (1.5) inch rainfall, and computations of peak flow discharge rates and discharge volumes for the two- (2) year/twenty-four (24) hours, ten- (10) year/twenty-four (24) hours and twenty-five- (25) year/twenty-four (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 the calculations shall be clearly cross-referenced to the required map(s).
 - e. Results of investigations of soils and groundwater required for the placement and 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 one and one-half (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 presented 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 stormwater 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 Building Inspector to determine compliance of the proposed stormwater management measures with the provisions of this Article.
 - (9) All site investigations, plans, designs, computations, and drawings shall be certified by a competent 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 Building Inspector may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-2-26(c).

Sec. 15-2-29 Maintenance Agreement.

- (a) Maintenance Agreement Required.** The maintenance agreement required for stormwater management practices under Section 15-2-27(b) shall be an agreement between the Village 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 area 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 Village 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 Village shall maintain public records of the results of the site inspections, shall inform the party responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
- (7) That if the Village 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 set by the Building Inspector.
- (8) The Village 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 Village Treasurer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Sec. 66.0627, Wis. Stats.

Sec. 15-2-30 Financial Guarantee.

(a) Establishment of the Guarantee. The Village will require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Attorney. The financial guarantee shall be in an amount determined by the Building Inspector, to be the estimated cost of construction and the estimated cost of maintenance during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village 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 Building Inspector shall release the portion of the financial guarantee established to assure installation of stormwater practices, minus any costs incurred by the Village to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Building Inspector may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

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

Sec. 15-2-31 Enforcement and Penalties.

- (a) Any land development activity initiated after the effective date of this Article by any person, firm, association, or corporation subject to the Article provisions shall be deemed a violation unless conducted in accordance with said provisions.
- (b) The Building Inspector 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 Building Inspector, 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 as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice. The permit holder shall initiate such corrective action within twenty-four (24) hours of notification by the Village.
- (d) If the violations to this Article are likely to result in damage to properties, public facilities or waters of the state, the Building Inspector or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village, 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 Sec. 66.0627, Wis. Stats.
- (e) The Building Inspector is authorized to post a stop work order on all land development activity in violation of this Article, or to request the Village Attorney to obtain a cease and desist order.
- (f) The Building Inspector may revoke a permit issued under this Article for non-compliance with Article provisions.
- (g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Building Inspector or by a Court of competent jurisdiction.
- (h) The Building Inspector is authorized to refer any violation of this Article, or of a stop work order or cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this Article shall be subject to a forfeiture as specified in Section 1-3-1.
- (j) Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by injunctive order at the suit of the Village pursuant to Sec. 62.23(8), Wis. Stats. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.
- (k) When the Building Inspector determines that the holder of a permit issued pursuant to this Article 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 Building Inspector or a party designated by the Building Inspector 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 Building Inspector shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guarantee posted pursuant to Section 15-2-30. Where such a guarantee has not been established, or where such a 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 Sec. 66.0627, Wis. Stats., and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 15-2-32 Appeals.

- (a) **Board of Appeals.** The Board of Appeals, created under the Village Zoning Ordinances, pursuant to Sec. 62.23(7)(e), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in administering this Article. 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 Article which are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Article will result in unnecessary hardship.

Sec. 15-2-33 Severability.

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

Sec. 15-2-34 through Sec. 15-2-39 Reserved for Future Use.

Sec. 15-2-40 Fees.

- (a) **Fees for Erosion Control Plans.** Each applicant desiring to undertake a regulated activity subject to this Chapter shall submit to the Building Inspector a fee as determined by Village Board and listed in Section 1-3-1 fee schedule:
 - (1) Simplified Plan Checklists.
 - (2) Sites Larger Than Twenty Thousand (20,000) Square Feet in Area and Two (2) Acres or Less in Area.
 - (3) Sites Larger Than Two (2) Acres in Area and Five (5) Acres or Less in Area.
 - (4) Sites Larger Than Five (5) Acres in Area. The applicant shall be responsible for paying a fee equal to the actual cost to the Village for all engineering work and inspections incurred by the Village in connection with review of the erosion control plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay an estimated fee. Following review of the plan, the Village Engineer shall estimate the total cost of the Engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the estimated fee deposited with the application, the Building Inspector shall require the applicant to deposit with the Village Treasurer, in escrow, the remaining sum required by the Village Engineer's estimate.

