

# **TITLE 15**

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## **Building Code**

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# Chapter 1

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## Building and Construction

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### Sec. 15-1-1 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 building and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and general public.

### Sec. 15-1-2 Document Adopted

The Wisconsin Uniform Building Code has been adopted by the village, and copies of this code are on file in the village clerk's office.

### Sec. 15-1-3 Amendments Adopted

- (a) **Amendments Adopted.** Future amendments to the Wisconsin Uniform Building Code and Building Fee Schedule are adopted and shall become part of this code.
- (b) **Amendments.** The following sections of the Wisconsin Uniform Building Code shall be amended:
  - (1) Sections relating to roofing and siding permits shall be deleted.
- (c) **Sections Created.** The following sections of the Wisconsin Uniform Building Code shall be created:
  - (1) “30.05(2)(c) Expiration of Applications. Applications for permits, which exceed thirty (30) days from the date of issue, shall be void and reapplication shall be required.”
  - (2) “30.05(1)(i) Permits are required for any structural and nonstructural work that exceeds five hundred dollars (\$500) market value.”
  - (3) “30.40(4) Spas – Access to all outdoor spas shall be regulated as indicated in 30.40(2)(b)(1) & (2) or by a keyed, lockable cover designed and used to prevent access when the spa is not in use or is left unattended.”
  - (4) Roof Coverings – Whenever more than twenty-five (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof coverings shall be in conformity with applicable Section of this Chapter.
  - (5) Garages and Sheds - Number
    - a. All private sheds and detached garages shall be governed by the following:
      - 1. Sheds, one hundred fifty (150) square feet, maximum.
      - 2. Garages.
        - (a) Masonry bearing wall, twelve hundred (1200) square feet, maximum.
        - (b) Metal frame construction, seven hundred twenty (720) square feet, maximum.
        - (c) Wood frame construction, seven hundred twenty (720) square feet, maximum.
      - 3. Any two of the following number and type of accessory structures are permitted:
        - (a) One attached garage.
        - (b) One detached garage.
        - (c) One shed.

### Sec. 15-1-4 Permits

- (a) (1) Permits are required if any of the following criteria are met:
  - a. The fair market value of the work, construction, or project exceeds Five Hundred Dollars (\$500.00) fair market value. (For the purpose of this Code, fair market value shall be defined as all material and labor costs involved in the work, construction, or project. In the case where no labor

- costs are indicated, the assumed cost of labor shall be equal to the cost of materials.)
- b. The work, construction, or project involves a structural alteration or change to the electrical, plumbing, heating, or cooling systems.
  - c. Any exterior architectural or structural change, except permits for siding and re-roofing are not required.
- (b) Permits shall be obtained for emergency work within twenty-four (24) hours of the commencement of such work, excluding Saturdays, Sundays, and holidays. All work shall be conducted in compliance with this Chapter and shall be inspected prior to covering or concealment.
- (c) It shall be the duty of all police officers to report any buildings within the Village at which building operations are being conducted without a permit being issued as required by this Chapter. The Village Inspector may enlist the help of any other Village official or officer, as may be necessary, in the discharge of his duties.

### **Sec. 15-1-5 Permit Fees**

The Schedule of Permit Fees of the Wisconsin Uniform Building Code, is adopted as the schedule of permit fees for the Village of Fredonia (See attached fee schedule, Appendix I).

### **Sec. 15-1-6 Certified Village Plan Examination, Inspection and Adoption of COMM 50 - 64, 66 & 69**

Plans, drawings, specifications and calculations for all new buildings or structures and additions to buildings or structures containing less than fifty thousand cubic feet total volume and alterations to buildings or spaces containing less than one hundred thousand cubic feet total volume except state-owned buildings and structures, shall be submitted to the village for plan examination and approval according to the requirements of the Wisconsin Administrative Code COMM 50 - 64, 66 & 69. Drawings, specifications and calculations submitted to the village for plan examination and approval need not be submitted to the Department of Industry, Labor and Human Relations. Inspection responsibilities shall be assumed by the village for all projects conducted under COMM 50 - 64, 66 & 69. The Village reserves the right to waive plan review and inspection on any project covered under COMM 50 - 64, 66 & 69. COMM 50 - 64, 66 & 69 in its entirety, shall be adopted and become a part of this code by reference. All such buildings shall be located within the corporate limits of the village.

### **Sec. 15-1-7 Inspections**

Upon the completion of the construction in or on any building, and before any construction is to be hidden from doing the same, the building inspector must be notified. The inspection shall be made within forty-eight (48) hours of the time such notice is received, excluding Saturdays, Sundays and holidays. If, upon inspection, it is found that the construction is in compliance with this chapter, the building inspector shall authorize the concealment of the work. If the

construction is incomplete or not strictly in accordance with this chapter, orders shall be issued to the individual, firm or corporation conducting the same to make the necessary changes or additions within thirty (30) days. However, if it is determined that an imminent lack of safety or current danger exists, the building inspector may issue a forty-eight (48) hour correction order. No individual, firm or corporation shall conceal any work before inspection, or fail to comply with any order of the building inspector. Upon completion of the work in a building, a final inspection shall be required. If the work is not complete, the building inspector shall notify the individual doing the work of any additional work to be done. If such work is not done within thirty (30) days after such notice, any individual, firm or corporation failing to comply with the order of the building inspector shall be fined according to Chapter 1-1-6. No permit shall be issued until all fees due and payable for inspections have been paid and all lawful orders of the building inspector complied with.

### **Sec. 15-1-8 Disclaimer on Inspections**

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. 15-1-9 Unsafe Buildings**

Whenever the Building Inspector and/or Village Board find any building or part thereof within the Village 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. 15-1-10 Regulation and Permit for Razing Buildings**

- (a) No building within the Village of Fredonia shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is

commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

- (b) All debris must be hauled away at the end of each week for the work that was done 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. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

### **Sec. 15-1-11 Prohibited Practices**

It shall be unlawful to:

- (a) Permit construction waste or debris generated during the construction process to litter or remain on the construction site uncontained. Suitable containers are portable dumpsters or containment within the structure under construction.
- (b) Permit access to any construction site without a graveled or paved access drive in place; sufficient in length and width to prevent sediment from being tracked onto village streets. Material deposited onto village streets shall be removed by the end of the workday.
- (c) Permit the burial or burning of construction waste or debris.
- (d) Interfere with the building inspector in the discharge of his duties.
- (e) Construct, install, operate, locate or use an outdoor furnace which is marketed for primary or supplemental heating of, or is used to provide heat to any building or structure or equipment within the village.
- (f) Conduct work on a one or two family structure without first having obtained a license, certification, or registration as required by Comm 5. Exception: A homeowner, after obtaining the required permits, may conduct work on a one or two family structure that is owned and occupied by said homeowner without obtaining a license, certification, or registration as required by Comm 5.

