

# TITLE 15

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## **Building Code**

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# Title 15 ► Chapter 1

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## Building Code

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### Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Butler" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.**
  - (1) New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change.

The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

- (2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings.
- (3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.
- (d) **Interpretation.** The provisions of this Code shall supplement any laws and regulations of the State of Wisconsin, and orders, rules and regulations of the Wisconsin Department of Commerce [formerly the Department of Industry, Labor and Human Relations (DILHR)] relating to buildings and as may be amended from time to time. Where the requirements of the state code, the orders, rules and regulations of the Department and the provisions of the Code conflict, the stricter requirements shall govern.
- (e) **Legal Responsibility.** The Village of Butler shall not and does not by this Chapter assume legal responsibility for the design, construction or modification of any building or structure.

## Sec. 15-1-2 Building Permits and Inspection.

(a) **Permit Required.**

- Butler*
- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
    - a. New buildings.
    - b. Additions that increase the physical dimensions of a building including decks.
    - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for re-siding.
    - d. Permits are required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
    - e. Exempted are re-roofing and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.

- f. Any electrical wiring for new construction or remodeling.
  - g. Any HVAC for new construction or remodeling.
  - h. Any plumbing for new construction or remodeling.
  - i. Exempt are normal repairs performed in Subsection (a)(1)e-g.
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
  - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.**
- (1) Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description

of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

- (2) The description of the land may be by lot, block, tract or similar description that will readily identify and indicate the location of the proposed building or work.
  - (3) Every application shall show the use or occupancy of all parts of the building.
  - (4) Any specifications that "work shall be done in accordance with the Building Code" or that "work shall be done to the satisfaction of the Building Inspector" shall be considered incomplete. Every reference to this Building Code shall be to the section or subsection applicable to the material to be used or to the method of construction proposed.
- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board.
- (d) **Utilities Required.**
- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
  - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
- (e) **Plans.**
- (1) With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval

of the State Department of Commerce. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter COMM 20.09(4), Wis. Adm. Code.

- (2) The plot plan shall also indicate the location of all trees which are greater than six (6) inches in diameter on Village property between the edge of the parcel and the traveled portion of any adjoining highway, and the location and depth of any ditches or culverts along with the route of any permanent or intermittent drainage course.
- (3) Plans and plot plans shall be drawn to scale on substantial paper or cloth. The essential parts shall be drawn to a scale of not less than one-eighth (1/8) inch to one (1) foot. The drawing shall clearly indicate the nature and character of the work proposed. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when requested by the Building Inspector.

(f) **Waiver of Plans; Minor Repairs.**

- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00). In the case of additions or alterations to existing buildings, the requirement for a certified survey may be waived by the Building Inspector if he or she determines that a sketch of the plot plan is sufficient to indicate the setbacks of the additions or alterations. These exceptions do not affect the requirement for approval of the Building Board under the Municipal Code of the Village of Butler.
- (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than One Thousand Dollars (\$1,000.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (3) **Owner's Privilege.** A property owner may personally perform electrical, heating, ventilating and air conditioning work in his/her own single-family residence owned by and occupied by or to be occupied by him/her as a permanent residence, provided that said owner shall:
  - a. Apply for and secure a permit in accordance with this Chapter.
  - b. Pay the required fees.
  - c. Perform the work himself or herself in accordance with this Chapter.
  - d. Apply for inspection.
  - e. Receive the approval of the appropriate inspector.

(g) **Approval of Plans; Issuance of Permit.**

- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (3) No permit shall be transferred from one (1) applicant to another except as approved by the Building Inspector.

(h) **Refusal to Issue Permit.**

- (1) The Building Inspector may refuse to issue a permit if the applicant has been guilty of continued or willful violations of the Building Code.
- (2) The Building Inspector may refuse to issue a permit allowing the construction or alteration of a building if he or she determines that the proposed construction does not comply with any applicable building code provision.

(i) **Inspections.**

- (1) The following inspections shall be requested forty-eight (48) hours (business work) in advance by the applicant/contractor or property owner as applicable:
  - a. Footing/foundation.
  - b. Rough carpentry, HVAC, electric and plumbing.
  - c. Drantile/basement floor.
  - d. Underfloor plumbing/electric service.
  - e. Insulation.
  - f. Final carpentry, HVAC, electric and plumbing.
  - g. Erosion control.
- (2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

(j) **Time for Completion.**

- (1) After a building permit for construction or alteration of a building has been issued, the building or structure shall be completed according to the approved plans within twelve (12) months.
- (2) Grading, driveways and parking surfaces for all commercial and industrial sites shall be completed according to the approved plans and the provisions of this Code within six (6) months after the occupancy permit has been issued.
- (3) The landscaping of any building or premises shall be completed within six (6) months after the occupancy permit has been issued.

- (4) Building permits may be renewed twice, with the applicable fees doubled each time.
- (k) **Revocation of Permits.**
- (1) The Building Inspector or the Village Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
    - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
    - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
    - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
  - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (l) **Report of Violations.** Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

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

(a) **Adoption of Codes.**

- (1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs. COMM 16-17	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Ch. COMM 26	Inspection Certification
Chs. COMM 67	Rental Unit Energy Efficiency
Chs. COMM 69	Barrier Free Design
Ch. COMM 70	Historic Building Code
Chs. COMM 81-86	Uniform Plumbing Code

- (2) Chapters COMM 50 through COMM 66, Wis. Adm. Code (Wisconsin State Building Code), COMM 75-79, Wis. Adm. Code (Existing Buildings Code) and COMM 70, Wis. Adm. Code (Historic Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept on file in the office of the Building Inspector.

- (3) By virtue of adopting COMM 61.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:

- a. **IBC.** The *International Building Code*® – 2000, subject to the modifications specified in COMM 61-62, Wis. Adm. Code.
- b. **IECC.** The *International Energy Conservation Code*® — 2000, subject to the modifications specified in COMM 63, Wis. Adm. Code.
- c. **IMC.** The *International Mechanical Code*® – 2000, subject to the modifications specified in COMM 64, Wis. Adm. Code.
- d. **IFGC.** The *International Fuel Gas Code*® – 2000, subject to the modifications specified in COMM 65, Wis. Adm. Code.

- (4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Building Inspector's Office.

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

- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings — Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
  - (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
  - (3) **Department.** The Wisconsin Department of Commerce, formerly the Department of Industry, Labor and Human Relations.
  - (4) **Dwelling.**
    - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;  
or
    - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
  - (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
  - (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
  - (7) **Person.** An individual, partnership, firm or corporation.
  - (8) **Uniform Dwelling Code.** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- Wis. Adm. Code Chapter COMM 20 — Administrative and Enforcement
- Wis. Adm. Code Chapter COMM 21 — Construction Standards
- Wis. Adm. Code Chapter COMM 22 — Energy Conservation Standards
- Wis. Adm. Code Chapter COMM 23 — Heating, Ventilating and Air Conditioning
- Wis. Adm. Code Chapter COMM 24 — Electrical Standards
- Wis. Adm. Code Chapter COMM 25 — Plumbing and Potable Water Standards

(d) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 26.06, Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

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

- (a) **Portions of State Building Code Adopted.** Chapters COMM 50 through COMM 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Village Building Inspector.

- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and COMM 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
- (1) Wis. Adm. Code COMM 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
  - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

### **Sec. 15-1-5 New Methods and Materials.**

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations) for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations). The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations).

### **Sec. 15-1-6 Unsafe Buildings.**

Whenever the Building Inspector or Village Board find any building or part thereof within the Village of Butler 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. 15-1-7 Disclaimer on Inspections.**

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Butler. 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. 15-1-8 Regulation and Permit for Razing Buildings.**

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Village of Butler shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
  - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
  - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
  - (3) The date upon which demolition is to commence;
  - (4) The date by which demolition shall be complete;
  - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;

- (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
  - (7) A description of the method of demolition to be used; and
  - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
  - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
  - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
  - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Administrator at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

(f) **Miscellaneous Provisions.**

- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.
- (6) The permittee shall be responsible for terminating and sealing all sewer and water utilities lines at the property line.

**Sec. 15-1-9 Basements; Excavations; Filling and Grading.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than 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 order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an

encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.

(d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

(e) **Filling and Grading.**

- (1) It shall be unlawful for the owner of any lot to have fill placed upon the lot and to leave fill ungraded and unlevelled and unlandscaped for more than six (6) months. It shall also be unlawful to grade, plow, excavate or level any lot and leave said lot unlandscaped for more than six (6) months.
- (2) A permit shall be issued by the Building Inspector prior to the filling, grading or leveling of any lot. The Building Inspector shall require a plot plan to be submitted to the Village showing the existing and the proposed elevations of the lot and the manner in which surface drainage shall be handled. Lot grades shall be approved by the Village Engineer.

### **Sec. 15-1-10 Duplex and Multi-Service Connections.**

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

### **Sec. 15-1-11 Regulations for Moving Buildings.**

(a) **General Requirements.**

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Village of Butler without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee.

Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

- (2) The application shall specify the following:
    - a. The character and size of the building to be moved;
    - b. The reason for such moving;
    - c. The use, purpose and occupancy for which said building or structure is to be used;
    - d. The location from which and to which said building is to be moved;
    - e. A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the Village;
    - f. The streets on, over or through which it is desired to move said building;
    - g. Whether the building conforms to the zoning laws in the location to which it is to be moved.
  - (3) The issuance of the permit shall be conditioned upon a written agreement that the applicant will save and indemnify judgments, costs and expenses which may in any way accrue against the Village, and hold the Village harmless against all liabilities, judgments, costs and expenses which result from granting such permits pursuant to Subsections (f) and (g) below.
  - (4) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Building Inspector prior to issuance of the moving permit.
  - (5) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.
- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Village Assessor.
- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (f) **Bond.**
- (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Butler in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.
  - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate

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

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

(h) **Village Board Approval.**

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

(2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be

heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of Village Administrator who shall send a copy of it to the Building Inspector.

### **Sec. 15-1-12 Construction Sites; Maintaining Clean Streets.**

Village streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Village of Butler will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

### **Sec. 15-1-13 Fees.**

Building permit fees shall be as prescribed in Section 1-3-1.

### **Sec. 15-1-14 Penalties and Violations.**

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of

the violation to be corrected. All cited violations shall be corrected 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) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
  - (3) Each day each violation continues after the thirty (30) day written notice period has runs hall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
  - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Butler charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

## Title 15 ▶ Chapter 2

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# Electrical Code

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### **Sec. 15-2-1 Purpose.**

The purpose of this Electrical Code is to safeguard life and property by regulating and providing for the inspection of the installation and condition of electrical wiring, equipment and devices and providing for the licensing of persons, firms and corporations undertaking electrical work; and fixing a penalty for violation of the provisions of this Chapter.

### **Sec. 15-2-2 Inspection Division — Electrical.**

- (a) **Generally.** There is hereby created the office of Electrical Inspector. The Electrical Inspector shall act as head of this Department under the supervision of the Building Inspector. The Electrical Inspector shall perform inspections and such other duties as may

be prescribed. The Electrical Inspector shall have the general authority and control of all matters pertaining to electrical inspections and shall enforce all state laws and Village ordinances relating thereto. In all respects, the Village Electrical Inspector shall comply with the provisions of COMM 16-17, Wis. Adm. Code.

- (b) **Qualifications of Electrical Inspector.** The Electrical Inspector shall be certified by the State of Wisconsin in the categories of Commercial Electrical Inspector (COMEL) and Uniform Dwelling Code Inspector (ELECT). The Electrical Inspector shall be recommended for appointment by the Village Administrator and Building Board subject to confirmation by the Village Board. The Electrical Inspector shall inspect or cause to be inspected all electrical work as outlined in this Code within the Village of Butler. The Village may employ additional Electrical Inspectors as may be necessary who shall at least be certified by the State of Wisconsin in the category of Uniform Dwelling Code Inspector (ELECT).
- (c) **Authority to Enter Premises.** The Electrical Inspector or his/her authorized agent may enter any building or premises in the discharge of his/her official duties for the purpose of making any inspection or test of the electrical wires, equipment or devices contained therein. The Electrical Inspector or his/her authorized agent shall be given access to any premises upon request made to the owner or person in immediate charge of the premises.
- (d) **Records.** There shall be kept by the Electrical Inspector a complete record of all applications and permits, all inspections made and other official work performed under this Chapter so arranged as to promptly afford information concerning electrical installations.

### **Sec. 15-2-3 Adoption of the Wisconsin State Electrical Code.**

Provisions of the Wisconsin Administrative Code, and all amendments thereto, are hereby adopted by reference pursuant to Sections 15-1-3 and 15-1-4 and made a part hereof. Except as otherwise regulated by this Chapter, all installations of electrical wiring and equipment shall conform to and comply with Chapters COMM 16, State Electrical Code Volume II and 17, the Statutes of the State, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where requirements of the State law and local ordinance conflict, the stricter requirements shall govern.

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

- (a) The Electrical Inspector shall inspect all sites within the Village of Butler at which electrical work is performed, whether as initial installation, addition, replacement, alteration or repair.