- (b) Fees for Stormwater Management Plans.** Each applicant desiring an activity regulated by Title 15, Chapter 5, Article B, shall submit to the Building Inspector a fee required by the Village Board as laid out in the fee schedule under 1-3-1:
- (1)** Stormwater Management Plan without detention plan.
 - (2)** Stormwater Management Plan with detention plan.
- (c) Payment; Accountability.** The Village Treasurer shall pay bills submitted for engineering and inspection out of the funds escrowed under Section 15-2-40(a)(4). In the event the amount deposited with the Village Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Building Inspector shall require the permittee to replenish the escrow to the original amount required hereunder. Upon final acceptance of implementation of the erosion control plan, the amounts remaining in the escrow shall be refunded to the applicant. An accounting of all fees paid by the Village and the status of the escrow shall be provided to the permittee at least quarterly. In the event the applicant or permittee defaults in establishing or replenishing the escrow, the Village may take enforcement action as contemplated under Section 15-2-9.

Title 15 Chapter 3

Historic Preservation

- 15-3-1** Declaration of Public Policy and Property
- 15-3-2** Definitions
- 15-3-3** Power and Duties of Historic Preservation Commission;
- 15-3-4** Criteria for Determining Eligibility
- 15-3-5** Procedure for Designation of Sites, Structures, Landmarks and Districts
- 15-3-6** External Alteration of Designated Property
- 15-3-7** Review of Permits
- 15-3-9** Designation of Repository for Documents

Sec. 15-3-1 Declaration of Public Policy and Property.

The Village Board hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

- (a) Safeguard the cultural resources of the Village of Winneconne by preserving sites, structures, landmarks and districts which reflect elements of the Village's cultural, social, economic, political, visual or architectural history.
- (b) Protect and enhance the Village's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- (c) Foster civic pride in the beauty and notable achievements of the past.
- (d) Enhance the visual and aesthetic character, diversity and interest of the Village.
- (e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the Village with respect to the cultural, civic, architectural and historic heritage of the Village.

Sec. 15-3-2 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (a) **Commission.** The Historic Preservation Commission created hereunder, which for purposes of this Chapter shall be the Plan Commission.
- (b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the Village, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- (c) **Historic District.** An area of the Village which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the Village zoning map.
- (d) **Historic Property.** Any area, place, structure, land or other object which has been duly designated by the Village Board; this includes prehistoric aboriginal sites; a natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event; man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the Village.

Sec. 15-3-3 Powers and Duties of Historic Preservation Commission

(a) Composition.

- (1) The Village Board shall establish a five (5) member Historic Preservation Commission (one Village Trustee and four citizens) vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Commission will act in an advisory capacity to the Village

Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village.

- (2) Members of the Historical Preservation Commission shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a. Active interest in the historic preservation of the Village of Winneconne.
 - b. Knowledge of the history of the Village and its environs.
 - c. Expertise and knowledge concerning architecture and archeology.
 - d. Ability to utilize authoritative resources concerning historic preservation.
 - (3) The term of office for each commission member will be (2) two years with the exception of the Village trustee whose term will be one (1) year.
 - (4) The Historic Preservation Commission shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (5) The Historic Preservation Commission shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Commission. A quorum shall consist of three (3) members.
 - (6) The Village Board and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Commission in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- (b) Register of Historic Properties and Districts.** The Commission shall maintain a register of historic properties and districts.
- (c) Subcommittees.** The Historic Preservation Commission shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.
- (d) Funding.** As it deems advisable, the Historic Preservation Commission is empowered to solicit and receive funds for the purpose of preservation of historic properties of the Village. Funds for such purposes shall be placed in the general fund restricted for use by the Commission.

Sec. 15-3-4 Criteria for Determining Eligibility.

In determining the eligibility of any area, site, place, building, structure or district within the Village as a historic site, the Historic Preservation Commission shall consider the following factors with respect to eligibility:

- (a) Its character, interest or value as a part of the history or cultural heritage of the Village, State or United States.
- (b) Its association with the persons or events, which have made a significant contribution to the cultural heritage.
- (c) Its potential to yield information important in history or prehistory.
- (d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- (e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the Village.