### **Sec. 15-1-12 Unsafe Devices and Systems**

The building inspector shall have the authority to seal and tag unsafe devices or systems or order the disconnection of unsafe devices or systems, which are found to be in an unsafe condition. No individual, firm or corporation shall reconnect any device or system thus sealed and tagged or disconnected until verbal or written authorization is given by the building inspector. It shall be unlawful to remove, alter or tamper with any device or system which has been sealed and tagged, or disconnected by orders of the building inspector. Use of any such sealed or tagged device or system, or removal of any seal or tag shall be unlawful under penalty of this chapter.

### **Sec. 15-1-13 Method of Enforcement**

- (a) **Building Inspector.** The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all the provisions of the Uniform Building Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 26.06, Wis. Adm. Code.
- (b) **Subordinates.** The Building Inspector may appoint subordinates, as necessary.
- (c) **Conflicts.** If, in the opinion of the Building Inspector and Village Board, the provisions of the State Building Code as adopted by the Chapter 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. 15-1-14 Basements; Excavations & Exposed Block**

- (a) **Basement** and 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 which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months 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 orders 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 made by publication in the official newspaper for two (2) consecutive publications at least ten 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. 66.60, Wis. Stats.
- (d) **Guidelines for Exposed Basement Block.** Block and poured concrete basement walls, with more than 16" exposure shall be covered with another material which will enhance

the exposed wall or walls in relationship to the rest of the home's exterior, as determined by the Village of Fredonia Architectural Control Board.

### **Sec. 15-1-15 Letter of Credit Required for Site Improvements**

No Certificate of Occupancy shall be granted until all improvements shown on a Plan Commission approved Site Plan and Landscape Plan have been completed in accordance therewith; provided, that upon a finding by the Building Inspector that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer, and that temporary occupancy prior to the completion will involve no health or safety hazard, the Building Inspector may issue a Temporary Certificate of Occupancy bearing an expiration date, which shall allow reasonable time for completion, upon posting a Letter of Credit in double the sum estimated by the Building Inspector to be needed to complete all required improvements, conditioned on completion of all required improvements prior to the date of expiration of the temporary Certificate of Occupancy.

### **Sec. 15-1-16 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.

### **15-1-17 Violation - Penalty**

In addition to any other penalty imposed or restitution required, any person who shall violate any provisions of this chapter shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), together with the costs of prosecution, and in default in payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding sixty (60) days.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the 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 official constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Building Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
- (2) 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. An immediate stop work order may be issued if warranted by the situation. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provisions of this Chapter or the Uniform Building Code.
- (4) If any construction or work governed by the provisions of this Chapter or the Uniform Building Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination of the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Fredonia charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suite brought against an officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

## APPENDIX I

### WISCONSIN UNIFORM BUILDING CODE SCHEDULE OF PERMIT FEES FOR 2006

(Drafted 10/21/05, Reviewed 11/16/05 – Adopted 01/11/06)

A.	Minimum permit fee for all permits:	\$50.00
B.	Residence – One & Two Family and attached garages:	\$.30/sq.ft.
C.	Residences & Apartment, Three Family & over, Row Housing, Multiple Family Dwellings, Institutional:	\$.30/sq.ft.
D.	Residences – Additions:	\$.30/sq.ft. or fraction thereof
E.	Local Business, Office Buildings or Additions thereto:	\$.28/sq.ft. or fraction thereof
F.	Manufacturing or Industrial: (Office areas to be included under E)	\$.24/sq. ft. or fraction thereof
G.	Permit to start construction of footings and foundations:	\$225.00 Multi-Family, Industrial & Commercial/ \$175.00 One & Two Families
H.	Agriculture Buildings, Detached Garages and Accessory Buildings:	\$.24/sq.ft.
I.	All other buildings, structures, alterations & repairs where square footage cannot be calculated:	\$10.00/\$1,000.00 valuation
J.	Heating, Incinerator Units and Wood Burning Appliances:	\$50.00/unit, up to & Including 150,000 input BTU units. Additional fee of \$16.00/each 50,000 BTU or fraction thereof. \$750.00 maximum/unit

K.	Commercial/Industrial Exhaust Hoods & Exhaust Systems:	\$125.00/unit
L.	Heating & Air Conditioning Distribution Systems:	\$1.70/100 sq.ft. of conditioned area with a \$50.00 minimum
M.	Air Conditioning:	\$50.00/unit up to 3 tons or 36,000 BTU's. Additional fee of \$16.00/each ton or 12,000 BTU's or fraction thereof. \$750.00 maximum/unit.
N.	Wrecking, Razing and Interior Demolition:  Fees may be waived at the discretion of the Building Inspector	\$50.00 minimum plus \$.06/sq.ft. with \$550 maximum fee for building
O.	Moving buildings over public ways:	\$175.00 plus \$.06/sq.ft.
P.	Reinspection:	\$50.00/inspection
Q.	Plan Examination:	
1.	One & Two Family Residence:	\$200.00
2.	Apartment, Three Family Residence, Row Housing, Multiple Family Buildings:	\$250.00 plus \$25.00/unit
3.	Commercial/Industrial Alterations & Additions:	\$250.00
4.	Additions to One & Two Family Dwellings:	\$75.00
5.	Alterations to One & Two Family Dwellings:	\$50.00
6.	Accessory Buildings, greater than 150 sq. ft.:	\$60.00
7.	Decks, Swimming Pools:	\$35.00
8.	Heating plans, lighting and energy calculations to heating plans submitted separately:	\$60.00 each

9. Priority Plan Review – At the discretion of the Building Inspector and depending upon workload of the Department, two (2) business day priority plan review may be provided at double the regular rate for plan review fees. Certified municipalities may also charge double the regular State plan review fees in addition to those listed above. Priority plan review shall not apply to submittals requiring review and/or approval by other governing agencies of the municipality.

10. Resubmission of previously approved plans: \$50.00

R. Special Inspections & Reports: \$150.00

Note 1: Permits may be obtained individually or on one form in the categories of construction, heating, ventilation & air conditions, electrical and plumbing.

Note 2: An additional fee for plan review may be assessed at the time of application for renewal of the permit.