- (b) Upon the completion of the wiring on any building or before any wiring is to be hidden from view, it shall be the duty of the person, firm or corporation doing the same to notify the Electrical Inspector who shall inspect the installation within forty-eight (48) hours of the time (Village business hours) such notice is received. If, upon inspection, it is found that such installation is fully in compliance with this Chapter and does not constitute a hazard to life or property, the inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with this Chapter, the inspector shall issue orders to the person, firm or corporation installing the same to remove all hazards and make the necessary changes or additions. The necessary repairs or changes shall be completed within thirty (30) days after the receipt of such orders. Concealment of electrical work before inspection or failure to comply with the order of the Electrical Inspector shall constitute an offense punishable in accordance with the provisions of Section 15-2-20.
- (c) A final inspection shall be required for all electrical installation work for which an Electrical Permit was issued.
- (d) It shall be the responsibility of the person, firm or corporation obtaining an electrical permit to notify and provide access to any building or property for inspection(s) required by the Electrical Inspector.
- (e) The Electrical Inspector shall accept as existing any work which was previously installed under permit and which conformed to all codes and ordinances at the time of installation.

### **Sec. 15-2-5 Authority to Stop Electrical Work.**

Whenever any electrical work is being done contrary to the provisions of this Code, the Electrical Inspector may order the work stopped by notice in writing served on any person(s) or firm engaged in the doing or causing such work to be done, and any such person or firm shall forthwith stop such work until authorized by the Electrical Inspector to commence and proceed with the work.

### **Sec. 15-2-6 Authority to Discontinue Electrical System.**

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

## **Sec. 15-2-7 Information.**

All requests for information pertaining to and involving an interpretation of this Code shall be submitted in writing to the Electrical Inspector. The Electrical Inspector shall not design or lay out any electrical installation or act in the capacity of a consulting engineer or designer.

## **Sec. 15-2-8 Electrical Licenses.**

- (a) **License Required.** No persons, firm or corporation shall alter, install, or repair electrical wires and apparatus for any purpose whatsoever in the Village of Butler without first having procured a license as provided in this Chapter. Applications for a new license and/or renewal of an existing license shall be made on forms furnished by the Electrical Inspector. All applicants shall pay the required license fee(s). All electrical licenses shall be issued for one (1) year commencing on May 1 and expiring on April 30 the following year. For each yearly renewal of such license a required fee shall be paid. All applicants shall submit a copy of their valid State of Wisconsin Master Electrician certification with the license application.
- (b) **Exceptions.** The following are exceptions to the licensing requirements of this Section.
  - (1) Maintenance personnel employed in public or private buildings or one (1) and two (2) family homeowners shall be permitted to make minor repairs. These shall include the replacement of switches, receptacles and fixtures, and may include the extension of circuits or the adding, replacing or creating of new circuits for owner-occupied units. No license or permit shall be required for this work.
  - (2) Installers of non-required emergency system wiring and cable wiring operating at fifty (50) volts or less. No license or permit shall be required for this work.
  - (3) Village of Butler employees performing electrical work on municipal property in the Village of Butler. No license or permit shall be required for this work.
- (c) **License Requirements.** No license shall be issued to any person, firm or corporation without evidence to the Electrical Inspector indicating at least one (1) full time employee with a valid State of Wisconsin Master Electrician Certificate. This supervising electrician shall superintend all work performed by the licensee and be available during regular Village of Butler business hours to discuss any matters involving the installations permitted under the license. In the event the supervising electrician resigns or is not able to perform such, the license holder shall immediately notify the Electrical Inspector in writing. In such instances, the license shall become null and void until a qualified successor has been appointed.
- (d) **License Nontransferable.** Licenses issued pursuant to the terms of this Chapter shall not be transferable and shall not be used by persons other than to whom issued.
- (e) **Revocation and Suspension.** Any license granted under the provisions of this Chapter may be suspended by the Electrical Inspector for such period of time as he/she shall

determine but not to exceed ninety (90) days or may be revoked by the Electrical Inspector if the licensee violates any ordinance or law relating to electrical work or is guilty of installing electrical construction which is a hazard to life or property, but no license shall be suspended or revoked unless the licensee has been notified in writing of charges against them and the time, place, when, and where they may appear before the Electrical Inspector to answer such charges. When a license is suspended, such license shall be automatically reinstated on the date specified in the order of suspension unless the suspension shall have been because of a faulty installation of electrical construction, in which case such license shall be reinstated only upon correction of the faulty installation. When a license is revoked, a new license shall not again be granted to the licensee until such licensee shall have applied for a new license and met all the requirements of this Chapter. The Electrical Inspector may investigate any charges or complaints filed which may be brought against the holder of a license and revoke such license for repeated violations or noncompliance with any of the provisions of this Code on the part of the licensee or any person performing any work under their direction.

- (f) **License Qualifications.** Certification from the State of Wisconsin as a Master Electrician shall serve as qualification for an electrical license.

### **Sec. 15-2-9 Permits for Electrical Work.**

- (a) The Electrical Inspector shall issue permits for the installation of electrical work as covered within the scope of the Wisconsin State Electrical Code, Volume II, upon the filing of proper applications, which shall be made on forms furnished by the Electrical Inspector and shall prescribe the nature of the work as well as such other information as may be required for inspection. In no case shall any such electrical work be done unless a permit has been obtained.
- (b) The following are exceptions to the permit requirements of this Section.
- (1) Any person manufacturing or repairing electrical apparatus and equipment and employing a state certified master electrician shall not be required to have a permit for their testing equipment.
  - (2) No permit shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses, changing light fixtures or lamp sockets.
  - (3) No permit shall be required for portable devices such as grinders, drills, portable signs, washing machines, vacuum cleaners, radios, electric refrigerators, and similar devices not permanently wired but intended to be connected to the circuit by a flexible cord and plug. However, proper approved wiring is to be installed, together with approved receptacle and plug.
  - (4) No permit or permit fees shall be required for the installation, alteration or repair of electrical generation, transmission or distribution equipment owned and operated by an electrical utility company or the Village of Butler.

- (5) No permit shall be required for the installation, alteration or repair of a signal or communication equipment where such equipment is owned and operated by a public utility company or the Village of Butler.

### **Sec. 15-2-10 Sign Installations.**

No permit for electrical installation in connection with a permanent or temporary sign in the Village shall be issued until a sign permit required under the Village Zoning Code has been issued by the Building Inspector for the erection of such sign.

### **Sec. 15-2-11 Electrical Permit Expiration.**

Every permit issued by the Electrical Inspector under the provisions of this Chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced for a period of four (4) months and not completed within twelve (12) months from the date of issuance. Before such work can be recommenced, a new permit must first be obtained and the fee therefor shall be at full cost.

### **Sec. 15-2-12 Temporary Work.**

- (a) On applying for permit for temporary work, a specified period of time for which such wiring is to remain in service must be stated, but not exceeding ninety (90) days. Service shall be cut off at the end of this period and shall not again be connected without permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits for temporary work may be granted by the Electrical Inspector for the installation of open work and exposed wiring, lights, power for building operation, display, decorative lighting, etc., for use for a limited period, subject to discontinuance and complete removal at expiration and to condemnation and revocation within such period.
- (b) Electrical installations for temporary structures or assemblies, such as carnivals, picnics, circuses, festivals, side shows or sport events shall be in accordance with all provisions of Chapters COMM 16, Volume II and COMM 34, Wis. Adm. Code.

### **Sec. 15-2-13 Emergency Work.**

In emergency work, the person, firm, or corporation doing or causing such work to be done shall report the same to the Electrical Inspector immediately after beginning work, and such work shall be done in accordance with the provisions of this Chapter.

**Sec. 15-2-14 Unsafe Equipment.**

No person, firm, or corporation shall keep or offer for sale or sell, for use within the Village of Butler, any apparatus, equipment or fixtures designed or intended to be used for the production, transmission or utilization of electrical current or power, if the apparatus, equipment, or fixtures, when installed for use, would be considered unsafe or dangerous as determined by the Electrical Inspector.

**Sec. 15-2-15 Compliance Required.**

- (a) All wiring shall be done according to the most recent version of the Wisconsin State Electrical Code, Volume II and the codes of the Village of Butler.
- (b) The connection of replacement appliances and equipment such as furnaces, signs, air compressors, air conditioners, water heaters and like equipment shall constitute an extension of an existing or new branch circuit. Such connections shall comply with current electrical code.
- (c) Existing installations which have been declared as a hazard to life and property shall be made safe. The installation of any permanent wiring and equipment to correct such hazards will constitute an extension of existing or new circuit.

**Sec. 15-2-16 Certificate of Inspection.**

No certificate 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, and the rules and regulations of the Wisconsin State Electrical Code issued by the Department of Administration, under authority of the state statutes.

**Sec. 15-2-17 Service of Notices and Orders.**

All inspection notices and orders of the Electrical Inspector shall be considered final when served in writing upon the licensee. Service shall be certified by mail, return receipt requested or via fax machine. The effective date of notification shall be the date shown on the return receipt or fax transaction report.

**Sec. 15-2-18 Appeals.**

Appeals for all electrical installations, alterations or repairs covered within the scope of the Wisconsin State Electrical Code, Volume II, shall be filed with the State of Wisconsin Department of Commerce in accordance with Chapter COMM 16.05, Wis. Adm. Code.

### **Sec. 15-2-19 Village and Its Officers Not Liable.**

This Chapter shall not be construed to relieve from or lessen the responsibility or liability of any person supplying electricity to or selling, renting, leasing, owning, using, operating, controlling, installing, altering, removing, replacing, disturbing, repairing, connecting, disconnecting or maintaining any electrical equipment for damages to person or property caused by any defect therein or therefrom, nor shall the Village or its officers be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or the inspection authorized by this Chapter or by reason of the approval or disapproval of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this Chapter. The Village or its officers shall not be held liable for any damages resulting from the enforcement of this Chapter.

### **Sec. 15-2-20 Penalty.**

Except as otherwise provided, any person who shall violate any provisions of this Chapter shall be subject to the penalty provided in Section 15-1-14 of this Municipal Code. Each violation and each day a violation occurs or continues shall constitute a separate offense. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Chapter.

### **Sec. 15-2-21 Electrical Permit Fees.**

- (a) No electrical work shall be done in the Village of Butler without a permit being first issued by the Electrical Inspector and the payment of fees as prescribed by Section 1-3-1.
- (b) All permit and license fees shall be paid to the Village Treasurer and no permit shall be issued or valid unless approved by the Electrical Inspector and the fee paid to the Village in the amount required for such permit. The fees for permits provided by this Chapter shall become the property of the Village. If an electrical permit is issued and not used, only that portion of the permit fee in excess of Thirty-five Dollars (\$35.00) will be refunded.
- (c) If the licensee fails to obtain a permit before an electrical installation has been started, except in emergency cases, the total fees for such permit shall be double the regular fees.
- (d) No further permits are to be issued to any licensee until all arrears in fees have been paid and all lawful orders issued by the Electrical Inspector have been complied with.

Call (262) 544-8280 or  
1-800-422-5220  
INDEPENDENT  
INSPECTIONS, LTD.  
ILHR 20-06(a)3

# UNIFORM ELECTRICAL PERMIT APPLICATION

PERMIT NO. \_\_\_\_\_

TAX KEY # \_\_\_\_\_

**ISSUING  
MUNICIPALITY**

TOWN     VILLAGE     CITY  
OF \_\_\_\_\_

**PROJECT LOCATION**  
(Building Address)

**PROJECT DESCRIPTION**

COMMERCIAL     ONE & TWO FAMILY

Owner's Name \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Contractor's Name (Lic. No.) \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Estimated Cost \_\_\_\_\_ License Number \_\_\_\_\_

## SCHEDULE OF INSPECTION FEES

	EACH	COUNT	FEE
<b>NEW BUILDING/ADDITION</b>			
Base Fee .....	\$35.00	_____	_____
Plus .....	.03/Sq. Ft. For All Areas	_____ Sq. Ft.	_____

## REPLACEMENT, MODIFICATIONS AND MISC. ITEMS

1. Light, switch, and convenience outlet .....	.40	_____	_____
2. Power receptacle over 150 volts, first 30 amps .....	5.00	_____	_____
over 30 amps .....	6.00	_____	_____
3. Lighting fixtures - incandescent .....	.40	_____	_____
4. Tubular lamp, such as florescent, per tube .....	.25	_____	_____
5. Arc light, search light, floodlight, mercury light pole base and poles .....	3.00	_____	_____
6. Temporary service and temporary wiring installation .....	25.00	_____	_____
7. Service switch, each or alteration thereof			
first 200 amperes .....	25.00	_____	_____
over 200 amperes - additional per 100 amps .....			
or a fraction thereof .....	10.00/100 amps	_____	_____
8. Range, oven, clothes dryer, dishwasher, disposal, water heater .....	5.00	_____	_____
9. Refrigeration unit up to 5 HP plus 1.00 per HP over 5 .....	5.00 min.	_____	_____
10. Residential gas burner, oil burner, electrical furnace .....	5.00	_____	_____
conditioner up to 5 ton Plus 1.00 per ton over 5 ton .....	5.00	_____	_____
ombination heating and air conditioning unit up to 5 ton .....	10.00	_____	_____
over 5 ton .....	20.00	_____	_____
13. Feeder, subfeeder, and raceway - per 100 ampere capacity, or fraction thereof .....	5.00/100 amps	_____	_____
14. Each motor, per HP or fraction thereof .....	.50/HP - 1.00Min	_____	_____
15. Dispenser - gasoline, fuel oil, permanent vending machines, and well pump .....	6.00	_____	_____
16. Each generator, transformer, reactor, rectifier, capacitor, welder, converter and electric furnace .....	.50/kw	_____	_____
17. Electric unit heating device (including remote Thermostat) .....	2.00	_____	_____
18. Dimmer and rheostats .....	2.00	_____	_____
19. Swimming pool (Electrical wiring and grounding) .....	25.00	_____	_____
20. Sign - Florescent, neon or Incandescent .....	15.00	_____	_____
21. Strip lighting, plug-in strip, trolley duct wire way, gutter .....	.50 ft.	_____	_____
22. Audible or visual electric signal or communication device .....	1.00	_____	_____
23. Fans - Bath - Paddle and miscellaneous under 1 HP .....	1.00	_____	_____
24. Hydro Massage & Hot tubs .....	10.00	_____	_____
25. Photo cell, clocks, smoke detectors .....	1.00	_____	_____
26. Fire alarm system .....	15.00	_____	_____
27. Exit lighting system .....	15.00	_____	_____
28. Approved assembly's Not Included above and other's .....	25.00	_____	_____
29. Other (Specify) .....	25.00	_____	_____

Minimum Permit Fee ..... \$25.00 each  
 Reinspect Fee ..... \$25.00  
 Failure to call for inspection ..... \$25.00 each  
**DOUBLE FEES ARE DUE IF WORK STARTED BEFORE PERMIT IS ISSUED.**

The applicant agrees to comply with the Municipal Ordinances and with the conditions of this permit; understands that the issuance of the permit creates no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate.  
 Have Permit/Application number and address when requesting inspections, call (262) 544-8280 or 1-800-422-5220. Give at least 24 hours notice on all inspections.