Sec. 15-3-5 Procedures

(a) Designation of Historic Structures and Historic Sites.

- (1) The Commission shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
- (2) The Commission may, after notice and public hearing, designate historic properties or rescind such designation or recommendation after application of the criteria in sec. 15-3-4 above. At least 10 days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the Village Clerk, who are owners of property in whole or in part abutting the property proposed.
- (3) The Commission shall then conduct such public hearing and, in addition to the notified person, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may designate the property as either a historic property or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Village Clerk and the Building Inspector.
- (4) The cost of the proceedings, including publication, witness and recording fees shall be paid by the property owner if he/she is requesting the action by the Commission. If the Commission is requesting action the costs associated will be paid by the Village.

(b) Recognition of Historic Properties

- (1) At such time as a historic property or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property a suitable plaque declaring that such property is a historic structure, site or district. The property owner shall pay for the plaque if the historic designation was requested by the owner, the Village will pay for the plaque in all other instances.

Sec. 15-3-6 External Alteration of Designated Property.

The owner of designated property needs to shall report any planned external alteration which will require a building permit including window replacement and, including total demolition, to the respective property to the Historic Preservation Commission for review and recommendation. The Historic Preservation Commission will-base its recommendation according to the guidelines set forth in The Secretary of the Interior's Standards for Rehabilitation.

Sec. 15-3-7 Review of Permits.

- (a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Village Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Commission shall make a recommendation to the Village Board concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Commission shall act promptly in its consideration of an application, for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the

Village Board within thirty (30) days. The Village Board will vote to decide if the permit will be issued or denied at their next regularly scheduled meeting.

- (c) The Historic Preservation Commission may also recommend to the Village Board variations which are comparable to the proposed changes if the Village Board determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Commission will be allowed another thirty (30) days to determine such variations. The Commission's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- (d) The Village Board, in considering the recommendations of the Historic Preservation Commission, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse effect, the Village Board shall consider the following factors:
 - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Commission shall be required.

Sec. 15-3-9 Designation of Repository, for Documents.

The Village of Winneconne Municipal Building is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.

Title 15 Chapter 4

Minimum Housing Code

- 15-4-1** Title; Purpose; Policy Construction and Scope
- 15-4-2** Definitions
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- 15-4-4** Notices; Appeals; Review
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Sec. 15-4-1 Title; Purpose; Policy Construction and Scope.

- (a) **Title.** This Chapter shall be known and cited as the "Minimum Housing Code" of the Village of Winneconne.
- (b) **Purpose.** The purpose of this Chapter is to prevent the deterioration of residential units and neighborhoods and to insure a minimum level of housing standards for the residents of the Village of Winneconne. Such units or neighborhoods could become so dilapidated and neglected that they jeopardize or are detrimental to the health, safety, morals and general welfare of the people of the Village, or to the economic values of adjoining property. The adoption and subsequent enforcement of this Chapter is therefore deemed essential to the public interest. It shall be reasonably construed to maintain a pleasant, safe and healthful environment, and to help insure the maintenance of property values within the Village of Winneconne.
- (c) **Scope.** This Chapter shall pertain to all dwellings in the Village of Winneconne except one-family owner-occupied dwellings.

Sec. 15-4-2 Definitions.

- (a) **Applicability.** The following definitions shall apply in the interpretation and enforcement of this Chapter:
 - (1) **Apartment Hotel.** Same as "hotel."
 - (2) **Approved.** In accordance with the regulations established by Village ordinance or Code of Ordinances, and authority designated by law to enforce such ordinance or Code provision.
 - (3) **Basement.** A typically defined structure lying below the main floor of a home and may or may not have a separate entrance and utilities.
 - (4) **Bath.** A bathtub or shower stall properly connected with both hot and cold water lines.
 - (5) **Bathroom.** A non-habitable room within a dwelling unit which is used, or intended to be used, primarily for bathing and/or toilet purposes, and which contains, in good working condition, a toilet, lavatory, bathtub or shower facilities.
 - (6) **Bedroom.** A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room. Bedroom, however, shall not be interpreted so as to prohibit efficiency apartments.
 - (7) **Village.** The Village of Winneconne, Wisconsin.
 - (8) **Communal.** Used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.
 - (9) **Deadbolt Locking Device.** Any keyed, mortised lockset with at least a 3/4 inch bolt capable of being opened from the inside by a single turn of a knob.
 - (10) **Dwelling.** A structure or portion thereof designed or used exclusively for human habitation, but not including home/house trailers, mobile homes, hotels, motels, boarding and lodging houses.
 - (11) **Dwelling, Single-Family.** A structure on a single lot containing one (1) dwelling unit and surrounded by open space or yards, and which is not attached to any other dwelling by any means.
 - (12) **Dwelling, Two-Family.** A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from

ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

- (13) **Dwelling, Multiple-Family or Apartment Building.** A residential structure, or portion of a structure, containing three (3) or more dwelling units served by a common entrance, or a structure designed for occupancy by three (3) or more families.
- (14) **Dwelling, Manufactured Home.** A dwelling structure which is certified and labeled as a manufactured home under 42 USC Secs. 5401 to 5426, which, when placed on a site:
- a. Is set on an enclosed foundation in accordance with Sec. 70.043(1), Wis. Stats., and Subchapters III, IV and V of Ch. SPS 321, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Village's Building Inspector.
 - b. Is installed in accordance with the manufacturer's instructions.
 - c. Is properly connected to utilities.
- (15) **Dwelling Unit.** A room or suite of rooms used as a single-family dwelling including bath and culinary facilities.
- (16) **Efficiency Apartment.** A dwelling unit consisting of one habitable room.
- (17) **Extermination.** The control and elimination of insects, rodents or other pests by elimination of their harborage places, by removing or making inaccessible material that may serve as their food, by poisoning, spraying, trapping or by any other recognized and legal elimination methods approved by Village officials.
- (18) **Family.** One or more persons related by blood, marriage, adoption, foster care, or a group of not more than four (4) persons who need not be related, living together as a single housekeeping organization and using common kitchen facilities.
- (19) **Garbage.** The animal and vegetable waste resulting from the preparation, handling, cooking and consumption of food.
- (20) **Habitable Room.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyers, communication corridors, closets and storage spaces.
- (21) **Hotel.** A structure in which lodging, or boarding and lodging, are provided and offered to the public for compensation, and which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. As such, it is open to the public unlike a rooming house, which is herein separately defined.
- (22) **Motel.** A structure in which lodging, or boarding and lodging, are provided and offered to the public for compensation, and which ingress and egress to and from individual rooms are made through the outside.
- (23) **Infestation.** The presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.
- (24) **Inoperable Vehicle.** Any unregistered or disassembled vehicle (automobile, truck, van, motorcycle, etc.), or any vehicle unable to move under its own power, or any vehicle not able to be used legally on any public street in accordance with the provisions of Chapters 347 and 348, Wis. Stats., TRANS 305, Wis. Adm. Code, or this Code of Ordinances.
- (25) **Kitchen.** A habitable room or area used or intended to be used for cooking or the preparation of meals.
- (26) **Nuisance.** For the purposes of this Minimum Housing Code shall be defined as follows:
- a. Whatever is dangerous to human life or is detrimental to health.
 - b. Any attractive nuisance which may prove detrimental to children whether in a building

or upon a lot. This includes any abandoned wells, shafts, basements, and excavations; or any abandoned refrigerators and inoperable motor vehicles; or any structurally unsound structures; or any lumber, trash, debris, or vegetation which may prove a hazard for inquisitive minors.