S. Wisconsin Uniform Building Permit Seal: State Charge plus \$10.00

T. Occupancy Permits: Residential: \$50.00/unit, addition, alteration or accessory building over 150 sq. ft.

Office, Commercial & Industrial: \$175.00

Temporary Occupancy Permits:  
(6 mo. or less) \$80.00

U. Pools – In Ground/Above Ground/Spas: \$10.00/\$1,000 valuation  
\$50.00 minimum

V. Decks: \$50.00  
Sheds: \$25.00

W. Erosion Control Fees:

1. One & Two Family Lots: \$150.00/lot

2. Multi-Family Units: \$300.00/Bldg. plus \$5.00/1000 sq. ft. of disturbed lot

3. Commercial Lots: \$300.00/Bldg. plus

- |    |   |  |
|----|---|--|
|    |   | \$5.00/1000 sq. ft. of<br>disturbed lot                        |
| 4. | Industrial Lots:  | \$300.00/Bldg. plus<br>\$5.00/1000 sq. ft. of<br>disturbed lot |
| 5. | Institutional Lots:   | \$300.00/Bldg. plus<br>\$5.00/1000 sq. ft. of<br>disturbed lot |
| 6. | Subdivision Development:  | \$300.00 plus \$5/lot  |
| 7. | Other:  | \$50.00 minimum  |
| X. | Other fees charged to the Municipality from other government entities for reviewing plans or Permits. Fees charges are required to be paid at the time of application. Fees charged are required to be paid at the time of application. Fees charged are at cost. |  |
| Y. | Failure to obtain permit before work commences: Double fees – 1 <sup>st</sup> offense<br>Triple fees – subsequent offenses  |  |
| Z. | Failure to call for final inspection:   | \$50.00  |

NOTE: The State fee schedule for commercial buildings COMM 50-64 projects may be charged in lieu of or in addition to this fee schedule at the Municipalities discretion.

NOTE: Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or portions thereof are not included.

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

NOTE: All fee categories shall be rounded up to the next full dollar amount.

## Chapter 2

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### Fair Housing

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

#### Sec. 15-2-1 Statement on Fair Housing

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

*State Law Reference:* Sec. 66.432, Wis. Stats.

#### Sec. 15-2-2 Definitions as Used in This Chapter

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (c) **Real Property.** Buildings, structures, lands, tenants, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or

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

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

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

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

### **Sec. 15-2-3 Unlawful Practices.**

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

**(a)** Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

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

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

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

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

**(f)** To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or

to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or

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

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

- (1) The lowering of property values in the area;
- (2) An increase in criminal or antisocial behavior in the area; or
- (3) A decline in the quality of schools serving the area.

**(i)** To make any misrepresentations concerning the listing for sale, purchase, rental, or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodations in any are in the Village for purpose of inducing or attempting to induce any such listing or any of the above transaction; or

**(j)** To engage in or hire to be done, or to conspire with other to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

**(k)** To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or

**(l)** To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or

**(m)** By canvassing, to commit any unlawful practices prohibited by this Chapter; or

**(n)** Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

**(o)** For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or

other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or

**(p)** To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

### **Sec. 15-2-4 Exemptions.**

This Chapter shall not apply to:

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

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

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

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

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

**(3)** With the violation of Section 15-2-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

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

### **Sec. 15-2-5 Enforcement**

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

## Chapter 3

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### Grievances Regarding Access to Public Buildings, Programs, Services and Employment

#### Sec. 15-3-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

**(a) Statement of Purpose.**

(1) The Village of Fredonia, in complying with the American with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Village programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Village Board and is available from the Village Clerk-Treasurer. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the Village Clerk-Treasurer.

(2) The Clerk-Treasurer Shall serve as the American With Disabilities Act Coordinator with respect to 42 USC Sec. 12101, Title I, regarding employment, conduct a self-evaluation in connection therewith, and to accept all grievances filed with respect thereto and make decision thereon in consultation with the Village Attorney within thirty (30) days of the filing of such grievance. Such decision may be appealed to the ADA Compliance Committee in accordance with the procedure established in this Section.

(3) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Village President, subject to confirmation by the Village Board, at the Board's organizational meeting. The ADA Compliance Committee shall consist of three (3) to five (5) members, and shall, if possible, have a representative from the following fields:

- a. Business and/or non-profit organization.
- b. Education.
- c. Disabled representative.
- d. Elected official.
- e. Health/medical.

(4) Village letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."

(5) An ADA Committee meeting shall be treated as any other Village committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

**(b) Complaint Procedure.**

(1) Complaints shall be filed with the ADA Coordinator, in care of the Village Clerk-Treasurer.

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

(3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.

(4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.

(5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA coordinator and copy forwarded to the complainant no later than twenty (20) days after its filing.

(6) The Village Clerk-Treasurer shall maintain the files and records of the Village relating to the complaints filed.

**(c) Appeals.**

(1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.

(2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Village Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Village Board shall precede the vote.

**(d) Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

**(e) Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

## **Erosion Control**

- 15-4-1 Erosion Control – Intent**
- 15-4-2 Authority**
- 15-4-3 Findings and Purpose**
- 15-4-4 Applicability of Chapter**
- 15-4-5 Definitions**
- 15-4-6 Design Criteria, Standards and Specifications**
- 15-4-7 Maintenance of Control Measures**
- 15-4-8 Control of Erosion and Pollutants During Land Disturbance and Development**
- 15-4-9 Permit Application; Control Plan and Permit Issuance**
- 15-4-10 Inspection**
- 15-4-11 Enforcement**
- 15-4-12 Appeals**

### **Sec. 15-4-1 Erosion Control – Intent.**

The intent of this Chapter is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This Chapter applies to all land disturbing construction activities and land development activities within the Village of Fredonia.

### **Sec. 15-4-2 Authority.**

This Chapter is adopted under the authority granted in Sec. 61.354, Wis. Stats.

### **Sec. 15-4-3 Findings and Purpose.**

**(a) Findings.** The Village of Fredonia finds runoff and erosion from construction sites and land disturbing activities greatly impacts the amount of sediment and other pollutants that enter the waters and rights of way of the state of Wisconsin and the Village of Fredonia.

**(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 the Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites and land disturbing activities to lakes, streams and wetlands.

### **Sec. 15-4-4 Applicability of Chapter**

(a) This Chapter applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village of Fredonia.

(b) The Department of Natural Resources Wisconsin Construction Site Best Management Practice Handbook is adopted by reference and shall become a part of this Chapter, a copy of which shall be kept on file at the Village Hall.

### **Sec. 15-4-5 Definitions**

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

- (1) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- (2) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (3) **Construction Site Control Measure.** A control measure used to meet the requirements of Section 15-4-8(b).
- (4) **Control Measure.** A practice or combination of practices to control soil erosion and attendant pollution.
- (5) **Control Plan.** A written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review by staff and approval by the Architectural Control Board.
- (6) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- (7) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (8) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetative 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.
- (9) **Landowner.** Any person holding title to or having an interest in land.
- (10) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- (11) **Runoff.** The rainfall, snow melt, or irrigation water flowing over the ground surface.
- (12) **BMPH.** The Department of Natural Resources Wisconsin Construction Site Best Management Practice Handbook.
- (13) **Ten (10) Year Twenty-four (24) Hour Design Storms.** The rain intensities and rain volumes as described in BMPH.
- (14) **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.

### **Sec. 15-4-6 Design Criteria, Standards and Specification for Control**

## **Measures**

All control measures required to comply with this Chapter shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the BMPH and the Village of Fredonia.