**SIGNATURE OF APPLICANT** \_\_\_\_\_ **DATE** \_\_\_\_\_

FEES:	RECEIPT	PERMIT EXPIRATION:	PERMIT ISSUED BY MUNICIPAL AGENT:
Review Fee _____	CK # _____	Permit expires two years from date issued unless otherwise noted below:	Name _____
Inspection Fee _____	Date _____		Date _____
Administration Fee _____	From _____		Certification No. _____
Other _____	_____		
<b>Total</b> _____	Rec. By _____		

## Title 15 ► Chapter 3

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# Plumbing Code

<b>15-3-1</b>	Plumbing Defined
<b>15-3-2</b>	State Plumbing Code Adopted
<b>15-3-3</b>	Inspection and Supervision
<b>15-3-4</b>	Authority of Plumbing Inspector
<b>15-3-5</b>	Applications and Permits
<b>15-3-6</b>	Inspection and Tests
<b>15-3-7</b>	Sump Pits and Pumps
<b>15-3-8</b>	Pump Installation
<b>15-3-9</b>	Sewer Improvement Tax
<b>15-3-10</b>	Record of Connections
<b>15-3-11</b>	Location of Connections
<b>15-3-12</b>	Protect Sewers and Drains
<b>15-3-13</b>	Industrial/Commercial Wastes – Manholes
<b>15-3-14</b>	Drains Discharging Obnoxious Liquids
<b>15-3-15</b>	Intentionally, Willfully or Maliciously Injuring Plumbing or Drainage
<b>15-3-16</b>	Duty to Report Violations
<b>15-3-17</b>	Draining of Clear Water
<b>15-3-18</b>	Private Wells
<b>15-3-19</b>	When Plumbing Permits are Void
<b>15-3-20</b>	Violations
<b>15-3-21</b>	Penalty
<b>15-3-22</b>	Plumbing Permit Fees

### **Sec. 15-3-1 Plumbing Defined.**

Plumbing for the purpose of this Chapter is defined as follows:

- (a) As is stated in Sec. 145.01(i)(a), (c), (d) and (e), Wis. Stats.
- (b) The construction, connection to or alteration of any drain, soil, or waste pipe to carry domestic sewage, storm water or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal,

including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.

### **Sec. 15-3-2 State Plumbing Code Adopted.**

The provisions and regulations of the State Plumbing Code adopted pursuant to Sections 15-1-3 and 15-1-4, are hereby made a part of this Chapter by reference, and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village of Butler.

### **Sec. 15-3-3 Inspection and Supervision.**

There is created the office of Plumbing Inspector. The office shall be held by a public works employee if qualified, a licensed plumber or other qualified person. The Plumbing Inspector shall be appointed by the Village Board. The Plumbing Inspector shall require that the construction, reconstruction and alteration of all plumbing, sanitary drainage, wells and plumbing ventilation hereafter installed in all of the buildings in the Village conform to the Wisconsin Administrative Code and all ordinances, rules and regulations adopted by the Village Board, and make all inspections required either by the Village Board or by applicable state agencies subject to the directions and decision of applicable state agencies in all matters relating to sanitation or in any manner covered by this Chapter, including the duty to check on all violations of Sec. 146.13, Wis. Stats., relating to the discharge of noxious matters into the highway. The Plumbing Inspector shall be under the direct supervision of the State Plumbing Inspector and shall enforce all of the provisions of this Chapter. He/she shall prepare suitable forms for application, permits and other reports.

### **Sec. 15-3-4 Authority of Plumbing Inspector.**

- (a) The Plumbing Inspector may enter upon the private or public premises to make an inspection thereof, and require of any person doing plumbing work the production of the license and permit therefor. Any person who resists or obstructs any lawful exercise of authority by such Plumbing Inspector shall be subject to the penalty provided in this Chapter.
- (b) The Plumbing Inspector may withhold approval of an application for a plumbing permit to any person who has not complied with his lawful order. The person refused such a permit may appeal within ten (10) days to the Village Board.
- (c) The plumber in charge shall apply the Plumbing Inspector whenever any work is ready for inspection (i.e., soil, vent, underground drain, final inspection). All plumbing work shall

be left exposed until such time as the Inspector has completed his examination and inspection. When in the opinion of the Inspector a test is necessary, he/she may require a water or air test on any part or the entire installation. The plumber in charge, or the owner, shall make such arrangements as will enable the Inspector to reach all parts of the building readily and have present the proper apparatus and appliances for making the tests and furnish all materials and perform all labor in making such tests as required by the Plumbing Inspector.

### **Sec. 15-3-5 Applications and Permits.**

No plumbing shall be installed in the Village without first filing an application and receiving a permit. Each application must receive the approval of the Plumbing Inspector before the permit can be issued. Licensed master plumbers only can receive permits, with the exception that a permit may be issued to a property owner to install plumbing in his/her own residence. (One- or two-family owner-occupied dwellings only.)

### **Sec. 15-3-6 Inspection and Tests.**

For the purpose of this Chapter inspections will be made and tests required as prescribed in H83.21, Wis. Adm. Code.

### **Sec. 15-3-7 Sump Pits and Pumps.**

- (a) All sump pits shall be constructed in compliance with the Wisconsin Administrative Code.
- (b) All effluent from the sump pump discharge pipes shall be discharged in such a manner that no clear water: flows in any way onto another's private property; flows into a sanitary sewer; or creates ice, erosion, undermining, or ponding under or on any improved public right-of-way including, but not limited to, sidewalks, streets, alleys, curbs, gutters or ditches.
- (c) Threaded discharge pipes are prohibited.

### **Sec. 15-3-8 Pump Installation.**

All water pumps shall be installed in compliance with the Wisconsin Well Construction and Pump Installation Code. This Code is hereby made a part of this Section by reference. In addition, the water supply pipe between well casting and premises served shall be installed a minimum four (4) feet six (6) inches below grade.

**Sec. 15-3-9 Sewer Improvement Tax.**

No person shall connect with the public sewerage system, unless a sewer improvement tax has been duly made to or paid on the frontage of the property to which sewer connection is to be installed, except when permission so to do has been given by the Village Board.

**Sec. 15-3-10 Record of Connections.**

The Plumbing Inspector shall keep a record of all sewer and water connections.

**Sec. 15-3-11 Location of Connections.**

No person except a licensed plumber as herein provided shall tap or make connections with the general sewerage or water system or any parts thereof. Such information as the Plumbing Inspector or the Village Engineer may have with regard to the location of sewer or water connections will be furnished to plumbers, the Village assuming no risk as to the accuracy of the same. When in accordance with the measurements furnished by the Village Engineer or Plumbing Inspector the connection is not found, a slant connection and one-eighth (1/8) bend shall be used and made under the direction of the Plumbing Inspector.

**Sec. 15-3-12 Protect Sewers and Drains.**

No person shall permit any earth, sand or other solid material to enter into any main sewer during the progress of any work in laying drains or sewers, making alterations, extensions or repairs to the same, or in connecting such drains or sewers with the main sewers of the Village.

**Sec. 15-3-13 Industrial/Commercial Wastes – Manholes.**

The owner of any property served by a building sewer carrying industrial/commercial waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the sewer wastes. Such manhole shall be accessible and safely located and constructed in accordance with specifications of the Metropolitan Sewerage Commission. The manhole shall be installed by the owner at his/her expense, and maintained by him/her so as to be safe and accessible at all times.

**Sec. 15-3-14 Drains Discharging Obnoxious Liquids.**

No person shall connect any premises with any drain or sewer entering into any main sewer through which any obnoxious, explosive, or odorous or unhealthful liquids or substances may be

discharged into the main public sewers. It is further provided that rain and surface water must be excluded from the sanitary sewers of the Village of Butler.

### **Sec. 15-3-15 Intentionally, Willfully, or Maliciously Injuring Plumbing or Drainage.**

Any person who shall intentionally, wilfully, or maliciously injure or obstruct any sewer, building drain, catch-basin, or any plumbing fixtures or apparatus, pipes or other parts of any plumbing in actual use, or any sewer, water, or gas pipe or any parts or apparatus connected therewith, laid or constructed in the streets, alleys, or other public places or under any sidewalks of the Village, shall be subject to the penalty herein provided.

### **Sec. 15-3-16 Duty to Report Violations.**

Any police officer, and the Plumbing Inspector shall inquire into cases of violation of this Chapter and report to the proper officer for investigation and prosecution.

### **Sec. 15-3-17 Draining of Clear Water.**

- (a) No person shall drain the rain water from the roof of any building in the Village or any other clear water into the sanitary sewer system of the Village, or connect or maintain connection with the sanitary sewer system any rain water conductor or pipe designed or used to carry or drain off water.
- (b) No person shall drain the rain water from the roof of any building or hard-surfaced areas now under construction or any building to be constructed hereafter, in any area within the Village where storm sewers are available, except through a rain water conductor or pipe connecting the storm sewer system of the Village.
- (c) No person shall drain the water from the roof of any building in the Village or any other water in such a manner that water flows from downspouts or other conductors in such a manner that creates ice, erosion, undermining, or ponding under or on any improved public right-of-way including, but not limited to, sidewalks, streets, alleys, curbs, gutters, or ditches.

### **Sec. 15-3-18 Private Wells.**

- (a) **Private Well Permit Requirement.** Any property owner having on his/her property, operating, or using a private well, must obtain a permit therefor from the Village

Administrator. Such permit shall extend from January 1 to December 31 of the year in which obtained and must be obtained every year. The fee for a well permit shall be as prescribed in Section 1-3-1.

- (b) **Delinquent Fees.** The Village Administrator shall give notice on or before September 1 in each year to the owner or occupant of all lots and parcels of real estate within the Village on which Village service charges are in arrears. Such notice shall be in writing and state the amount of such charges in arrears; state that unless paid by October 1, thereafter, a penalty amounting to an additional fee equal to the well operation permit in arrears shall be added thereto; state that unless such arrears, together with any such added penalty shall be paid by November 1 thereafter, the same will be levied as a tax against the lot or parcel of real estate on which there are or was situated a private well and for which payment of such charges is delinquent. Such notice may be served by delivery to either such owner or occupant personally or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 15th the Village Administrator shall certify a list of all lots or parcels of real estate for which notice of arrears for payment of such charges were given as above specified, and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided. Each such delinquent account, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate on which there was or is situated a private well which has not been abandoned and for which such charges are delinquent, and the Village Administrator shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if not paid within the time required by law for payment of taxes upon real estate.
- (c) **Inspections.** The Village Administrator may, prior to the issuance of a permit or when a complaint is received, require that an inspection be made of a private well to assure that it does not and will not constitute a health or safety hazard or for other public health or safety reasons. If such an inspection reveals that the private well is for any reason a health or safety hazard, a written notice thereof will be mailed to the property owner. The property owner shall correct the defect constituting the hazard within fourteen (14) days from the mailing of the notice. If the defect is not corrected within thirty (30) days from the mailing of the notice, the property owner shall abandon the private well.
- (d) **Prohibited Connections.** There shall be no connection of private wells to the municipal water system nor shall any water from such private wells be discharged into the sewerage system of the Village.
- (e) **Required Abandonment.** Any private well which is allowed to remain for thirty (30) consecutive days in a condition where it cannot be utilized for the dispensation of water shall be immediately abandoned by the owner of the property on which it exists.
- (f) **Notice of Abandonment.** Any property owner who intends to abandon a private well shall, prior to abandonment, notify the Village Administrator of this fact.