- c. Overcrowding a room with occupants.
 - d. Insufficient ventilation or illumination.
 - e. Inadequate or unsanitary sewerage or plumbing facilities.
 - f. Uncleanliness.
 - g. Whatever renders air, food or drink unwholesome or is detrimental to the health or human beings.
 - h. Unsafe or dangerous wiring.
 - i. Any other conditions defined elsewhere in this Code of Ordinances as a nuisance.
- (27) **Occupant.** Any person living, sleeping or eating, or having actual possession of a dwelling unit or rooming unit.
- (28) **Operator.** Any person who is in charge or control of a building or part thereof in which dwelling units or rooming units are let.
- (29) **Owner.** Any person who alone or jointly or severally with others shall be the legally recorded holder of the title with or without actual possession thereof, or who has charge, care or control of any dwelling or dwelling unit as agent or owner or as executor, administrator, trustee or guardian of the estate of the owner. The term "owner" under this Chapter shall also include the legally recorded holder of a land contract interest.
- (30) **Person.** Any individual, firm, corporation, limited liability company, partnership or association.
- (31) **Plumbing.** Shall mean and include the following: all piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof of a water pressure system other than municipal systems as provided in Chapter 144, Wis. Stats.
- (32) **Premises.** A lot together with all buildings and structures thereon.
- (33) **Roomer.** An occupant of a rooming house who is not a member of the family of the operator of that rooming house, or an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
- (34) **Rooming House.** Any dwelling or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to more than four (4) roomers.
- (35) **Rooming Unit.** Any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and/or sleeping.
- (36) **Rubbish.** Household waste, except garbage; and the term shall include tin cans, glass, metal, crockery, and similar household wastes; also papers, rags, lawn rakings and other combustible refuse.
- (37) **Supplied.** Paid for, furnished, or provided by or under the control of the operator or owner.
- (38) **Water Closet.** A room which typically contains, in good working condition, a toilet and lavatory.
- (39) **Meaning of Certain Words.** Whenever the words "dwelling", "dwelling unit",

"rooming house", or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof". All words other than those specifically defined herein shall have their ordinarily accepted meanings as implied by the context.

Sec. 15-4-3 Inspection of Premises; Cease and Desist Orders.

- (a) **Authority.** The Building Inspector (or Housing Inspector) is authorized and directed to make inspections when he/she has valid reason to believe that a violation of this Chapter has occurred and has authority granted by the Village Board to enforce this Chapter.
- (b) **Inspections.** The Building Inspector (or Housing Inspector) is authorized to enter and inspect all dwellings and dwelling units subject to the provisions of this Chapter between the hours of 8:00 a.m. and 6:00 p.m. (except Sundays and holidays), for the purpose of determining whether there is compliance with the provisions of this Chapter. He/she shall give the occupant thereof, or there is none, then the owner thereof, reasonable notice of his/her intent to inspect the premises and may then make his/her inspection only if he/she is given permission to do so. In the absence of such permission, the Building Inspector shall obtain an inspection warrant pursuant to Sec. 66.0119, Wis. Stats., before entering the premises. However, if the delay in inspection would pose a serious and imminent threat to human life, health or property, he/she may enter the premises without such permission or notice and with or without an inspection warrant as the circumstances may prescribe. The Building Inspector and the owner/occupant in charge may agree to an inspection by appointment at a time other than during the hours specified above.
- (c) **Interference with Inspections; Cease and Desist Orders.** If any owner, occupant, or other person in charge of a dwelling or dwelling unit subject to the provisions of this Chapter refuses, impedes, interferes with, restricts or obstructs entry and free access to any part of the structural premises where inspection authorized by this Chapter is sought, the Building Inspector may seek from any court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

Sec. 15-4-4 Notices; Appeals; Review.

- (a) **Notice; Service; Time for Remedial Action by Owner.** Whenever the Building Inspector determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, he/she shall give written notice of such violation or alleged violation to the party responsible for maintaining the premises in compliance with this Chapter or the party as designated in writing. The notice shall include at least:
 - (1) A description of the real estate sufficient for identification;
 - (2) A statement of the alleged violation(s);
 - (3) An order for remedial action; and
 - (4) A provision allowing reasonable time, up to six (6) months, for performance of any action required.
- (b) **Appeals From Orders.** Any person feeling aggrieved by any order or ruling of the Building Inspector (or Housing Inspector) may appeal from such order or ruling to the Village Plan Commission. Such appeal request must be filed with the Village within seven (7) days of the

order or ruling. An order or ruling written under the State Building Code is not appealable under this Section.

- (c) **Emergency Orders.** If the Building Inspector shall determine that a dwelling is in such condition that it constitutes a public nuisance and that there is great danger to the public health, safety, and welfare, and if the owner, or occupant if appropriate, refuses to comply with orders within the time period prescribed, the Building Inspector, or other designee, shall cause such dwelling or dwelling unit or part thereof to be posted as unfit for human habitation, occupancy, or use by posting a placard on the premises containing the following words: "This Dwelling Unit Cannot Be Used For Human Habitation, Occupancy or Use."
- (d) **Unauthorized Removal of Notice.** No person shall interfere with, obstruct, mutilate, deface or remove the official notice or placard from any dwelling or dwelling unit.