### **Sec. 15-4-7 Maintenance of Control Measures**

All sediment basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions (identified in the BMPH). The standards for maintenance of control measures shall be as set forth in the BMPH or adopted by the Village of Fredonia.

### **Sec. 15-4-8 Control of Erosion and Pollutants During Land Disturbance and Development**

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

- (1) Those activities requiring a subdivision plat approval; or the construction of house or commercial, industrial or institutional buildings on lots of approved subdivision plats.
- (2) Those activities requiring a certified survey, approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
- (3) Those activities involving grading, removal of protective ground cover or vegetations, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more;
- (4) Those activities involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material;
- (5) Those activities involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction;
- (6) Those activities involving the laying, repairing, replacing or enlarging or an underground pipe or facility for a distance of three hundred (300) feet or more.

(b) **Erosion and Other Pollutant Control Requirements.** The following requirements shall be met on all sites described in Subsection (a) above:

- (1) **Site Dewatering.** Water pumped from the site shall be treated by control measures specified in the BMPH. Water may not be discharged in a manner that causes erosion of the site, adjacent sites or receiving channels.
- (2) **Waste and Material Disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (3) **Tracking.** Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private

roadways. Any sediment reaching a public or private road shall be removed by street cleaning (no flushing) before the end of each workday.

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

(5) **Site Erosion Control.** The following criteria shall apply only to land development or land disturbing activities that result in runoff leaving the site.

a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in Subsection (b)(5)c.3. below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 feet/second across the disturbed area for ten (10) year twenty-four (24) hour design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

(Note: Soil Conservation Service guidelines for allowable velocities in different types of channels shall be followed.)

b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

c. Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsection (b)(5)c.1. and 2. or 1. and 3.

1. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding (only available from April 15 to September 15<sup>th</sup>) or by mulching or covering, or other equivalent control measure.

2. For sites with ten (10) or more acres disturbed at one time, or if a channel originates in the disturbed area, one (1) or more sedimentation basins shall be constructed. Each sedimentation basin shall be designed and constructed as specified in the BMPH.

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

d. Runoff from sites with slopes of twelve percent (12%) or more may require additional or different controls than listed in paragraph 3 above. Requirements for such slopes shall be as specified by the Architectural Control Board.

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

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

## **Sec, 15-4-9 Permit Application; Control Plan and Permit Issuance**

(a) **Application.** No landowner or land user may commence a land disturbance or land development activity subject to the Chapter without receiving prior approval of a control plan for the site and a permit from the Architectural Control Board. At least one (1) landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and control plan and pay an application fee to the Village of Fredonia. By submitting an application, the applicant is authorizing the Architectural Control Board to enter the site to obtain information required for the review of the control plan.

### **(b) Content of the Control Plan for Land Disturbing and Land Development Activities Covering One (1) or More Acres.**

(1) **Existing Site Map.** A map of existing site conditions on a scale of at least one (1) inch equal one hundred (100) feet showing the site and an immediately adjacent area extending a minimum of two hundred (200) feet in each direction.

- a. Site boundaries and adjacent lands which accurately identify site location;
- b. Lakes, streams, wetlands, channels, ditches, and other water courses on the site or within one thousand (1,000) feet.
- c. One hundred (100) year floodplains, flood fringes and floodways;
- d. Location of the predominant soil types;
- e. Vegetative cover;
- f. Location and dimensions of storm water drainage systems and natural drainage patterns on the site;
- g. Locations and dimensions of utilities, structures, roads, highways, and paving; and;
- h. Site topography at a contour interval not to exceed five (5) feet.
- i. Primary and/or secondary environment corridors or other areas of significance.

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

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

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

**(c) Content of Control Plan Statement for Land Disturbing and Land Development Activities Covering Less Than One (1) Acre.** An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of the Chapter. The plan shall be filed at the time of the building permit application.

**(d) Review of Control Plan.** Within forty-five (45) days of receipt of the application, control plan, (or control plan statement) and fee, the Architectural Control Board shall review the application and control plan to determine if the requirements of this Chapter are met. The Architectural Control Board may request comments from other departments or agencies. If the requirements of this Chapter are met, the Architectural Control Board shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Architectural Control Board shall inform the applicant in writing and may either require needed information or disapprove the plan. Within thirty (30) days of receipt of needed information, the Architectural Control Board shall again determine if the plan meets the requirements of this Chapter. If the plan is disapproved, the Architectural Control Board shall inform the applicant in writing of the reasons for disapproval.

**(e) Permits.**

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

**(2) Surety Bond.** As a condition of approval and issuance of the permit, the Architectural Control Board may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions, in the amount necessary to implement the approved control plan.

**(3) Permit Conditions.** All permits shall require the permittee to:

- a.** Notify the Director of Public Works within forty-eight (48) hours of commencing any land disturbing or land developing activity.
- b.** Notify the Director of Public Works of completion of any control measures within fourteen (14) days after their installation.
- c.** Obtain permission in writing from the Architectural Control Board prior to modifying the control plan.
- d.** Install all control measures as identified in the approved control plan;
- e.** Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.
- f.** Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.
- g.** Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;

- h.** Allow the Director of Public Works to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and
- i.** Keep a copy of the control plan on the site.

### **Sec. 15-4-10 Inspection**

- (a)** The director of Public Works shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least two (2) times during the period starting November 1 and ending February 28 to ensure compliance with the control plan.
- (b)** If land disturbing or land development activities are being carried out without a permit, the Director of Public Works shall enter the land pursuant to the provisions of Sections 66.122 and 66.123, Wis. Stats.

### **Sec. 15-4-11 Enforcement**

- (a)** The Director of Public Works or Building Inspector (as indicated by Administrative Code) may post a stop-work order if:
  - (1) Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
  - (2) The control plan is not being implemented in a good faith manner; or
  - (3) The conditions of the permit are not being met.
- (b)** If the permittee does not cease the activity or comply with the control plan or permit conditions within forty-eight (48) hours, the Director of Public works or Building Inspector may revoke the permit. The Architectural Control Board or the Board of Appeals may retract the stop-work order.
- (c)** If the landowner or land user where no permit has been issued does not cease the activity within forty-eight (48) hours, the Director of Public works or Building Inspector may request the Village Attorney to obtain a cease and desist order.
- (d)** Forty-eight (48) hours after posting a stop-work order, the Director of Public Works or Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Village of Fredonia's intent to perform work necessary to comply with this Chapter. The Director of Public Works or Building Inspector may go on the land and commence the work forty-eight (48) hours from issuing the notice of intent. The cost of the work performed under the supervision of the Director of Public Works or Building Inspector plus interest at the rate authorized by the Village of Fredonia shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Sec. 66.60(16), Wis. Stats.
- (e)** In the event of emergency conditions, as deemed by the Director of Public Works or Building Inspector, whatever measures are necessary to bring the site into compliance shall be taken and all costs involved shall be paid by the permittee.