- (g) **Method of Sealing.** Any property owner abandoning a private well shall fill and seal the well in such a manner as to prevent it from acting as a channel for contamination or vertical movement of water by one (1) of the following methods.
- (1) **Drift Formations.** Fill with clean puddles clay or concrete.
  - (2) **Limestone Formation.** Fill any limestone strata with concrete or alternate layers of concrete and gravel or stone aggregate, capping with a layer of concrete twenty (20) feet deep at the top of the formation.
  - (3) **Sandstone Formation.** Fill any sandstone formation with concrete or with sand capped with layer of concrete at least twenty (20) feet in depth at top of formation.
  - (4) **Mixed Formation Wells.** Fill limestone and sandstone strata in compliance with preceding sections, providing concrete plugs twenty (20) feet in depth, at the top of every recognized geologic formation.
  - (5) **Flowing Wells.** Confine flow and fill well in accordance with preceding sections or seal by pressure cementing.
  - (6) **Obstructions.** Any debris or obstructions that may interfere with sealing operations shall be removed from well to be abandoned.

### **Sec. 15-3-19 When Plumbing Permits are Void.**

- (a) A plumbing permit shall remain in force for six (6) months after the date of issuance. If all plumbing work is not completed within such time, the permit may be revoked or extended at the discretion of the Plumbing Inspector.
- (b) A plumbing per may also be revoked at any time during the six (6) month period if the plumber does not comply with all provisions of this Code.

### **Sec. 15-3-20 Violations.**

No person shall interfere with the work of inspection or permit any plumbing or drainage to be used until it has been inspected and approved by the Inspector, unless special permission therefor is given by the Village Board.

### **Sec. 15-3-21 Penalty.**

Any person who shall violate any provision of this Code shall be subject to a penalty as provided in Section 15-1-14, together with the costs of prosecution.

## **Sec. 15-3-22 Plumbing Permit Fees.**

- (a) Plumbing permit fees shall be as prescribed in Section 1-3-1.
- (b) If any plumbing work shall be done at a time when a proper permit therefor is not in effect, it shall still be necessary to obtain a permit for such work, and the total fees for such permit shall be double that which they would normally be.
- (c) No person in the Village shall install or permit or suffer to be installed any plumbing or drainage except leakage, repairs, and stoppages, unless a permit therefor has been granted by the Plumbing Inspector.
- (d) The fees for permits provided by this Section shall become the property of the Village and shall not be refundable even though the permit issued is not used unless such fees exceed Thirty-five Dollars (\$35.00). That portion of the permit fee in excess of Thirty-five Dollars (\$35.00) may be returned by request within one (1) year from date of permit.
- (e) For each application for water and sewer connection to the public mains where there was a special assessment for the installation of those public mains, but no assessment was previously levied against the premises described in the application for connection; an assessment fee is due. That assessment shall be computed by multiplying the number of feet of frontage of the premises by the rate for current construction of public sewer and water as determined by the Village engineers. No permit shall be granted until such assessment is paid in full.

Call (414) 544-8280 or  
1-800-422-5220  
INDEPENDENT  
INSPECTIONS, LTD.

# UNIFORM SPRINKLER APPLICATION

PERMIT NO. \_\_\_\_\_

TAX KEY # \_\_\_\_\_

**ISSUING MUNICIPALITY**

TOWN     VILLAGE     CITY

OF \_\_\_\_\_

**PROJECT LOCATION**  
(Building Address)

**PROJECT DESCRIPTION**

COMMERCIAL                       ONE & TWO FAMILY

Owner's Name \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone, Include Area Code \_\_\_\_\_

Contractor's Name (Lic. No.) \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Estimated Cost \_\_\_\_\_ License Number \_\_\_\_\_

List Electrical Contractor \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

## SCHEDULE OF INSPECTION FEES

**EACH**

**COUNT**

**FEE**

### NEW BUILDING

Base Fee ..... \$35.00

Plus ..... .03/Sq. Ft.

For All Sprinkler areas

\_\_\_\_\_ Sq. Ft.

## REPLACEMENTS, MODIFICATIONS AND MISC. ITEMS

	EACH	COUNT	FEE
Sprinkler Heads	.20	_____	_____
All Sprinkler piping 4" and larger	.35 per L. ft.	_____	_____
All Sprinkler piping under 4"	.20 per L. ft.	_____	_____
Hydrants	25.00	_____	_____
Auxiliary Pump Electric or Gas	75.00	_____	_____
Reserve Capacity Tanks up to 100,000 gallons	100.00	_____	_____
Reserve Capacity Tanks over 100,000 gallons	160.00	_____	_____
Minimum Permit Fee.....	\$50.00		
Reinspection Fee.....	\$25.00 each		
Failure to call for inspection.....	\$25.00 each		

**DOUBLE FEES WILL BE CHARGED IF WORK IS STARTED BEFORE PERMIT IS ISSUED**

The applicant agrees to comply with the Municipal Ordinances and with the conditions of this permit; understands that the issuance of the permit creates no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate. Have Permit/Application number and address when requesting inspections. Call (414) 544-8280 or 1-800-422-5220. Give at least 24 hours notice on all inspections.

**SIGNATURE OF APPLICANT** \_\_\_\_\_ **DATE** \_\_\_\_\_

**CONDITIONS OF APPROVAL** This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.

Structures requiring a sprinkler system either by Municipal Ordinance or by the requirements specified in ILHR 52.01, ILHR 52.011, ILHR 52.012 and ILHR 52.013 shall comply with all municipal and state requirements. All plans and specifications required by the Wisconsin Administrative Code shall be signed and sealed by a registered professional and a copy shall be available at the construction site. PLEASE CALL (414) 544-8280 OR 1-800-422-5220 FOR INSPECTIONS.

FEES:	PERMIT(S) REQUIRED	PERMIT EXPIRATION:	PERMIT ISSUED BY MUNICIPAL AGENT:
Plan Review Fee _____	<input type="checkbox"/> Construction _____	Permit expires: _____	Name _____
Inspection Fee _____	<input type="checkbox"/> HVAC _____		Date _____
Administration Fee _____	<input type="checkbox"/> Electrical _____		Certification No. _____
Other _____	<input type="checkbox"/> Plumbing _____		
Total _____	<input type="checkbox"/> Other _____		

Call (262) 544-8280 or  
1-800-422-5220  
INDEPENDENT  
INSPECTIONS, LTD.  
ILHR 20-06(a)3

# UNIFORM PLUMBING PERMIT APPLICATION

PERMIT NO. \_\_\_\_\_

TAX KEY # \_\_\_\_\_

**ISSUING  
MUNICIPALITY**

TOWN     VILLAGE     CITY

**PROJECT LOCATION**  
(Building Address)

OF \_\_\_\_\_

**PROJECT DESCRIPTION**

COMMERCIAL                       ONE & TWO FAMILY

Owner's Name \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Contractor's Name (Lic. No.) \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Estimated Cost \_\_\_\_\_ Bonding/Insurance Company \_\_\_\_\_ Master Plumber's License Number \_\_\_\_\_

## SCHEDULE OF INSPECTION FEES

**EACH      COUNT      FEE**

**NEW BUILDING/ADDITION**

Base Fee ..... \$35.00

Plus ..... .03/Sq. Ft. For All Areas

Commercial Buildings with less than 10 fixtures ... Base fee Plus line Items Below

SQUARE FOOTAGE FEE DOES NOT INCLUDE LATERALS. All laterals must be listed below.

## REPLACEMENT, MODIFICATIONS AND MISC. ITEMS

	EACH	COUNT	FEE		EACH	COUNT	FEE
1. Automatic Washer	5.00	_____	_____	24. Sanitary Building Drain			
2. Sink	5.00	_____	_____	First 75 Feet	10.00	_____	_____
3. Dishwasher	5.00	_____	_____	Over 75 Feet	.35/ft.	_____	_____
4. Garbage Grinder	5.00	_____	_____	25. Storm Building Drain			
5. Water Closet	5.00	_____	_____	First 75 Feet	10.00	_____	_____
6. Shower	5.00	_____	_____	Over 75 Feet	.35/ft.	_____	_____
Lavatory	5.00	_____	_____	26. Manhole	10.00	_____	_____
Laundry Tray	5.00	_____	_____	27. Catch Basin	5.00	_____	_____
7. Urinal	5.00	_____	_____	28. Water Service			
10. Bath Tub	5.00	_____	_____	First 100 Ft. Lateral	25.00	_____	_____
11. Hot Tub, Spa, Whirlpool	10.00	_____	_____	Over 100 Ft. Lateral	.35/ft.	_____	_____
12. High Pressure Boiler	25.00	_____	_____	29. Sanitary Building Sewer			
13. Drinking Fountain	5.00	_____	_____	First 100 Ft. Lateral	25.00	_____	_____
14. Floor Drain	5.00	_____	_____	Over 100 Ft. Lateral	.35/ft.	_____	_____
15. Sight Drain	5.00	_____	_____	30.. Storm Building Sewer			
16. Sillcock	2.00	_____	_____	First 100 Ft. Lateral	25.00	_____	_____
17. Water Heater	5.00	_____	_____	Over 100 Ft. Lateral	.35/ft.	_____	_____
18. Wash Fountain	5.00	_____	_____	31. Extension of House Drain			
19. Sump Pump	5.00	_____	_____	Where Fixtures			
20. Ejectors or Pump	5.00	_____	_____	Already Installed	25.00	_____	_____
21. Water Softener	5.00	_____	_____	32. Other _____			
22. Storm Sewer Conductor	5.00	_____	_____				
23. Backflow Prevention Device	5.00	_____	_____				

Minimum Permit Fee..... \$25.00 each

Reinspection Fee..... \$25.00 each

Failure to call for inspection..... \$25.00 each

DOUBLE FEES ARE DUE IF WORK STARTED BEFORE PERMIT IS ISSUED.

The applicant agrees to comply with the Municipal Ordinances and with the conditions of this permit; understands that the issuance of the permit creates no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate. Have Permit/Application number and address when requesting inspections. Call (262) 544-8280 or 1-800-422-5220. Give at least 24 hours notice on all inspections.

**SIGNATURE OF APPLICANT** \_\_\_\_\_ **DATE** \_\_\_\_\_

FEES:	RECEIPT	PERMIT EXPIRATION:	PERMIT ISSUED BY MUNICIPAL AGENT:
Review Fee _____	CK# _____	Permit expires two years from date issued unless otherwise noted below:	<b>CONDITIONS OF APPROVAL</b> This permit is issued pursuant to the attached conditions. Name _____ Date _____ Certification No. _____
Application Fee _____	Date _____		
Administration Fee _____	From _____		
Other _____	_____		
Total _____	Rec By. _____		

Call (262) 544-8280 or  
1-800-422-5220  
INDEPENDENT  
INSPECTIONS, LTD.  
ILHR 20-06(a)3

# UNIFORM HEATING, VENTILATING & AIR CONDITIONING PERMIT APPLICATION

PERMIT NO. \_\_\_\_\_

TAX KEY # \_\_\_\_\_

**ISSUING  
MUNICIPALITY**

TOWN     VILLAGE     CITY

**PROJECT LOCATION**  
(Building Address)

OF \_\_\_\_\_

**PROJECT DESCRIPTION**

COMMERCIAL

ONE & TWO FAMILY

Owner's Name \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone, Include Area Code \_\_\_\_\_

Contractor's Name (Lic. No.) \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Estimated Cost \_\_\_\_\_ License Number \_\_\_\_\_

List Electrical Contractor for All HVAC Replacements \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

## SCHEDULE OF INSPECTION FEES

NEW BUILDING	EACH	COUNT	FEE
Base Fee .....	\$35.00	_____	_____
Plus .....	\$.02/Sq. Ft. For All Areas	_____ Sq. Ft.	_____

## REPLACEMENT AND MODIFICATIONS OF HEATING AND AIR CONDITIONING EQUIPMENT AND MISC. ITEMS

Gas, oil, electric and coal furnace and boiler			
One and two family - First 150,000 BTU	15.00	_____	_____
Commercial - First 150,000 BTU	25.00	_____	_____
All over 150,000 BTU	\$3/50,000 BTU	_____	_____
Air conditioning			
One and two family	15.00	_____	_____
Commercial	25.00	_____	_____
All over 36,000 BTU	\$2/12,000 BTU	_____	_____
Fireplace and wood burning stove	15.00	_____	_____
Electric baseboard, wall unit and cabinet unit	1.25/KW	_____	_____
Duct work alteration	20.00	_____	_____
Other			

Minimum Permit Fee..... \$25.00 each

Reinspection Fee..... \$25.00 each

Failure to call for inspection..... \$25.00 each

**DOUBLE FEES WILL BE CHARGED IF WORK IS STARTED BEFORE PERMIT IS ISSUED**

The applicant agrees to comply with the Municipal Ordinances and with the conditions of this permit; understands that the issuance of the permit creates no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate. Have Permit/Application number and address when requesting inspections.. Call (262) 544-8280 or 1-800-422-5220. Give at least 24 hours notice on all inspections.