Sec. 15-4-5 Minimum Standards for Equipment and Facilities.

All habitable buildings subject to the provisions of this Chapter shall comply with the following requirements for basic equipment and facilities:

- (a) **Sinks.** Every dwelling unit shall contain a kitchen sink which shall be located in the room in which the food is cooked or prepared.
- (b) **Bathrooms.**
 - (1) Every dwelling unit shall contain a bath, a flush toilet, and a lavatory basin, irrespective of the sink required as a kitchen facility.
 - (2) The room wherein the toilet, lavatory and bathtub or shower required under this Section are installed shall afford privacy to a person within. The bathtub or shower may be in a room separate from the room housing the toilet and lavatory basin, but shall afford privacy to a person within.
- (c) **Water Supply.** Every required kitchen sink, lavatory basin, bathtub and shower shall be properly connected with both hot and cold potable water, and every flush toilet shall be properly connected to a supply of water adequate in volume and pressure for flushing purposes.
- (d) **Water Heating Facilities.** Every dwelling unit shall have automatic or manually operated water heating facilities which are properly installed, are maintained in safe and good working condition, and are connected to fixtures as required in the preceding Subsection; and are capable of heating water to a temperature of at least one hundred and twenty (120) degrees Fahrenheit so as to permit an adequate amount of hot water to be drawn at every required sink, lavatory basin, bathtub, or shower even when the required dwelling space heating facilities are not in operation.
- (e) **Garbage and Refuse Receptacles.** Every owner shall supply every dwelling unit with adequate garbage and refuse disposal equipment and/or receptacles large enough to hold all garbage and refuse generated by that dwelling unit, in compliance with Village ordinances. Such receptacles shall comply with the requirements and standards set by Village ordinances by the Village Board or by the Department of Public Works, and shall be maintained by the owner or occupant in serviceable condition.
- (f) **Stairways in Single-Family and Two-Family Dwellings.** Stairways in single and two-family dwellings shall be equipped with proper handrails mounted in accordance with SPS 321.04, Wis. Adm. Code, as may be amended, and shall be equipped with treads and risers

reasonably uniform. Porches in single and two-family dwellings shall be equipped with guardrails and intermediate rails installed in accordance with SPS 321.04, Wis. Adm. Code, as amended, if none are installed. Guardrails in place at the time of adoption of this Subsection will not require replacement until such time as they are deteriorated, no longer functional or deemed unsafe. Stairways and porches in other multiple-family dwellings shall comply with the appropriate provisions of the Uniform Dwelling Code, as may be amended from time to time, contained in the Wisconsin Administrative Code and adopted by reference elsewhere in this Title.

(g) Smoke & Carbon Monoxide Detectors.

- (1) A listed and labeled multiple-station smoke alarm with battery backup shall be installed in the following locations in multiple-family dwelling units:
 - a. An alarm shall be installed in each sleeping room.
 - b. On floor levels that contain one or more sleeping areas, an alarm shall be installed outside of the sleeping rooms, in the vicinity of each sleeping area.
 - c. On floor levels that do not contain a sleeping area, an alarm shall be installed in a common area on each floor level.
- (2) Smoke detectors shall be continuously powered by the house electrical service, and shall be interconnected so that activation of all detectors.
- (3) Smoke alarms and detectors shall be maintained in accordance with the manufacturer's specifications.

(h) Natural Gas Ranges. When provided or used in any dwelling unit subject to the provisions of this Chapter, natural gas ranges, ovens and oven/range combinations of any type shall be installed, maintained and used or operated in a safe and non-hazardous manner, pursuant to any applicable state or national codes and regulations. Whenever such an appliance is found or determined to be or is certified by the Wisconsin Public Service Commission or a provider utility as unsafe or hazardous, no person shall use, nor shall any person permit others to use, the appliance until all appropriate repairs have been made and the appliance is certified as safe for its intended use.

(i) Doors.