- (f) Any person violating any of the provisions of this Chapter shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this Chapter may also be enforced by injunction.

### **Sec. 15-4-12 Appeals**

(a) **Board of Appeals.** The Board of Appeals created pursuant to Section 2-4-2 pursuant to Section 62.23(7)(e) and 68.11, Wis. Stats.

(1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Architectural Control Board or Director of Public Works in administering this Chapter;

(2) Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Chapter.

(3) Shall use the rules, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(b) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person or by any officer, department, board or bureau of the Village affected by any decision of the Architectural Control Board or Director of Public Works.

## **Chapter 5**

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## **ELECTRICAL CODE**

15-5-1	Title for Citation.
15-5-2	Documents adopted.
15-5-3	Purpose.
15-5-4	Definitions.
15-5-5	Electrical Inspector - Office Created Qualifications
15-5-6	Electrical Inspector - Duties
15-5-7	Electrical Inspector - Record Keeping
15-5-8	Electrical Inspector - Right of Entry
15-5-9	Electrical Inspector - Discontinuance of Electrical Operation
15-5-10	Electrical Inspector - Periodic Inspections
15-5-11	Reserved
15-5-12	Reserved
15-5-13	Electrical License
15-5-14	Permit Required - Exceptions
15-5-15	Permit Fees
15-5-16	Temporary Work
15-5-17	Emergency Work
15-5-18	Inspections
15-5-19	Certificate of Inspection
15-5-20	Stop Work Orders.
15-5-21	Construction Requirements
15-5-22	Revocation of License
15-5-23	Board of Appeals
15-5-24	Violation - Penalty

## **Sec. 15-5-1 Title for Citation**

This chapter shall be known as the "Electrical Code of the Village of Fredonia" and will be referred to in this chapter as "this code." or "this chapter."

## **Sec. 15-5-2 Documents Adopted**

The National Electrical Code latest edition, COMM 5 and 15 and all the amendments as prescribed by the Department of Commerce (DOC) is hereby adopted.

## **Sec. 15-5-3 Purpose.**

The purpose of this chapter is to safeguard life and property by regulating and providing for the inspection of the installation and maintenance of electrical wiring, equipment, devices and

systems, and providing for the licensing of individuals, firms and corporations undertaking electrical work, and fixing a penalty for violation of the provisions of this chapter.

#### **Sec. 15-5-4 Definitions**

For the purpose of this chapter, the following terms and words shall be interpreted as having the following meanings:

- (a) "Electrical system" means all wires, equipment or devices installed for the purpose of conducting, supplying or safeguarding electrical current.
- (b) "Electrical work" means any act in connection with the installing, altering or maintaining of an electrical system, which act ordinarily requires the use of tools.
- (c) "Wiring" includes the wires and other devices incident to the means for safely conducting or supplying electrical current.

#### **Sec. 15-5-5 Electrical Inspector - Office Created Qualifications**

- (a) There is created the office of electrical inspector of the village.
- (b) The office of electrical inspector shall be held by a suitable and competent person(s) knowledgeable and well versed in approved methods of electrical construction, and the statutes of the state relating to electrical work, the rules and regulations issued by the Department of Commerce and the Public Service Commission of Wisconsin, and the National Electrical Code. This person(s) shall also be a state-certified electrical inspector as required by the Department of Commerce
- (c) The electrical inspector shall be appointed by the village board until a successor shall be duly appointed and qualified. The electrical inspector shall receive as compensation a fee as hereinafter provided for as the village board shall from time to time determine. All supplies necessary for this office shall be furnished by the village.
- (d) The electrical inspector shall not be involved in any circumstances or activities which could be construed as a conflict of interest as defined in COMM 26. If needed, the village building inspector shall establish an inspection agreement with a certified inspector to avoid conflict of interest situations and provide for inspections by licensed personnel. Such agreement shall be negotiated by the electrical inspector.

#### **Sec. 15-5-6 Electrical Inspector - Duties**

The electrical inspector shall have the general management and control of all matters pertaining to electrical inspection and shall enforce all state laws and village ordinances relating thereto. Where requirements of the state laws and regulations and the provisions of this chapter conflict, the stricter requirements shall govern, except one and two-family residences built under the Uniform Dwelling Code. It shall be unlawful to interfere with the electrical inspector in the discharge of his duties.

#### **Sec. 15-5-7 Electrical Inspector – Record Keeping**

There shall be kept by the village a complete record of all applications and permits, regularly numbered in the order of their issue, and of all inspections made and other official work performed under the provisions of this chapter, so arranged as to afford prompt information concerning electrical installations.

### **Sec. 15-5-8 Electrical Inspector - Right of Entry**

The electrical inspector or an authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter any public or private building or premises in the discharge of official duties, or for the purpose of making any inspection or test of the electrical wires, equipment or devices contained therein. The inspector or his agent shall be given prompt access to any premises upon request made to the owner or person in immediate charge of the premises.

### **Sec. 15-5-9 Electrical Inspector - Discontinuance of Electrical Operation**

The electrical inspector shall have the authority to seal and tag unsafe electrical devices and systems or order the disconnection of all electrical service from any electrical system which is found to be in an unsafe condition, and to order the disconnection of electric service in cases of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the fire department. No individual, firm or corporation shall reconnect any device or system thus sealed and tagged or disconnected until verbal or written authorization is given by the electrical inspector. Use of any such sealed or tagged device or system, or removal of any seal or tag shall be unlawful under penalty of this chapter.

### **Sec. 15-5-10 Electrical Inspector - Periodic Inspections.**

The electrical inspector shall periodically visit and inspect such places especially occupied by the public, such as places of amusement and places of assemblage, and make a thorough examination of all electrical wires, equipment and devices maintained or installed, and where found to be in a dangerous or unsafe condition, the individual, firm or corporation owning, using, operating or installing same shall be notified to place them in a safe condition. The necessary repairs or changes shall be completed within thirty days, unless it is determined that an imminent lack of safety or current danger exists, the electrical inspector may issue a forty-eight(48) hour correction order. After the receipt of such notice, each day which shall elapse after the expiration of such period shall constitute a separate offense, and the electrical inspector is authorized to order the discontinuance of electrical service to such defective electrical system until it has been repaired, removed or changed as directed by the electrical inspector. Failure to obey any such order shall subject the individual, firm or corporation to disconnection and the penalties provided in this chapter.