**SIGNATURE OF APPLICANT** \_\_\_\_\_ **DATE** \_\_\_\_\_

**CONDITIONS OF APPROVAL** This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. Commercial, and buildings housing over two families shall have STATE APPROVED heating plans with this application. Residential heating plans, heat loss calculations and specifications of the equipment to be installed with this application. Have Permit/Application number and address when requesting inspections. Call (262) 544-8280 or 1-800-422-5220. Give at least 24 hours notice.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FEES:	RECEIPT	PERMIT EXPIRATION:	PERMIT ISSUED BY MUNICIPAL AGENT:
Plan Review Fee _____	CK# _____	Permit expires: _____	Name _____
Inspection Fee _____	Date _____		Date _____
Administration Fee _____	From _____		Certification No. _____
Other _____	_____		
Total _____	Rec By. _____		

## Title 15 ► Chapter 4

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# Above Ground and Underground Storage Tanks

<b>15-4-1</b>	Intent
<b>15-4-2</b>	Standards Adopted by Reference
<b>15-4-3</b>	Definitions
<b>15-4-4</b>	Permanent Above Ground Storage Tanks
<b>15-4-5</b>	Temporary Above Ground Storage Tanks
<b>15-4-6</b>	Permanent Liquified Petroleum Gas Storage Tanks
<b>15-4-7</b>	Temporary Liquified Petroleum Gas Storage Tanks
<b>15-4-8</b>	Tank Permit Fees
<b>15-4-9</b>	Inspections
<b>15-4-10</b>	Underground Storage Tanks
<b>15-4-11</b>	Enforcement
<b>15-4-12</b>	Appeals

### **Sec. 15-4-1 Intent.**

It is the intent of this Chapter to provide for the regulation of all temporary and permanent above ground and underground storage tanks within the Village existing or erected on or after the effective date of this Chapter. The Village has an agreement with the City of Brookfield to handle the entire inspection process with the City in the same manner as if a tank were located in Brookfield. This Chapter is identical to the City of Brookfield Ordinance #1439 adopted June 1, 1993 by the Common Council except for references to the Village instead of the City where applicable.

### **Sec. 15-4-2 Standards Adopted by Reference.**

In addition to the requirements of this Chapter, the design and installation of all above ground storage tanks shall comply with the requirements of COMM 10 and 11, Wis. Adm. Code, the National Fire Protection Association Standards, the administrative guidelines for waste oil systems adopted by the City's Developmental Control and Review Board on May 21, 1992, and any applicable Underwriters Laboratories Standards, or any other standards accepted by the State of Wisconsin Department of Commerce.

### **Sec. 15-4-3 Definitions.**

The following definitions shall be applicable in this Chapter:

- (a) **Permanent Storage Tank.** Any storage tank used for 180 or more consecutive days at a location.
- (b) **Secondary Storage Tank.** A system installed around a tank designed to prevent a tank release from migrating beyond the secondary containment vessel system with a capacity of at least one hundred twenty-five percent (125%) of the capacity of the tank.
- (c) **Site.** The entire area included in the legal description of land on which any storage tank is proposed in the permit application.
- (d) **Storage Tank.** Any stationary device designed to contain an accumulation of liquefied petroleum gas or any combustible or flammable liquid as defined under COMM 10, Wis. Adm. Code, except those which are less than three hundred (300) gallons in capacity and used for the storage of heating fuel.
- (e) **Temporary Storage Tank.** Any storage tank used for less than one hundred eighty (180) consecutive days at a location.
- (f) **City.** City of Brookfield, Wisconsin.
- (g) **Village.** Village of Butler, Wisconsin.

### **Sec. 15-4-4 Permanent Above Ground Storage Tanks.**

- (a) **Permit Required.**
  - (1) No permanent above ground storage tank shall be used, installed, erected, moved or altered in any way without first obtaining a permit from the City.
  - (2) Application for said permit shall be made in writing to the Inspection Services Department, upon forms furnished by the Department, with the requisite fee.
  - (3) All permit applications shall contain the following:
    - a. Site plans setting forth the location of all
      - 1. Lot lines and easements of record,
      - 2. Proposed and/or existing above ground storage tanks,
      - 3. Buildings and structures,
      - 4. Freshwater wells within one hundred (100) feet of any proposed or existing tank, and
      - 5. Water courses, drainage ditches, storm sewer inlets and wetlands on or contiguous to the site.
    - b. Complete specifications of the storage tank, containment vessels and fuel dispensing equipment.
    - c. A detailed drawing of any fence, including construction and materials specifications.

- d. If required by the Inspection Services Department, a landscape plan indicating the height, type and other specifications of the planting screen.
- (4) Permits issued under this Section shall be valid for one (1) year. Such permits may be renewed by the City upon application to the Inspection Services Department with the requisite fee.
- (b) **Where Permitted.** Permanent above ground storage tanks shall only be allowed in those districts of the City zoned Industrial "I". In the Village of Butler, a conditional use permit would be required, and the comparable zoning is M-3 Industrial.
- (c) **Specifications.** Permanent above ground storage tanks shall comply with the following design specifications and installation guidelines:
- (1) Tanks shall be placed on a properly engineered base and elevated one (1) foot above the ground or dike/containment vessel floor.
  - (2) The cumulative capacity of all tanks on a site shall not exceed one thousand one hundred (1,100) gallons.
  - (3) All tanks shall have a secondary containment system to prevent migration of any tank release.
  - (4) Crash protection shall be provided for around every tank. Such protection shall consist of four (4) inch diameter concrete filled schedule forty (40) galvanized pipes that extend a minimum of forty-eight (48) inches below grade and a minimum of thirty-six (36) inches above grade. The pipes shall be spaced not more than four (4) feet apart on center, such that they completely surround the storage tank.
  - (5) All tanks shall be located at least twenty-five (25) feet from any building or structure. Tanks are prohibited within building setbacks and offset areas as defined in the Zoning Code.
  - (6) Fire extinguisher having a rating of at least twenty (20) BC shall be kept within fifty (50) feet of any tank. Extinguishers shall be accessible without obstruction.
  - (7) All tanks and dispensing equipment shall be adequately secured from tampering by a fence at least six (6) feet in height.
  - (8) All tanks shall be screened from view by a fence, dense landscaping, or both. Said screening is subject to review and approval by the Director of Inspection Services and the Director of Planning.

### **Sec. 15-4-5 Temporary Above Ground Storage Tanks.**

- (a) **Where Allowed.** Temporary above ground storage tanks are prohibited, except:
- (1) For use on construction sites, or
  - (2) For use in the event of an emergency.
- (b) **Location Approval.** Prior to any use, the location of all temporary above ground storage tanks shall be reviewed and approved by the Director of Inspection Services or the Director's designee.

**15-4-5**

- (c) **Engineered Base.** Tanks shall be placed on a properly engineered base and elevated one (1) foot above ground or dike/containment vessel floor.
- (d) **Permit Required.**
  - (1) No temporary above ground storage tank shall be used, installed, erected, moved or altered without first obtaining a permit from the City.
  - (2) Application for said permit shall be made in writing to the Inspection Services Department, upon forms furnished by the Department, with the requisite fee.
  - (3) All permit applications shall contain the following:
    - a. Site plan setting forth the location of all
      - 1. Lot lines and easements of record,
      - 2. Proposed and/or existing above ground storage tanks,
      - 3. Buildings and structures,
      - 4. Freshwater wells within one hundred (100) feet of any proposed or existing tank, and
      - 5. Water courses, drainage ditches, storm sewer inlets and wetlands on or contiguous to the site.
    - b. Complete specifications of the storage tank, containment vessels and fuel dispensing equipment.
  - (4) Permits issued under this Section shall be valid for one hundred eighty (180) days. Such permits may be renewed upon application to the Inspection Services Department with the requisite fee.
- (e) **Secondary Containment System.** All temporary above ground storage tanks shall have a secondary containment system designed to prevent the migration of any tank release.

**Sec. 15-4-6 Permanent Liquefied Petroleum Gas Storage Tanks.**

- (a) **Compliance With Standards.** All permanent liquefied petroleum gas storage tanks must conform to the requirements of:
  - (1) The Wis. Adm. Code, Ch. COMM 11, Liquefied Petroleum Gases,
  - (2) National Fire Protection Association Standard 58, and
  - (3) All applicable American Gas Association Standards.
- (b) **Permit Required.**
  - (1) No permanent liquefied petroleum gas storage tank shall be used, installed, erected, moved or altered in any way without first obtaining a permit from the City.
  - (2) Application for said permit shall be made in writing to the Inspection Services Department, upon forms furnished by the Department, with the requisite fee.
  - (3) All permit applications shall contain the following:
    - a. Site plan setting forth the location of all:

1. Lot lines and easements of record,
  2. Proposed and/or existing above ground storage tanks on site, and
  3. Buildings and structures.
- b. Complete specifications of the storage tank, containment vessels and dispensing equipment.
  - c. A detailed drawing of any fence, including construction materials specifications.
  - d. If required by the Inspection Services Department, a landscape plan indicating the height, type and other specifications of any planting screen.
- (4) Permits issued under this Section shall be valid for one (1) year. Such permits may be renewed upon application to the Inspection Services Department with the requisite fee.
- (c) **Where Permitted.** Permanent liquefied petroleum gas storage tanks shall only be allowed in those districts of the City zoned Industrial, "I". In the Village of Butler, a conditional permitted use would be required first, and the comparable zoning is M-3 Industrial.
- (d) **Specifications.** Permanent liquefied petroleum gas storage tanks shall comply with the following design specifications and installation guidelines.
- (1) Tanks shall be placed on a properly engineered base and elevated one (1) foot above the ground or dike/containment vessel floor.
  - (2) Crash protection shall be provided for around every tank. Such protection shall consist of four (4) inch diameter concrete filled schedule forty (40) galvanized pipes that extend a minimum of forty-eight (48) inches below grade and a minimum of thirty-six (36) inches above grade. The pipes shall be spaced not more than four (4) feet apart on center, such that they completely surround the storage tank.

## **Sec. 15-4-7 Temporary Liquefied Petroleum Gas Storage Tanks.**

- (a) **Compliance With Standards.** All temporary liquefied petroleum gas storage tanks shall comply with Section 15-4-6(a).
- (b) **Permit Required.**
- (1) No temporary liquefied petroleum gas storage tank shall be used, installed, erected, moved or altered in any way without first obtaining a permit from the City.
  - (2) Application for said permit shall be made in writing to the Inspection Services Department, upon forms furnished by the Department, with the requisite fee.
  - (3) All permit applications shall contain the following:
    - a. Site plan setting forth the location of all
      1. Lot lines and easement of record,
      2. Proposed and/or existing above ground storage tanks,
      3. Buildings and structures,

**15-4-7**

4. Freshwater wells within one hundred (100) feet of any proposed or existing tank, and
  5. Water courses, drainage ditches, storm sewer inlets and wetlands on or contiguous to the site.
- b. Complete specifications of the storage tank, containment vessels and fuel dispensing equipment.
  - c. A detailed drawing of any fence, including construction and materials specifications.
  - d. If required by the Inspection Services Department, a landscape plan indicating the height, type and other specifications of any planting screen.
- (4) Permits issued under this Section shall be valid for not more than one hundred eighty (180) days. Such permits may be renewed upon application to the Inspection Services Department with the requisite fee.
- (c) **Where Permitted.** Temporary liquefied petroleum gas storage tanks shall only be allowed in those districts of the City zoned Industrial, "I". Village of Butler applicable zoning is M-3 Industrial, and a conditional permitted use would be required.
- (d) **Engineered Base.** Tanks shall be placed on a properly engineered base and elevated one (1) foot above the ground or dike/containment vessel floor.

**Sec. 15-4-8 Tank Permit Fees.**

The fees to be charged by the Inspection Services Department and paid by the permittee under this Chapter shall be as prescribed in Section 1-3-1. The Village of Butler's rates will automatically change with Brookfield's rates if ever amended.

**Sec. 15-4-9 Inspections.**

- (a) Permanent and liquefied petroleum gas and above ground storage tanks for which permits have been issued under Section 15-4-4 or 15-4-6 shall be inspected within sixty (60) days of the issuance of such permit.
- (b) Temporary liquefied petroleum gas and above ground storage tanks for which a permit has been issued under Section 15-4-5 or 15-4-7 shall be inspected within fifteen (15) days of the issuance of such permit.
- (c) The Inspection Services Department shall inspect all permanent liquefied petroleum gas and above ground storage tanks subject to this Chapter annually.

**Sec. 15-4-10 Underground Storage Tanks.**

The regulations and requirements of COMM 10, Wis. Adm. Code, National Fire Protection Association Standards, and any other standards accepted by the State of Wisconsin Department

of Commerce are hereby adopted by reference and apply wherever applicable to existing or proposed underground storage tanks.

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

- (a) This Chapter shall be administered and enforced by the Director of Inspection Services and his or her designees.
- (b) The Inspection Services Department shall give written notice of any violation under this Chapter to the permittee or, if none, to the owner of the property upon which the tank is located.
- (c) A permit issued under this Chapter shall be revoked by the Department of Inspection if, after notification, the permittee has failed to comply with the requirements of this Chapter or any conditions specified in the permit within fifteen (15) days of receiving said notice.
- (d) Storage tanks found to be in violation of any of the requirements of this Chapter shall be brought into compliance within thirty (30) days of written notification of non-compliance, or be removed.
- (e) If after thirty (30) days from the date of notice of non-compliance the tank has not been brought into compliance or removed, the City shall cause the removal of said tank and mitigation of any improper site conditions.
- (f) If an above ground storage tank creates a hazardous condition with respect to any person or property, the Village of Butler Fire Department shall have the authority to immediately mitigate said hazardous condition by all reasonable means necessary, including removal of said tank and mitigation of any improper site conditions.
- (g) The permittee and/or property owner shall be liable for all costs incurred by the Village of Fire Department under Subsections (e) and (f). The City shall bill said costs to the permittee or the landowner. In the event that the permittee or landowner fails to pay the amount due, the City Clerk shall notify the Village of Butler Village Administrator, who then shall enter the amount due on the tax rolls and collect it as a special charge against the property, pursuant to Sec. 66.0627, Wis. Stats.