- (1) Exterior entry/exit doors shall be of solid core construction and capable of affording security by the installation of deadbolt locking devices.
- (2) Bedrooms shall be equipped with doors for privacy.

Sec. 15-4-6 Minimum Standards for Heating, Ventilation, Electrical Service and Lighting.

All habitable buildings shall comply with the following requirements for heating, ventilation, electrical service and lighting:

(a) Heating. Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of at least sixty-seven (67) degrees Fahrenheit with an outside temperature of minus fifteen (-15) degrees Fahrenheit without forcing the heating facilities beyond safe capacity. All facilities shall be operated to maintain at least this minimum temperature during all occupied periods.

(b) Ventilation.

- (1) Every habitable room shall be provided with window and/or door areas openable to the

outside equal to at least three and one-half percent (3.5%) of the floor area except mechanical ventilation can be provided in a kitchen in lieu of windows or doors when the ventilation system is designed and installed according to accepted engineering practices or manufacturer's written specifications.

- (2) Every bathroom and toilet compartment shall be equipped with mechanical exhaust ventilation, directly to the outside and installed according to accepted engineering practices or manufacturer's written specifications, with an intermittent rate of fifty (50) cubic feet per minute (cfm) or a continuous rate of fifty (50) cubic feet per minute (cfm) regardless of whether or not a window is present.
- (3) All windows and/or doors openable directly to the outside as required by Subsections (b)(1) and (2) above shall be effectively screened with untorn screens/frames in good serviceable condition.
- (4) All openings to a building which might provide an entry for rodents shall effectively be protected at all times so as to prevent their entry.

(c) Electrical Service.

- (1) Every habitable room shall contain with receptacle spacing as denoted in the currently adopted version of the National Electric Code or SPS 316, Wis. Adm. Code. Every bathroom shall contain one wall convenience outlet and one wall or ceiling light fixture. Every such outlet and fixture shall be properly installed and shall be maintained in good and safe working condition and shall be connected to the source of the electric power in a safe manner.
- (2) In every building accommodating two (2) or more dwelling units using the same corridors and stairways, adequate lighting shall be provided in such corridors and stairways when needed. Such lighting shall be operated by any of the following means:
 - a. Light switches:
 1. Corridors - By conveniently located light switches.
 2. Stairs - At least the equivalent of a three-way light switch system located at the top and bottom of all stairways.
 - b. Any automatic-type of operation which will maintain adequate lighting at all time, either natural or artificial.
- (3) Electrical service panels shall be readily accessible to all occupants in a dwelling without passing through another dwelling unit as required by the National Electrical Code as may be amended from time to time.
- (4) Exterior lighting shall be required to illuminate exterior entry/exit steps in or leading to dwelling units.

(d) Natural Lighting. Every habitable room shall be provided with window areas equal to at least eight percent (8%) of the floor area.

Sec. 15-4-7 Requirements for Maintenance.

All habitable buildings shall comply with the following requirements for maintenance:

(a) Floors, Walls, Etc.

- (1) Every floor, floor covering, wall, ceiling and kitchen countertop and cupboard shall be kept in good repair. Every building shell, foundation, exterior door and roof shall be kept in good repair and weather tight.

- (2) All rainwater shall be so drained from the roof so as not to cause dampness inside the dwelling unit and so drained as not to allow standing water, water damage or other detrimental conditions in the dwelling.
- (3) All windows shall be maintained in good repair and in a weather tight condition.
- (4) All interior doors shall be maintained in good repair.
- (b) **Stairs and Porches.** Every inside and outside stair, every porch, every guardrail and appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and shall be kept in sound condition and good repair, and in a clean condition. Such stairs and porches shall be kept free of refuse or stored material.
- (c) **Plumbing Systems.** Plumbing systems shall be maintained in a sanitary and functional condition. Leaking pipes and cracked or broken fixtures shall be considered unsanitary.
- (d) **Chimney and Smoke Pipes.** Every chimney and smoke pipe shall be adequately supported, reasonably clean and maintained in a good state of repair and functionality.
- (e) **Discontinuance of Service.** No owner, occupant or operator shall cause any required service, facility, equipment or utility to be removed from, shut off from or discontinued for any occupied dwelling except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during a temporary emergency, or when authorized by the Wisconsin Public Service Commission.
- (f) **Safe and Clean Dwelling Units and Premises.** No owner shall rent to any other person for occupancy or allow any person to occupy any dwelling unit or premises unless it is safe and clean, and complies with all provisions of this Chapter and this Code of Ordinances.
- (g) **Cleanliness.** Every dwelling unit and its accessory structures shall be kept free of any accumulation of refuse, trash, debris or other matter.