## **Sec. 15-5-11 through Sec. 15-5-12 Reserved for Future Use**

### **Sec. 15-5-13 Electrical License (Effective 1/1/04)**

- (a) **Electrical License Required.** No individual, firm or corporation shall engage in the business of installing, altering or repairing electrical wires, equipment or devices for any purpose whatsoever in the village without first having procured a license therefore as provided in this chapter. An individual may hold only one license in the Village of Fredonia, but multiple licenses may be issued for the same firm or corporation. This section shall not apply to electrical work done by a property owner in a one family building owned and occupied by him as his home. Village electrical licenses are not transferable. Notice of any change in license status shall be submitted to the village within thirty days of said change.
- (b) **Application for License.** Application for a license shall be made to the village clerk and if the qualifications of the applicant as hereinafter provided are considered satisfactory, the village clerk shall issue a license with the approval of the electrical inspector.
- (c) **Qualifications and Credentials.**
  - (1) All electrical contractor license applicants are required to possess a current state master electrician's license for issuance or renewal. A licensee whose license is allowed to expire for a period of thirty days (30) from the date of expiration shall be considered a new applicant and shall be subject to compliance with this chapter.
  - (2) Copy of the applicant's driver's license.
  - (3) Certificate of insurance with a minimum of three hundred thousand dollars liability coverage for persons and property.
  - (4) License Fee. Please see Electrical Fee Schedule (Appendix II) for the initial fee and yearly renewal fee for an electrical license for each individual, person, firm or corporation installing, altering or repairing any electrical wiring, equipment or devices. There will be a yearly renewal fee of such license, which shall be paid on such license, which license shall be issued for twelve months, commencing on January 1st and expiring on December 31st, unless sooner revoked. If a license is permitted to expire and is not renewed prior to January 31st, the former holder shall have the same status, regarding the license fee, as a new applicant not previously licensed. The fee for such license shall be paid to the village inspection department.
  - (5) **Illegal or Improper Use of Electrical License or Credential.** It shall be unlawful to allow, be a party to, or permit the use of a Electrical License or State of Wisconsin Credential to obtain an Electrical License or permit; or allow any person, firm or corporation, other than a regular or full-time employee of the license; to engage in the installation, altering or repairing of electrical wires, equipment or devices for any purpose whatsoever in the Village, except in compliance with this section.

### **Sec. 15-5-14 Permit Required – Exceptions**

- (a) No electric wiring or other electrical equipment shall be installed, altered or repaired without first securing a permit. The applications for such permit shall state clearly the work planned and its location. Any work requiring a building permit shall require an electrical permit, providing that electrical work is to be done.
- (b) Exceptions:
  - (1) Any individual, firm or corporation manufacturing or repairing electrical apparatus and equipment and employing a competent electrician shall not be required to have a permit.
  - (2) A permit may not be required for minor repair work as determined by the Electrical Inspector.

### **Sec. 15-5-15 Permit Fees**

- (a) See attached fee schedule for electric permit fees (Appendix II). Schedule of Permit Fees, Appendix II, is adopted as the schedule of permit fees for the village.
- (b) A fee shall be required for a permit issued to a licensee for doing any electrical work on or in any building owned by the village, and a permit shall be procured before the commencement of any work on or in such building.

### **Sec. 15-5-16 Temporary Work**

A permit for temporary work shall not exceed ninety (90) days unless approved by the electrical inspector. Permits for temporary work may be granted by the electrical inspector for installation of open work and exposed wiring, lights, power for building operations, display, decorative lighting, etc., for use for a limited period, subject to discontinuance and complete removal at expiration, and subject to condemnation and revocation within such period.

### **Sec. 15-5-17 Emergency Work**

In emergency work, the individual, firm or corporation doing or causing such work to be done shall report the same to the electrical inspector immediately after beginning work, and shall obtain a permit for such work within twenty-four (24) hours of the commencement of such work, excluding Saturdays, Sundays and holidays. All work shall be done in accordance with the provisions of this chapter.

### **Sec. 15-5-18 Inspections**

Upon the completion of the wiring in or on any building, and before any wiring is to be hidden from view, it shall be the duty of the individual, firm or corporation doing the same, to notify the electrical inspector. The inspection shall be made within forty-eight (48) hours of the time such notice is received, excluding Saturdays, Sundays and holidays. If, upon inspection, it is found the installation is in compliance with this chapter and does not constitute a hazard to life or property, the electrical inspector shall authorize the concealment of the wiring, or connection for

electrical service. If the installation is incomplete or not strictly in accordance with this chapter, orders shall be issued to the individual, firm or corporation installing the same to remove all hazards and make the necessary changes or additions within thirty days. However, if it is determined that an imminent lack of safety or current danger exists, the electrical inspector may issue a forty-eight (48) hour correction order. No individual, firm or corporation shall conceal any electrical work before inspection, or fail to comply with any order of the electrical inspector. Upon completion of the electrical work in a building, a final inspection shall be required. If the installation is not complete, the electrical inspector shall notify the individual doing the work of any additional work to be done. If such work is not done within thirty (30) days after such notice, any individual, firm or corporation failing to comply with the order of the electrical inspector shall be fined according to Sec. 1-1-6. No permit shall be issued to any licensee until all fees due and payable for electrical inspection have been paid and all lawful orders of the electrical inspector complied with.

### **Sec. 15-5-19 Certificate of Inspection**

Electrical service shall not be energized by the local utility until such service installation has been inspected. Upon inspection, a written certificate of inspection will be submitted to the local utility and only after such certificate has been received may the electrical service be energized. In occupied buildings where a permit for lighting fixtures has been issued, the electrical inspector may authorize the installation of meters for electric service after wiring has been inspected and approved.

### **Sec. 15-5-20 Stop Work Orders**

The electrical inspector may order work stopped on the construction, installation, alterations or repair of wiring or electrical work when such work is conducted in violation of this chapter. Work so stopped shall not be resumed, except with written permission of the electrical inspector; provided, that if the stop work order is oral, it shall be followed by a written order within a reasonable period of time. Removal of any such order is unlawful.

### **Sec. 15-5-21 Construction Requirements**

- (a) **Generally.** No certificates of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with the provisions of this chapter.
- (b) **Electric Signs.** Electrically illuminated signs shall not be hung or erected until after inspection and approval by the electrical inspector, unless such signs have otherwise been approved.

### **Sec. 15-5-22 Revocation of License**

- (a) The Board of Appeals may suspend or revoke an electrical license upon proof that such license was obtained by fraud or misrepresentation or through gross error or that the holder thereof has violated any ordinances or laws relating to electrical work or is guilty of installing electrical construction which is a hazard to life or property or that the holder thereof is incompetent or has been guilty of any dishonest practice or practices in connection with his work as licensee; provided that before any license is suspended or revoked, the holder thereof shall be given a written notice enumerating the charges and specifying a date, not less than forty five (45) days after the service of such notice, on which the holder shall be given a hearing before the Board of Appeals. He shall have the right to present testimony by himself and witnesses and may be represented by agent or attorney before the Board of Appeals; and it shall be the duty of the village attorney to represent the village at any such hearing. Any license holder who feels aggrieved thereby shall have the right to further prosecute his case before any court of competent jurisdiction. License holders are jointly and severally responsible for compliance with this chapter. When a license is revoked, a new license shall not again be granted to the same licensee for a period of thirty (30) days. When a license is revoked, the applicant shall be considered a new licensee and shall be subject to compliance with this chapter.
- (b) Upon failure to maintain the annual liability insurance certificate showing the required coverage, the building inspector shall suspend the electrical contractor's license. No permits shall be issued or work done within the village during suspension. Reinstatement shall be immediate and without penalty upon submittal of the insurance certificate.