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

- (a) **Board of Zoning Appeals.**
  - (1) The Butler Board of Zoning Appeals shall act as the Board of Appeals for this Chapter. All decisions of the Board of Appeals shall be final.
  - (2) The Board shall hear and decide appeals where it is alleged that there is an order, decision or determination made by the Director of Inspection Services, the Inspection Services Department or their designees in administering this Chapter.

- (3) Upon appeal, the Board may authorize variances from the provisions of this Chapter which are not contrary to the public interest, including protection from and prevention of fire hazards, and where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in undue hardship to the permittee or property owner.
  - (4) Appeals to the Board of Zoning 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 Director of Inspection Services, the Inspection Services Department of their designees.
  - (5) No tank shall be used, installed, moved or altered pending the outcome of an appeal, unless excepted under this Chapter.
- (b) **Procedures.** Upon disapproval of a permit or issuance of an order requiring corrective action, an applicant, permittee or property owner may appeal to the Board of Zoning Appeals by submitting a written request therefore to the Director of Inspection Services not more than thirty (30) days after denial of a permit or issuance of any order. The Board of Zoning Appeals shall consider the appeal at its next regularly scheduled meeting.

## Title 15 ► Chapter 5

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# Construction Site Erosion Control

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

### **Sec. 15-5-1 Intent; Authority.**

- (a) **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.
- (b) **Authority.** This Chapter is adopted under the authority granted by Sec. 61.354, Wis. Stats.

### **Sec. 15-5-2 Findings and Purpose.**

- (a) The Village Board finds runoff from large construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this Village.
- (b) 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 to streams and wetlands.

### **Sec. 15-5-3 Applicability of Chapter.**

This Chapter applies to land disturbing and land developing activities on lands of five (5) acres or more, and of street excavation projects of one hundred (100) feet or more, in the Village of Butler; and optionally, similar projects subject to the extraterritorial authority of the Village under Chapter 236, Wis. Stats. All state funded or conducted construction is exempt from this Chapter.

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

The following definitions are applicable in this Chapter:

- (a) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- (b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (c) **Construction Site Control Measure.** A control measure used to meet the requirement of Section 15-5-7(b).
- (d) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
- (e) **Control Plan.** A written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Village of Butler.
- (f) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (g) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (h) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing 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.
- (i) **Landowner.** Any person holding title to or having an interest in land.
- (j) **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.
- (k) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (l) **Set of One (1) Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of one-half (0.5), one (1), two (2), three (3), six (6), twelve (12) and twenty-four (24) hours that occur approximately once per year. (Note: the following are typical characteristics of these one (1) year storms for most of Wisconsin:

<b>Storm Duration (hours)</b>	<b>Average Rain Intensity (inches/hour)</b>	<b>Total Rain (inches)</b>
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (m) **Site.** The entire area of five (5) acres or more, or a street surface of one hundred (100) lineal feet or more, included in the legal description of the land on which land disturbing or land development activity is proposed in the permit application.

### **Sec. 15-5-5 Design Criteria, Standards and Specifications for Control Measures.**

All control measures required to comply with this Chapter shall meet the design criteria, standards and specifications identified by the Village of Butler.

### **Sec. 15-5-6 Maintenance of Control Measures.**

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

### **Sec. 15-5-7 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 lands over five (5) acres in area requiring a subdivision plat approval; commercial, industrial or institutional buildings on lots of five (5) acres or more; or

- (2) Those projects of one hundred (100) lineal feet or more involving street, highway, road, or bridge construction, enlargement, relocation, or reconstruction; or
  - (3) Those projects involving the laying, repairing, replacing, or enlarging of an underground pipe or facility for a distance of one hundred (100) feet or more.
- (b) **Erosion and Other Pollutant Control Requirements.** The following requirements shall be met on all sites described in Subsection (a):

(1) **Site Dewatering.**

- a. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than one hundred (100) microns during dewatering operations, then no control is needed before discharge, except as determined by the Village of Butler. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

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

- b. The performance standard of one hundred (100) micron maximum particles in the dewatering water at the maximum pumping rate significantly reduces the liability of the contractor when compared to a standard of "no visible particulate matter". If a properly sized device is correctly used, based on the one hundred (100) micron particle size performance standard, then discharges of visible particulate matter would not constitute a violation. It is not possible to design a control

device that would insure "no visible particulate matter" discharges. This one hundred (100) micron standard is intended to significantly reduce sedimentation problems in downstream drainage systems and in the receiving waters that are caused by large particles. "Visible particulate matter" will probably still occur in water meeting this standard, as most turbidity effects are caused by very small particles that usually do not cause as severe of a sedimentation problem as larger particles. This one hundred (1000 micron particle size performance standard was therefore selected to be easily met and enforced, and to reduce sedimentation problems. A "no visible particulate matter" standard in contrast could not be met easily or cheaply, violations would frequently occur, and inspectors would have to make frequent site visits and require frequent control device changes. In addition, particle size measurements would not be required to prove compliance with the one hundred (100) micron performance standard. Only the proper use of a device designed to meet this particle size criteria is needed. However, if a contractor or site engineer feels that the dewatering water does not contain any particles larger than one hundred (100) microns, no control device would be needed if optional frequent particle size analyses confirm that fact. In most cases, the use of the simple control devices described previously would be less expensive and less bothersome than performing frequent particle size analyses.)

- (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 (not flushing) before the end of each workday.
- (4) **Drain Inlet Protection.** All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) **Site Erosion Control.** The following criteria (a. through d.) 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. 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 one-half (0.5) ft/sec across the disturbed area for the set of one (1) year 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 should 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 (1) time.
- c. Runoff from the entire disturbed area on the site shall be controlled by meeting the following criteria:
  - 1. For sites of less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
  - 2. For sites with more than ten (10) 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 have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth, and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of one (1) year design storms having durations from one-half (0.5) to twenty-four (24) hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
- d. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a down slope drainage length of less than fifteen (15) feet to a roadway or drainage channel.
- e. In-street utility repair or construction soil or dirt storage, for applicable project sites, must be protected with straw bale or other appropriate filtering barriers to prevent down-site erosion.

### **Sec. 15-5-8 Permit Application, Control Plan and Permit Issuance.**

- (a) **Approval.** No landowner or land user may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Village of Butler. The landowner or land user shall submit an application for a permit and a control plan and pay an application fee to the Village. By submitting an application, the applicant authorizes the inspector designed by the Village to enter the site to obtain information required for the review of the control plan.

- (b) **Content of the Control Plan for Land Disturbing Activities Covering Five (5) Acres or More.**
- (1) **Existing Site Map.** A map of the existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas. The site plan to include:
    - a. Site boundaries and adjacent lands which accurately identify the site location.
    - b. Site identification information to include all streams, wetlands, channels, ditches and other water courses, flood plain information, information on vegetative cover, locations and dimensions of storm water drainage systems, and natural drainage patterns; locations and dimensions of utilities, structures, roads.
  - (2) **Site Construction Plan.** Location, description, and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter. Provisions for maintenance of the construction site control measures during construction.
  - (3) **Plan of Final Site Conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (c) **Review of Control Plan.** Within ten (10) work days of receipt of the application, control plan, and fee, the inspector designated by the Village will review the application and control plan to determine if the requirements of this Chapter are met. If the requirements of this Chapter are met, the inspector shall approve the plan, and issue the permit. If the requirements of this Chapter are not met, he shall so advise the applicant of the reasons for disapproval of the permit.
- (d) **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 Village of Butler may extend the period one (1) or more times for up to an additional one hundred eighty (180) days. The Village of Butler may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.
  - (2) **Surety Bond.** As a condition of approval and issuance of the permit, the Village of Butler 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.
  - (3) **Permit Conditions.** All permits shall require the permittee to:
    - a. Notify the Village of Butler within forty-eight (48) hours of commencing any land disturbing activity.
    - b. Notify the Village of Butler of completion of any control measures within fourteen (14) days after their installation.
    - c. Obtain permission in writing from the Village of Butler 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 one-half (0.5) inches or more and at least each week and make needed repairs;
- h. Allow the Village of Butler 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. 15-5-9 Inspection.**

- (a) The Inspector shall inspect construction sites as often as he deems it appropriate to insure compliance with this Chapter.
- (b) If land disturbing or land development activities are being carried out without a permit, the Inspector shall enter the land pursuant to the provisions of Sec. 66.0119, Wis. Stats.

### **Sec. 15-5-10 Enforcement.**

- (a) The Village of Butler 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 ten (10) days, the Village of Butler may revoke the permit.
- (c) If the landowner or land user where no permit has been issued does not cease the activity within ten (10) days, the Village of Butler may request the Village Attorney to obtain a cease and desist order.
- (d) The Village of Butler or the Board of Appeals may retract the stop-work order or the revocation.

## Title 15 ▶ Chapter 6

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# Property Maintenance Code

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### **Sec. 15-6-1 Title and Purpose.**

- (a) **Title.** This Chapter shall be known and cited as the "Property Maintenance and Minimum Housing Code" of the Village of Butler.
- (b) **Purpose.** The purpose of this Chapter is to prevent the deterioration of residential units and neighborhoods. Rooming houses are under the jurisdiction of this Chapter. This Chapter recognizes that such deterioration could develop because of:
  - (1) Faulty design and/or construction;
  - (2) Poor maintenance;
  - (3) Lack of proper sanitary facilities;
  - (4) Inadequate lighting and ventilation;
  - (5) Inadequate heating facilities; or a
  - (6) Combination of these factors.
- (c) **Dilapidated Structures.** Such buildings could become so dilapidated and neglected that they jeopardize or are detrimental to the health, safety, morals, general welfare or the economic values of adjoining properties.

- (d) **Chapter in the Public Interest.** The adoption and enforcement of this Chapter is therefore declared to be essential to the public interest. It shall be liberally construed to maintain a pleasant, safe, and healthful environment and is intended to ensure the maintenance of property values within the Village of Butler.

## Sec. 15-6-2 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Approved.** Approved by or in accordance with regulations established by Village ordinance or code and by an authority designated by law to enforce such ordinance or code.
  - (2) **Basement.** That portion of a dwelling not deemed as "first story", located partly underground, but having less than one-half (1/2) of its clear floor-to-ceiling height below the average finished grade of the adjoining ground.
  - (3) **Bath.** Bathtub or shower stall properly connected with both hot and cold water lines.
  - (4) **Bathroom.** A nonhabitable room within a dwelling unit which is used or intended to be used primarily for bathing and/or toilet purposes and which contains a toilet, lavatory and, in some cases, bathtub or shower facilities.
  - (5) **Bedroom.** A habitable room within a dwelling unit which is used or intended to be used primarily for the purpose of sleeping, but shall not include any kitchen or dining room.
  - (6) **Cellar.** That portion of a dwelling not deemed as "first story", located all or partly underground, but having more than one-half (1/2) of its clear floor-to-ceiling height below average grade of the adjoining ground.
  - (7) **Dwelling.** Any building which contains one or more dwelling units used, intended or designed to be built, used, rented, leased, let or hired out to be occupied by a family but not including a tent, cabin, trailer or trailer coach, boarding or rooming house.
  - (8) **Dwelling Unit.** Any room or group of rooms located within a dwelling providing complete independent living facilities for one family, including permanent provisions for living and sleeping and having only one kitchen or kitchenette.
  - (9) **Extermination.** The control and elimination of insects, rodents or other pests by elimination of their harborage places by removing or making inaccessible material that may serve as their food by poisoning, spraying, trapping, or by any other recognized and legal elimination methods approved by Public Health Authorities.
  - (10) **Family.** One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit. A number of adults, but not to exceed three (3), living together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family. "Adoption" as herein defined means persons who are in a bona fide process of adoption or foster children.

- (11) **Garbage.** The animal and vegetable waste resulting from the preparation, handling, cooking, and consumption of food.
- (12) **Habitable Room.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyers, communicating corridors, closets, and storage space.
- (13) **Hotel.** Any dwelling wherein sleeping accommodations are offered for pay to transients in five (5) or more rooms. It does not include rooming houses.
- (14) **Infestation.** The presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.
- (15) **Multi-Family.** A building or portion thereof containing three (3) or more dwelling units designed for or used by three (3) or more families.
- (16) **Occupant.** Any person living, sleeping, or having actual possession of a dwelling unit or rooming unit.
- (17) **Operator.** Any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.
- (18) **Owner.** Any person who alone, jointly, or severally with others shall be the legally recorded holder of the title with or without actual possession thereof; who has charge, care or control of any dwelling or dwelling unit or guardian of the estate of a land contract vendee interest.
- (19) **Person.** Any individual, firm, corporation, partnership, or association.
- (20) **Plumbing.** All of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- (21) **Premises.** Any lot, plot or parcel of land, including the building or structures thereon, be they occupied or unoccupied.
- (22) **Roomer.** Any person not related by blood, marriage, or adoption to the operator to whom spaces are let for sleeping purposes.
- (23) **Rooming House.** Any building, structure or part thereof in which rooming units are let to roomers. Convalescent homes, nursing homes, college dormitories designated as such by an accredited institution of higher learning, hospitals and sanitariums, hotels and motels licensed by the state and families as defined in this Code of Ordinances are not included within this definition.
- (24) **Rooming Unit.** A habitable room let to roomers, used or intended to be used for sleeping, which either shares a common toilet or bath with one or more habitable rooms let to roomers.
- (25) **Rubbish.** Household wastes, except garbage, including lawn rakings, tin cans, glass, metal, crockery, and similar household wastes, papers, rags and other combustible refuse.