Sec. 15-4-8 Conditions of Occupancy of Dwellings and Dwelling Units.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (a) **Floor Space.** Every dwelling unit except hotels and rooming houses shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof. In the case of conflict between minimum floor space requirements contained in the Village Zoning Code and this Chapter, the more restrictive provision shall be applicable.
- (b) **Habitable Room Area.** Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten percent (10%) of the required habitable floor area.
- (c) **Ceiling Height.** At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing floor area of the room for determining the maximum permissible occupancy thereof.
- (d) **Access to Bathroom Facilities.** Every occupant of every dwelling unit shall have unrestricted access to a bath and flush toilet and to a sink or lavatory basin located within the dwelling unit. Such access shall not be through more than one sleeping room.

- (e) **Basement Space.** A basement space may be used as a living or sleeping room or a dwelling unit if floors and walls are impervious to the leakage of underground and surface runoff water, excess humidity is controlled, and the space used complies with the requirements for habitable rooms.

Sec. 15-4-9 Responsibilities of Owners and Occupants.

Where in this Chapter the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant is as follows:

- (a) **Responsibility of Owner.** Every owner of a dwelling shall be responsible for maintaining in a safe, clean and good condition all communal, shared or public areas of the dwelling and appurtenant premises. Yards and grounds shall additionally be the responsibility of the owner and kept in a safe, clean, maintained and good condition.
- (b) **Responsibilities of Occupants.** Every occupant of a dwelling or dwelling unit shall maintain in a clean condition that part of the dwelling, dwelling unit and yard which he/she occupies and controls.
- (c) **Storage of Garbage and Refuse.** Every owner shall notify in writing the occupant and shall insure that garbage and refuse shall be properly stored behind and adjacent to the rear of the dwelling at a point farthest away from any public sidewalk, alley or thoroughfare; that all garbage and refuse shall be stored in proper receptacles and shall not be placed at the curb or alley line for collection no earlier than 4:00 p.m. of the day preceding collection as established by the Village; and that all receptacles shall be returned by the occupant(s) to the point of storage within twelve (12) hours after collection.
- (d) **Disposal of Garbage.** Every occupant of a dwelling or dwelling unit, who does not otherwise provide for the disposal of garbage in a sanitary and inoffensive manner, shall prepare all his/her garbage for collection and place it, pending collection, in a proper receptacle as provided herein. The owner shall be responsible for supplying such facilities or receptacles for all dwelling units in dwellings containing more than two (2) dwelling units. In all other cases, the occupant shall be responsible for such facilities or receptacles.
- (e) **Extermination of Pests.**
 - (1) Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination of any insects, rodents, pigeons, or other pests therein, whenever his/her dwelling unit is the only one infested; provided, however, that when infestation is caused by failure of the owner to maintain a dwelling in a rodent or pigeon-proof or substantially insect-proof condition, or if termites infest the dwelling, extermination shall be the responsibility of the owner.
 - (2) Every owner or operator shall be responsible for extermination of any insects, rodents, pigeons or other pests whenever infestation occurs in more than one dwelling unit in a dwelling, or in shared or public parts of a dwelling or two (2) or more units or in any vacant unit.

Sec. 15-4-10 Time for Compliance; Razing Orders.

Minimum Housing Code

- (a)** In cases of existing violations, the Village shall order compliance with this Chapter within a stated period of time not to exceed six (6) months. However, in case of hardship, the Village Building Inspector may grant, at his/her discretion, time extensions not exceeding six (6) months each, and not exceeding a total of one year from the time of original order. Said extensions shall be granted only upon evidence of substantial effort to, and progress in, removing the violation.
- (b)** Any dwelling declared structurally unsafe shall be restored or razed according to the provisions of the Wisconsin Statutes and the Village Building Code. The Building Inspector is hereby designated as an officer to carry out the razing provisions thereof.