### **Sec. 15-5-23 Board of Appeals**

- (a) **Membership.** The Board of Appeals shall be composed as indicated in Chapter 13.
- (b) **Powers and Duties.**
  - (1) The Board of Appeals shall have the power to revoke or suspend electrical licenses for violations of this code.
  - (2) The board shall meet at scheduled meetings for the consideration of business that may come before said board.

### **Sec. 15-5-24 Violation – Penalty**

In addition to any other penalty imposed or restitution required, any person who violates any provisions of this chapter shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), together with the costs of prosecution and in default in payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding sixty (60) days.

## APPENDIX II

### FEE SCHEDULE FOR ELECTRICAL PERMITS

#### Prorated License Fee Schedule

January thru March	\$ 50.00
April thru June	\$ 40.00
July thru December	\$ 35.00
<b>Renewal Fee</b>	\$35.00

<u>ITEMS</u>	<u>QUANTITY</u>	<u>x</u>	<u>FEE</u>
Outlets		x	.55

Fixtures	x	.55
Fluorescent – Per Tube	x	.40
Dimmers	x	2.00
Outdoor Post Light / Circuit	x	2.00
Range	x	7.00
Disposal	x	5.00
Dishwasher	x	5.00
Dryer	x	6.00
Water Heater	x	6.00
Furnace / Boiler / Etc.	x	10.00
Heating Devices	x	5.00
Space Heaters – Per Circuit	x	2.00
Air Exchanger / Humidifier / Cleaner	x	3.00
Refrigeration / A.C. / or same up to 3 tons	x	10.00
Additions over 3 tons - .50/ton	x	.50
Feeders / Sub-feeders	x	7.50
Temporary Service – Maximum 90 Days	x	15.00
Service: 1-100 amp.	x	30.00
101 – 200 amp.	x	40.00
Over 200 amp. Additional \$10.00/100 amp.		
Swimming Pools	x	20.00
Studded Lights	x	.10/outlet
Motors over ¼ h.p.	x	.50/h.p.
Fuel Pumps – Per Product Dispensed	x	7.50
Power Receptacles: 230V 1-30 amps. \$5.00, 31 plus amps.		\$7.50
Fans	x	1.50
Low Voltage Devices	x	1.00/device
Wireways, Busways, Gutters	x	.50/ft.
Generators, Transformers, Rectifiers	x	10.00
Strip Lighting, Plug-In, Etc.	x	.10/ft.
X-ray, Motion Picture Machines	x	5.00
Stage Pockets, Spot Lights, Etc.	x	5.00
Signs .50/socket & \$4.00/transformer		\$20.00 minimum
Arc, Search & Floodlights	x	3.00
Reinspections	x	50.00
Work Started Prior To Obtaining Permit		<b>DOUBLE FEE</b>

MINIMUM PERMIT (Only if above is less than \$25.00)

\$25.00

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## Chapter 6

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### PLUMBING CODE

- 15-6-1 State Regulations Adopted
- 15-6-2 Plumbing Defined
- 15-6-3 Plumbing Inspector - Office Created
- 15-6-4 Plumbing Inspector - Duties
- 15-6-5 Plumbing Inspector - Right of Entry
- 15-6-6 Plumbing Permits

15-6-7	Plumbing Inspector – Record Keeping
15-6-8	Plumbing Inspector - Stop Work Orders
15-6-9	Plumbing Permits - Required
15-6-10	Plumbing Permits - Application
15-6-11	Plumbing Permits - Issuance, Term, Suspension and Revocation
15-6-12	Plumbing Permits - Appeals for Failure to Issue, Suspension and Revocation
15-6-13	Permit Fees
15-6-14	Street Openings
15-6-15	Sump Pumps and Building Storm Sewers
15-6-16	Reports to Department
15-6-17	Emergency Work
15-6-18	Inspections.
15-6-19	Unsafe Devices or Systems
15-6-20	Discharge of Clear Waters
15-6-21	Duplex Service Connections
15-6-22	Violation - Penalty

## **Sec. 15-6-1 State Regulations Adopted**

Chapter 145 of the Wisconsin Statutes; the State Plumbing Code, COMM 82, of the Wisconsin Administrative Code; and Chapters COMM 81 and COMM 83 and COMM 5 of the Wisconsin Administrative Code are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided in this chapter. A copy of the State Plumbing Code shall be on file in the offices of the village clerk.

## **Sec. 15-6-2 Plumbing Defined**

In this chapter, "plumbing" means and includes:

- (a) 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, water heaters and treatment devices connected with such water and drainage systems, and the installation thereof;
- (b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of or beneath an area subject to easement for highway purpose, including private domestic sewerage treatment and disposal systems, and the alteration of any such systems, drains or waste piping;
- (c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections;

- (d) The water pressure systems other than municipal systems as provided in Chapter 144 of the Wisconsin Statutes;
- (e) A plumbing and drainage system so designed, and vent piping so installed, as to keep the air within the system in free circulation and movement; to prevent with a margin of safety, unequal air pressure of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

### **Sec. 15-6-3 Plumbing Inspector - Office Created**

The office of plumbing inspector shall be held by a suitable and competent person knowledgeable and well-versed in approved methods of plumbing construction, and the statutes of the state relating to plumbing work, the rules and regulations issued by the Department of Commerce. This person shall also be a state-certified plumbing inspector as required by Department of Commerce.

### **Sec. 15-6-4 Plumbing Inspector – Duties**

The plumbing inspector shall have the general management and control of all matters pertaining to plumbing inspection and shall enforce all state laws and village ordinances relating thereto. It shall be unlawful to interfere with the plumbing inspector in the discharge of his duties.

### **Sec. 15-6-5 Plumbing Inspector - Right of Entry**

- (a) The plumbing inspector or an authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter any public or private building or premises in the discharge of official duties, or for the purpose of making any inspection or test of the plumbing equipment or devices contained therein. The inspector or his agent shall be given prompt access to any premises upon request made to the owner or person in immediate charge of the premises.
- (b) If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings, which are not open to the public, for inspection purposes has been denied, the plumbing inspector shall obtain a special inspection warrant under Sections 66.122 and 66.123 of the Wisconsin Statutes.