- (26) **Single-Family.** A building containing one dwelling unit designed for or used exclusively for residence purposes by one family.
- (27) **Supplied.** Paid for, furnished or provided by or under the control of the owner or operator.
- (28) **Temporary Housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.
- (29) **Two-Family.** A building containing two (2) dwelling units designed for or used exclusively by two (2) families.
- (30) **Words, Meaning of Certain.** Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used in this Chapter, they shall be construed as though they are followed by the words "or any part thereof."

### **Sec. 15-6-3 Inspection of Premises.**

- (a) The Building Inspector and Fire Inspector are hereby authorized and directed to make inspections upon request, complaint, cause or when deemed necessary to determine the conditions of dwellings, dwelling units, rooming units and premises located within the Village.
- (b) The owner, operator or occupant of every dwelling, dwelling unit or rooming unit shall, upon the request of the Building or Fire Inspector and upon the showing of proper credentials, permit access to all parts of such building on their premises at all reasonable times for the purpose of the inspection, examination and survey hereby authorized.
- (c) Every occupant of a dwelling, dwelling unit or rooming unit shall give to the owner, operator or employee thereof access to any part of such dwelling, dwelling unit or rooming unit and the premises at all reasonable times for the purpose of making such repairs as are necessary to effect compliance with the provisions of this Chapter.

### **Sec. 15-6-4 Enforcement; Service of Notices and Orders; Hearings.**

- (a) **Service of Notices.** Whenever the Building or Fire Inspector determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, he/she shall give written notice of such violation or alleged violation to the owner of record of the property or his/her agent. Such notices shall:
  - (1) Include a description of the real estate sufficient for identification.
  - (2) Include a statement of the alleged violation or violations.

- (3) Include an order for remedial action which, if taken, will effect compliance with the provisions of this Chapter and with the rules and regulations adopted thereto.
  - (4) Allow reasonable time for the performance of any act it requires up to thirty (30) days with extensions only if more time is needed and work has been started to correct the violation or violations.
  - (5) Be served upon the owner, or his/her agent; provided, however, such notice shall be deemed to be properly served upon such owner, if a copy thereof is delivered to him/her personally, or if not found, by leaving a copy thereof at his/her usual place of abode, in the presence of someone of the family of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by registered mail, with return receipt required, to his/her last known address, or if the registered letter with the copy is returned with receipt showing it has not been delivered to him/her, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.
- (b) **Petition for Hearing.**
- (1) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter before the Village Board, provided the person requesting the hearing files a written petition requesting such hearing, specifying the ground thereof, with the Village Board and with the Building/Fire Inspector. Such petition shall be filed prior to the expiration time stated on the order, requirement, decision, or determination by the Building/Fire Inspector, but not later than thirty (30) days. The petition for hearing shall be filed with the Board in duplicate, setting forth name, address, and a brief statement of grounds for such hearing, together with a fee as prescribed in Section 1-3-1.
  - (2) The Building/Fire Inspector shall forthwith, upon the filing of such petition, transmit to the Village Board all of the papers constituting the record upon which the petition for hearing was taken.
  - (3) The Board shall fix a reasonable time for the hearing of the petition, which shall be not less than ten (10) days nor more than thirty (30) days after the date on which the petition was filed; provided, upon written application of the petitioner to the Board, it may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period if in its judgment the petition has set forth a good and sufficient reason for such postponement. The Board shall give ten (10) days' written notice of the time and place of the hearing to the petitioner and the Building/Fire Inspector.
- (c) **Opportunity to Be Heard.** At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The failure of the petitioner or his/her representative to appear at this hearing shall be grounds for dismissal of the petition, and shall terminate right of further appeal.
- (d) **Order if No Petition Filed.** Any order served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the Village office prior

to expiration of the time stated on the notice and not to exceed thirty (30) days. Any occupancy permit which has been suspended by a notice shall be deemed automatically revoked if a petition for hearing is not filed in the Village office prior to expiration of the time stated on the notice, and not to exceed thirty (30) days. The Board may administer oaths and affirmations in connection with the conduct of any hearing held in accordance with the provisions of this Chapter.

- (e) **Decision of the Board.** After such hearing, the Board shall sustain, modify, or withdraw the order, depending upon its findings as to whether the provisions of this Chapter have been complied with. The provisions of this Chapter when, because of special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship; provided, the spirit of this Chapter will be observed, public health and welfare secured, and substantial justice done. If the Board sustains or modifies such order, the Owner, Operator, or Occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by said Board. After a hearing in the case of any notice or order suspending any permit required by this Chapter, when such notice or order has been sustained by the Board, the Board shall order the permit revoked.
- (f) **Review by Municipal Court.** The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the Village office. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the Board shall then be served in the manner prescribed under Subsection (a) on the person who filed the petition for hearing. Any person or persons, jointly or severally aggrieved by the decision of the Board, or any taxpayer, or any officer, department, board, or bureau of the Village may seek relief therefrom by having the decision reviewed by the Municipal Court by certiorari, if the petition for the writ is presented to the court within fifteen (15) days after the date on which the said Board's decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies said Board within seven (7) days after the said Board's decision was served on them of their intention to present such petition to the court. Such petition, duly verified, shall set forth that such decision is illegal in whole or in part, or does not comply with the provisions of this Chapter, specifying the grounds thereof.
- (g) **Emergency Orders.** If the Building/Fire Inspector determines that a building is in such condition that it constitutes a public nuisance and that there is great and immediate danger to the public health, safety and welfare, or that a building or part thereof is unsanitary for human habitation, occupancy or use, he/she shall post a notice on the premises containing the following words:

**THIS BUILDING CANNOT BE USED FOR HUMAN  
HABITATION, OCCUPANCY OR USE**

## Sec. 15-6-5 Standards for Equipment and Facilities.

All habitable buildings shall comply with the following requirements for basic equipment and facilities:

- (a) **Sinks.** Every dwelling unit shall contain a kitchen sink which shall be located in the room in which food is cooked or prepared.
- (b) **Toilets and Sinks.** Every dwelling unit shall contain a bath, flush toilet and sink, irrespective of the sink required as a kitchen facility.
- (c) **Privacy.** The room wherein the toilet, lavatory and bathtub or shower required under this Section are installed, shall afford privacy to a person within. The bathtub or shower may be in a room separate from the room housing the toilet and lavatory basin, but shall afford privacy to a person within.
- (d) **Multiple Use.** Occupants of two (2) or more dwelling units may not share a toilet or lavatory with the exception of hotels and rooming houses as defined in Section 15-6-1.
- (e) **Water Supply.** Every kitchen sink, lavatory basin, bathtub and shower required by this Chapter shall be properly connected with both hot and cold water lines supplying water of safe, sanitary quality.
- (f) **Water Heating Facilities.** Every dwelling shall have supplied automatic or manually operated water heating facilities which are properly installed, maintained in safe and good working condition, and properly connected with *hot* water lines required under Subsection (e), are capable of heating water to a temperature of at least one hundred twenty degrees Fahrenheit (120°F) and to permit an adequate amount of *hot* water to be drawn at every required sink, lavatory basin, bathtub or shower even when the dwelling heating facilities required by this Chapter are not in operation.
- (g) **Garbage and Refuse Receptacles.** Every dwelling shall have adequate receptacles or disposal equipment for garbage and for rubbish to hold all garbage and rubbish produced by each dwelling unit. Such receptacles shall comply with requirements and standards set by the Board of Public Works or Village Board.
- (h) **Exits.** Each exit from a dwelling unit shall be kept in a reasonably good state of repair. Required exits shall, in addition, comply with all provisions of the appropriate codes of the State of Wisconsin.

## Sec. 15-6-6 Minimum Standards for Light, Ventilation and Heating.

- (a) **Windows.** Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area in every sleeping room shall be ten percent (10%) of the floor area of such room, but not less than twelve (12) square feet. No skylight shall be installed in lieu of a window where a skylight has not previously existed.

- (b) **Ventilation.** Every habitable room shall have at least one window which can easily be opened or such other devices as will adequately ventilate the room. The total openable window area in every habitable room shall equal at least forty-five percent (45%) of the minimum window area required by this Section, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.
- (c) **Bathroom.** Every bathroom and toilet compartment shall have at least one operable window facing the outside, except where there is supplied some mechanical device approved by the Building Inspector to provide adequate ventilation.
- (d) **Electrical Service.** Where there is electric service from power lines which are not more than three hundred (300) feet away from a dwelling, every habitable room of such dwelling shall contain at least two (2) separate wall type electric convenience outlets, or one such convenience outlet, and one supplied ceiling-type or wall-type electric fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric fixture. Every such outlet and fixture shall be properly installed and shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner. The Electrical Inspector shall be informed of all electrical deficiencies noted by the Building/Fire Inspector and shall investigate the same and make his/her recommendations hereon, which recommendations shall be made a part of the order made under the Property Maintenance Code to the property owner.
- (e) **Public Halls and Stairways.** In every building accommodating two (2) dwelling units using the same halls and stairways, arrangements shall be made to supply conveniently located light switches, including two-way light switches, at both the top and bottom of all stairways controlling an adequate lighting system which may be turned on when needed. In buildings accommodating more than two (2) dwelling units, every common hall and stairway shall be adequately lighted at all times.
- (f) **Insect Protection.** When flies or other pests are prevalent, all operable windows as required by Subsection (b) shall be self-closing. Screens and screen doors shall be self-closing. Screens and screen doors shall be maintained in good condition.
- (g) **Rodents.** Every basement window used for ventilation, and every other opening to a building which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
- (h) **Heating.** Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms within its walls to a temperature of at least seventy degrees Fahrenheit (70°F) under minimum winter temperature of at least twenty degrees Fahrenheit (20°F), without forcing the heating facilities beyond safe capacity.

### **Sec. 15-6-7 Requirements for Safe and Sanitary Maintenance.**

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

- (a) **Floors, Walls, Etc.** Every floor, wall, ceiling, foundation, and roof shall be weathertight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in

good repair, and in clean and sanitary condition. Exterior surfaces shall be painted or suitably surfaced:

- (1) To prevent deterioration of the structure.
  - (2) When the appearance of surfaces is an obvious detriment to the visual character of the neighborhood, and thus is a devaluating influence upon it.
- (b) **Stairs and Porches.** Every inside and outside stairs, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and shall be kept in sound condition and good repair, and in a clean and sanitary condition. Such stairs shall be kept free of refuse or stored material. Hand rails shall be installed as required in the Village and state building codes.
- (c) **Rainwater Drainage from Roof.** All rainwater shall be so drained and conveyed from the roof so as not to cause dampness in any wall, ceiling or floor of a habitable room, bathroom, or toilet room. All exterior drain pipes shall be maintained in safe and sanitary condition. Such drainpipes, eavestroughs, etc., shall be maintained so they do not detract from the visual character of the neighborhood.
- (d) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe required under this Section shall be installed in accordance with the Plumbing Code and maintained in good working condition, free from defects, leaks and obstructions.
- (e) **Toilet and Bathroom Floors.** The floors of all toilets and bathrooms shall be constructed and maintained so as to be leakproof, and shall be kept in a clean and sanitary condition.
- (f) **Chimneys and Supplied Smoke Pipes.** Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a good state of repair.
- (g) **Discontinuance of Service.** No owner, occupant or operator shall cause any service, facility, equipment or utility which is required under this Section to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergency when discontinuance of service is approved by the enforcing officer.
- (h) **Vacant Dwelling Units to Be Clean and Sanitary Before Being Let for Occupancy.** No owner shall occupy or rent to any person for occupancy or allow any other person to occupy any dwelling unit unless it is safe, clean and sanitary and complies with all provisions of this Chapter and all rules and regulations adopted pursuant thereto.

### **Sec. 15-6-8 Conditions of Occupancy of Dwellings and Dwelling Units.**

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

- (a) **Floor Space.** Every dwelling unit except hotels and rooming houses shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof.
- (b) **Habitable Room Area.** Floor area shall be calculated on the basis of habitable room area. However, closet areas and hall areas within the dwelling unit where provided may count for not more than ten percent (10%) of the required habitable floor area.
- (c) **Ceiling Height.** At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven feet six inches (7'6"); and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing floor area of the room for determining the maximum permissible occupancy thereof.
- (d) **Basement and Cellar Space.** No basement or cellar space may be used as a habitable room or dwelling unit, except as herein provided. In one- and two-family dwellings, kitchens and dining rooms may be located in a basement area having its floor level not more than three feet six inches (3'6") below the outside finished grade. A basement space may be used as a living or sleeping room or dwelling unit provided its floor level is not more than three feet six inches (3'6") below the outside finish grade at any point and its ceiling is four (4) feet or more above grade at any point. Family rooms may be located in basements or cellars, provided adequate ventilation is provided. In one- and two-family residences, any members of the immediate family of a resident owner may reside in a basement area, but only on condition that the floors and walls are made impervious to the leakage of underground and surface runoff water, the space is insulated against dampness, and the space to be used complies with all the requirements of this Code for habitable rooms.
- (e) **Occupants to Have Access to Sanitary Facilities.** Every occupant of every dwelling shall have unrestricted access to a bath and flush toilet and to a sink or lavatory basin located within that dwelling.
- (f) **Windows.** All windows shall be maintained in good repair.

### **Sec. 15-6-9 Responsibilities of Owners and Occupants.**

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

- (a) **Sanitary Responsibilities of Owner.** Every owner of a dwelling shall be responsible for maintaining in a safe, clean, and sanitary condition all communal, shared, or public area of a dwelling and premises thereof which are shared or used by the occupants of two (2) or more dwelling units.
- (b) **Sanitary Responsibilities of Occupants.** Every occupant of a dwelling or dwelling shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which they occupy and control.

- (c) **Disposal of Rubbish.** Every occupant of a dwelling or dwelling unit shall place all their rubbish accumulating between times of collection or other satisfactory disposal, in proper receptacles.
- (d) **Disposal of Garbage.** Every occupant of a dwelling or dwelling unit who does not otherwise provide for the disposal of garbage in a sanitary and inoffensive manner shall prepare all their garbage for collection and place it, pending collection, in a proper receptacle as provided herein. The owner shall be responsible for supplying such facilities or receptacles for all dwelling units in dwellings containing more than two (2) dwelling units. In all cases, the occupant shall be responsible for such facilities or receptacles.
- (e) **Extermination of Pests, Occupant's Responsibilities.** Every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein, wherever his/her dwelling unit is the only one infested; provided, when infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or substantially insect-proof condition, extermination shall be the responsibility of the owner.
- (f) **Extermination of Pests; Owner's Responsibility.** Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation occurs in more than one (1) dwelling unit in a dwelling or in the shared or public parts of a dwelling of two (2) or more units, or in any vacant unit.
- (g) **Use and Operation of Plumbing Fixtures.** Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for care in the proper use and operation thereof.
- (h) **Use and Operation of Heating Facilities.** Every occupant of a dwelling unit shall be responsible for care of and the proper use and operation of heating facilities.
- (i) **Destruction, Mutilation and Defacing of Property.** No person shall willfully or wantonly damage, mutilate or deface any part of residential real estate, supplied fixtures, equipment and furnishing or any other property of another.
- (j) **Grading, Landscaping and Drainage of Premises.** No premises shall be graded or maintained so that stagnant water will accumulate or stand on the premises or adjacent premises or within any building or structure. No premises shall be graded or maintained so that surface runoff causes damage to any person or property. In addition, yards shall be landscaped so that the visual character of the neighborhood is preserved.
- (k) **Responsibility in Case of Contract.** A contract effective between owner and operator, operator and occupant or owner and occupant with regard to compliance hereunder shall not relieve any part of their responsibility under this Section.
- (l) **Owner to Note in Writing the Number of Occupants Allowed.** Every owner or operator shall advise the occupant in writing, either by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in the occupied premises under this Chapter.
- (m) **Conditioning of Residential Lands.** The owners of filled or otherwise unsodded or unsurfaced residential lands are required to seed, sod or surface the same so as to preserve

the character of the landscape. In so doing, property owners shall not adversely affect adjoining property nor shall any slope exceed the normal angle of slippage of the material involved; all slopes shall be protected against erosion. In the case of retaining walls, whoever changes the grade at a property line is responsible.

## **Sec. 15-6-10 Licensing of Rooming Houses.**

### **(a) License; Application; Inspection Fee.**

- (1) No person shall operate a rooming house without first obtaining a license therefor as herein provided.
- (2) The license shall be applied for and issued to the operator for the rooming house to be licensed. Such operator shall make application to the Village Clerk who shall request the Building/Fire Inspectors to twice yearly inspect the premises and submit a written report based upon the requirements of this Chapter, other pertinent Codes, regulations of this Code of Ordinances and the applicable provisions of the Wisconsin Statutes and Wisconsin Administrative Code.
- (3) The annual license fee shall be as prescribed in Section 1-3-1 plus a per-room fee. All licenses expire December 31st of each year. All applications for license renewal must be submitted to the Village Clerk by November 1st.
- (4) The Village Board may grant the license upon determination that all requirements have been met.
- (5) Each license shall specify the number of people that can be accommodated in the rooming house. No person shall furnish sleeping accommodations for more persons than are specified in the license, provided that two (2) children under age twelve (12) shall be equivalent to one (1) adult person.
- (6) The license shall be conspicuously posted in the office or in a public hallway of rooming house.
- (7) No license issued hereunder shall be transferable to another person without reapplication.

### **(b) Conditions; Facilities.**

- (1) Each rooming house shall display an adequate sized sign at the entrance thereto setting forth the number of rooms for rent.
- (2) Each rooming unit in any rooming house shall have at least seventy (70) square feet of air space for each person sleeping therein. Each such room shall be adequately ventilated, having window space opening on the street, court or yard equal to one-tenth (1/10) of the floor area of such room. All rooms shall have workable windows, screens for the total opening portion of the window (or be adequately air conditioned) and storm windows for the entire window.
- (3) Each rooming house shall have an adequate number of smoke detectors, properly placed, as determined by the Building/Fire Inspectors. Existing rooming houses may

- have battery operated smoke detectors. New or converted rooming houses shall have wired smoke detectors.
- (4) Each window in a rooming house shall have shades or drapes.
  - (5) If the licensee furnishes linen and towels, fresh linen and towels shall be furnished weekly.
  - (6) Cooking is prohibited in the sleeping rooms of rooming houses, except in those rooms which have permanently installed cooking facilities.
  - (7) At least one flush toilet, lavatory basin and bathtub or shower, all in good working condition, shall be supplied for each six (6) persons, including the operator's quarters or family when they share the use of such facilities, except that rooming houses which have existed prior to the enactment of this Chapter shall be considered to be in compliance with this Section. Such facilities shall be accessible from a common hall or passageway. Hot water shall be furnished at all times.
  - (8) Each rooming house shall have at least two (2) safe, unobstructed means of exits leading from each floor level.
  - (9) Each operator shall be responsible for the sanitary maintenance of the premises. This shall include, but shall not be limited to:
    - a. All rugs, carpets, drapes, curtains and upholstered furniture and other supplied equipment shall be kept clean and free from odor and be kept in good repair. Each sleeping room shall be kept free from filth and vermin. Walls, floors and ceilings in each sleeping room, toilet room, hallway and stairway shall be kept clean and in proper repair and shall be painted or washed as frequently as may be required by the Building Inspector.
    - b. Adequate garbage disposal facilities or garbage storage containers shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all garbage in a clean and sanitary manner through the use of approved mechanical equipment or by placing it in the required containers.
    - c. Each operator of a rooming house shall report to Health Department authorities within twenty-four (24) hours the name and room number of any roomer or person residing in their rooming house suffering or reasonably believed to be suffering from any major communicable disease.
    - d. The operator of any rooming house shall be responsible for the extermination of any insects, rodents or other pests on the premises.
    - e. Outside premises and property must be maintained in a neat and orderly manner in accordance with neighborhood standards which includes, but is not limited to, exterior painting and lawn maintenance. Exterior and lawn areas shall be kept free of debris and inoperable appliances/vehicles.
  - (10) The operator of each rooming house shall be responsible for any unsanitary condition prevailing within such rooming house and any condition upon the premises where such rooming house is located and shall be responsible for the property observance of all the provisions of this Section.

(c) **Enforcement Provisions.**

- (1) Each violation of this Section is punishable by a Two Hundred Dollar (\$200.00) forfeiture. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Section shall preclude the Village from commencing an action to prevent or remove a violation of this Section, including an action pursuant to the provisions of Ch. 823, Wis. Stats.
- (2) The Building/Fire Inspector, upon inspection or discovery of any violation of this Section, may allow up to thirty (30) days for corrections. In the case of extreme hardship, an additional thirty (30) days may be granted.

(d) **Revocation and Renewal.** In addition to the forfeitures provided for in Subsection (c)(1) above, the Village Board may revoke or refuse to renew any license issued under this Section as hereinafter provided:

- (1) **Revocation.** A license issued under this Section may be revoked for violations of the terms and conditions upon which the license was issued and for repeated violations of this Section. The Board or its authorized committee shall inform the licensee of its intention to revoke. Service of the intention to revoke shall be in the manner provided under Ch. 801, Wis. Stats., for service in civil action in municipal court. The licensee may, within fifteen (15) days after notification of the Board's intention to revoke, request a hearing. If the licensee does not request a hearing on the revocation by mailing or delivering a written request to the Village Clerk within fifteen (15) days after notification, the license shall be revoked. The Village Clerk shall give notice for the revocation to the person whose license is revoked. When a license is revoked under this Subsection, the revocation shall be recorded by the Clerk and no other license issued under this Section may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked shall be refunded.
- (2) **Renewal.** The Board may refuse to renew a license for the causes provided in Subsection (d)(1) above and for violation of this Code of Ordinances relative to outstanding local delinquent taxes and charges. Prior to the time for renewal of the license, the Board or its authorized committee shall notify the licensee in writing of their intention not to renew the license and provide the licensee with an opportunity for a hearing in the manner provided for in Subsection (d)(1) above.

**Sec. 15-6-11 Dwelling and Dwelling Units Which May be Occupied.**

- (a) No dwelling or dwelling unit in the Village may be occupied if such dwelling or dwelling unit has been inspected by the Building/Fire Inspector and it has been determined that such dwelling or dwelling unit does not conform to the requirements of this Chapter.
- (b) The Building/Fire Inspector shall order compliance with this Chapter within a stated period of time not to exceed six (6) months. However, in cases of hardship, he/she may grant, at

his/her discretion, time extensions not exceeding six (6) months each, and in any case, not exceeding one (1) year from the time of the original order. Such extensions shall be granted only upon evidence of substantial effort to and progress in removing the violation. No person shall deface or remove a placard from any dwelling which has been condemned as unfit for human habitation and placarded as such except the Building/Fire Inspector.

- (c) Any dwelling declared structurally unsafe shall be restored or razed according to the provisions of Ch. 66.0413, Wis. Stats., or this Code of Ordinances. The Building Inspector shall carry out the provisions thereof.

### **Sec. 15-6-12 Failure to Comply with Orders.**

If any person fails to comply with the orders imposed by the Building/Fire Inspector, such Inspector shall give notice to the Village Attorney to commence such legal action as to effectuate the purpose of this Chapter.

### **Sec. 15-6-13 Penalty.**

Any person who shall violate any provision of this Chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.

## Title 15 ► Chapter 7

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

**15-7-1** Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

### **Sec. 15-7-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.**

(a) **Statement of Purpose.**

- (1) The Village of Butler, in complying with the Americans 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 Administrator. 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 Administrator.
- (2) 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 should consist of five (5) members, and should, 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.
- (3) In the alternative, the duties of the ADA Compliance Committee may be delegated to a standing committee of the Village Board.
- (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 Administrator.
- (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 a copy forwarded to the complainant no later than twenty (20) days after its filing.
- (6) The Village Administrator 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. Review will be conducted in public with a minimum twenty-four (24) hour notice. 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.

## Title 15 ► Chapter 8

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# Historic Preservation

- 15-8-1** Declaration of Public Policy and Property
- 15-8-2** Definitions
- 15-8-3** Power and Duties of Historic Preservation Committee;  
Procedure for Designation of Sites, Structures,  
Landmarks and Districts
- 15-8-4** Criteria for Determining Eligibility
- 15-8-5** Register of Historic Sites, Structures, Landmarks and  
Districts
- 15-8-6** External Alteration of Designated Property
- 15-8-7** Transfer of Historically Designated Property
- 15-8-8** Review of Permits
- 15-8-9** Designation of Repository for Documents

### **Sec. 15-8-1 Declaration of Public Policy and Property.**

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

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

### **Sec. 15-8-2 Definitions.**

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

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

### **Sec. 15-8-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.**

- (a) **Composition.**
  - (1) The Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Committee will act in an advisory capacity to the Village Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village. In the alternative, the duties of the Committee may be delegated to a standing committee of the Village Board.
  - (2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
    - a. Active interest in the historic preservation of the Village of Butler.
    - b. Knowledge of the history of the Village and its environs.
    - c. Expertise and knowledge concerning architecture and archeology.
    - d. Ability to utilize authoritative resources concerning historic preservation.
  - (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years;

- and, position number five (5), five (5) years. As each term expires, a new appointment or reappointment shall be made by the Village Board for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.
- (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
  - (5) The Historic Preservation Committee shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
  - (6) The Village Board and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-8-4 below.
  - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
  - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
  - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof.
  - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of Village designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
  - (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.

- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.
- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

#### **Sec. 15-8-4 Criteria for Determining Eligibility.**

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

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

#### **Sec. 15-8-5 Register of Historic Sites, Structures, Landmarks and Districts.**

The Village of Butler shall maintain a register of historic sites, structures, landmarks and districts.

#### **Sec. 15-8-6 External Alteration of Designated Property.**

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in *The Secretary of the Interior's Standards for Rehabilitation*.

#### **Sec. 15-8-7 Transfer of Historically Designated Property.**

- (a) The Village Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.

- (b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

### **Sec. 15-8-8 Review of Permits.**

- (a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Village Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Village Board concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Village Board within thirty (30) days. The Village Board, will vote to decide if the permit will be issued or denied.
- (c) The Village Board, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Village Board shall consider the following factors:
  - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
  - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- (d) The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

### **Sec. 15-8-9 Designation of Repository for Documents.**

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