### **Sec. 15-6-6 Plumbing - Permits**

The plumbing inspector or his authorized agent shall prepare suitable forms for permit applications and permits, shall take applications and issue to qualified applicants permits as required for all work contemplated by this chapter, and shall maintain suitable records of the permits issued.

### **Sec. 15-6-7 Plumbing Inspector – Record Keeping**

There shall be kept by the village a complete record of all applications and permits, regularly numbered in the order of their issue, and of all inspections made and other official work performed under the provisions of this chapter, so arranged as to afford prompt information concerning plumbing installations.

### **Sec. 15-6-8 Plumbing Inspector - Stop Work Orders**

The plumbing inspector may order work stopped on the construction, installation, alterations or repair of plumbing when such work is being done in violation of this chapter. Work so stopped shall not be resumed, except with written permission of the plumbing inspector; provided, that if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time. Removal of any such order is unlawful.

### **Sec. 15-6-9 Plumbing Permits - Required**

No work contemplated by this chapter shall be started until a permit therefore has been obtained from the plumbing inspector or his authorized agent; provided, that no permit shall be required for minor repairs to faucets or the removal of stoppages in solid and waste pipes.

### **Sec. 15-6-10 Plumbing Permits – Application**

The application shall be in writing upon forms which the plumbing inspector shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the plumbing inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this chapter.

### **Sec. 15-6-11 Plumbing Permits - Issuance, Term, Suspension and Revocation**

When the plumbing inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this chapter, and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of sixty (60) days without good and reasonable cause for same and shall automatically expire on

completion of the work for which it was issued; provided, that the plumbing inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this chapter.

### **Sec. 15-6-12 Plumbing Permits - Appeals for Failure to Issue, Suspension and Revocation**

Any person directly interested who is aggrieved by the decision of the plumbing inspector to refuse to issue a permit or to suspend, or revoke such permit, or to have work stopped under Section 15-6-8 of this code may obtain review of such determination under the administrative review procedures set forth in Sec. 2-3-10 of this code.

### **Sec. 15-6-13 Permit Fees**

- (a) See attached fee schedule for plumbing permit fees (Appendix III). Schedule of Permit Fees, Appendix III, is adopted as the schedule of permit fees for the village.
- (b) A fee shall be required for a permit issued to a licensee for doing any plumbing work on or in any building owned by the village, and a permit shall be procured before the commencement of any work on or in such building.

### **Sec. 15-6-14 Street Openings**

A street opening permit must be applied for and received in accordance with Chapter 6 of this code, before excavating in any street, alley or other public way to repair, alter or install plumbing, and the applicant must pay the appropriate fee as provided in Chapter 6 and shall comply with all regulations.

### **Sec. 15-6-15 Sump Pumps and Building Storm Sewers**

- (a) In new subdivisions or planned unit developments where a storm sewer is installed, building storm sewers shall also be installed to receive sump pump discharges.
- (b) Roof water drainage into the building storm sewer system, in conjunction with the sump-pump-discharged water is prohibited.
- (c) Sump pump and roof water drainage may be discharged into one common building storm sewer pipe only after the village department of public works has determined that the municipal storm sewer system has the capacity to allow this connection. If allowed, the building storm sewer and riser shall then be sized accordingly.

## **Sec. 15-6-16 Reports to Department**

Section 145.04(3) of the Wisconsin Statutes requires reports by city or metropolitan sewerage district authorities to the Department of Commerce of failure of state licensed plumbers to qualify as journeymen or master plumbers, and of willful violations of plumbing regulations.

## **Sec. 15-6-17 Emergency Work**

In emergency work, the individual, firm or corporation doing or causing such work to be done shall report the same to the plumbing inspector immediately after beginning work, and shall obtain a permit for such work within twenty-four (24) hours of the commencement of such work, excluding Saturdays, Sundays and holidays. All work shall be done in accordance with the provisions of this chapter.

## **Sec. 15-6-18 Inspections**

Upon the completion of the plumbing in or on any building, and before any plumbing is to be hidden from view, it shall be the duty of the individual, firm or corporation doing the same, to notify the plumbing inspector. The inspection shall be made by the end of the next work day of the time such notice is received, excluding Saturdays, Sundays and holidays. However, in the case of a one or two family home the inspection shall be conducted within forty-eight (48) hours of the time such notice is received, excluding Saturday's, Sundays and holidays. If, upon inspection, it is found that the installation is in compliance with this chapter and does not constitute a hazard to life or property, the plumbing inspector shall authorize the concealment of the plumbing. If the installation is incomplete or not strictly in accordance with this chapter, orders shall be issued to the individual, firm or corporation installing the same to remove all hazards and defects and make the necessary changes or additions within thirty (30) days. However, if it is determined that an imminent lack of safety or current danger exists, the plumbing inspector may issue a forty-eight (48) hour correction order. No individual, firm or corporation shall conceal any plumbing work before inspection, or fail to comply with any order of the plumbing inspector. Upon completion of the plumbing work in a building, a final inspection shall be required. If the installation is not complete, the plumbing inspector shall notify the individual doing the work of any additional work to be done. If such work is not done within thirty (30) days after such notice, any individual, firm or corporation failing to comply with the order of the plumbing inspector shall be fined according to Sec. 1-1-6. No permit shall be issued to any plumber until all fees due and payable for plumbing inspection have been paid and all lawful orders of the plumbing inspector complied with.

## **Sec. 15-6-19 Unsafe Devices or Systems**

The plumbing inspector shall have the authority to seal and tag unsafe devices or systems or order the disconnection of all water service from any plumbing device or system which is found to be in an unsafe condition. No individual, firm or corporation shall reconnect any device or system thus sealed and tagged or disconnected until verbal or written authorization is given by the plumbing inspector. It shall be unlawful to remove, alter or tamper with any device or system which has been sealed and tagged, or disconnected by orders of the plumbing inspector. Use of any such sealed or tagged device or system, or removal of any seal or tag shall be unlawful under penalty of this chapter.

## **Sec. 15-6-20 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) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

## **Sec. 15-6-21 Duplex Service Connections**

Each unit of a duplex shall have separate water services.

## **Sec. 15-6-22 Penalty**

In addition to any other penalty imposed or restitution required, any person who shall violate any provisions of this chapter shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), together with the costs of prosecution, and in default in payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding sixty (60) days.

### **APPENDIX III**

#### **FEE SCHEDULE FOR PLUMBING PERMITS**

<b>ITEMS</b>	<b>QUANTITY</b>	<b>x</b>	<b>FEE</b>
Water Closet		x	7.00
Bath Tub		x	7.00
Wash Basin		x	7.00
Sinks		x	7.00
Laundry Trays		x	7.00
Floor Drains		x	7.00
Urinals		x	7.00
Shower		x	7.00
Water Fountain		x	7.00
Bar Waste		x	7.00

