



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

MONDAY, JUNE 17, 2024, 4:00 PM

In person at City Hall, Room 207.

Virtual attendance also available via Zoom.

A. Zoom Meeting Information.

- I. Join Zoom Meeting Online:
<https://us02web.zoom.us/j/83659327036>

Or call in by phone: +1 312 626 6799

Meeting ID: 836 5932 7036

Passcode: 383540

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) prior to the meeting. More detailed [Zoom Instructions](#) can be found online.

B. Roll Call.

C. Approval of the Agenda.

D. Approval of Minutes.

- I. Approval of the minutes from the June 3, 2024, Protection & Policy Committee meeting.

E. Regular Business.

- I. To provide an update on the extension request for Rocky's Taqueria LLC at 1679 Main St.
2. Consideration with possible action on a limited expansion request at the following location(s):
 - a. Brewski's on Broadway at 1100 S. Broadway on September 13-15 (1/2 the parking lot with proper fencing).

3. Consideration with possible action on the "Class B" Liquor and Class "B" Beer 2024-2025 renewal application for Rockyz Taqueria LLC at 1679 Main St., subject to the approval of the proper authorities.
4. Consideration with possible action on a 24-25 renewal application for a "Class A" Liquor and Class "A" Beer license for JLA, Inc. at 1698 Main St., subject to the approval of the proper authorities.
5. Consideration with possible action on a "Class A" Liquor and Class "A" Beer license with a change of agent for the listed locations, subject to the approval of the proper authorities:
 - a. Dolgencorp, LLC (Dollar General Store # 21045) at 1641 Main St.
 - b. Dolgencorp, LLC (Dollar General Store #6563) at 1152 S. Military Ave.
6. Consideration with possible action on the 2024-2025 renewal applications with no changes for the listed locations, subject to the approval of the proper authorities:

"Class A" Liquor and Class "A" Beer:

 - a. Traveling Chef, LLC (The Traveling Chef) at 335 N Broadway
 - b. Family Dollar Stores of WI (Family Dollar #24158) at 550 N Military
 - c. Family Dollar Stores of WI (Family Dollar #26961) at 514 W. Walnut

"Class B" Liquor and Class "B" Beer:

 - a. R and Ds Restaurant Holdings LLC (Delilah's) at 115 N Adams
 - b. Bay Area Burger Co. (Bay Area Burger Co.) at 126 S. Broadway
7. Consideration with possible action on a 2024-2025 "Class B" Liquor and Class "B" Beer license for Jam-Rock GB LLC at 700 Bodart St., subject to the approval of the proper authorities.
8. Consideration with possible action on a request by JR Smith LLC at 1698 Main St. to extend the issuance of the liquor license (license granted on March 5, 2024).
9. Consideration with possible action on a 24-25 renewal application for a Class "A" Beer and "Class A" liquor license for JR Smith LLC at 1698 Main St. , subject to the approval of the proper authorities.
10. A request by Alderman Wery, District 8, to review, with possible action, all preparations for the 2025 NFL draft. Request a presentation by the Green Bay Packers of their plans and requests for city resources or actions. Monthly updates, with possible action, to all standing committees regarding personnel needs, expenses, uses of city property or equipment etc. Should separate committee actions be considered too cumbersome, request a 2025 NFL Draft committee be established to coordinate and communicate the items listed in addition to any other items/issues that may arise. This committee would meet regularly and report to city council.
11. Consideration with possible action on a communication from Ald. Wery, District 8, to direct staff to draft a resolution asking Brown County to fully determine the borders of the Poor Farm/Asylum Cemetery and create an interactive memorial site for those buried there.
12. Consideration with possible action General Ordinance 9-24, an ordinance relating to petitions and communications.

13. Consideration with possible action on General Ordinance No. 13-24, Repealing and Recreating Chapter 8, Green Bay Municipal Code, relating to Buildings and Construction.
14. Consideration with possible action on General Ordinance No. 14-24, Creating Section 2-187, Green Bay Municipal Code, relating to Zoning Board of Appeals.

F. Informational.

1. Informational Only: Clerk's Election Training Membership.
2. Informational Only: The Report by the Clerk on alternate in-person absentee sites.
3. St. John's Ministries Emergency Season Report.
4. Liquor Violation Report.
5. A report by the City Clerk's Office regarding current licensees who have failed to file a renewal application for the 2024-2025 license year.
6. Clerk Licensing Report.

G. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Protection and Policy committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.
- 5) FOR ALL LICENSING ISSUES, the Committee may convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wis. Stats., for the purpose of considering information with respect to licensing for a person, including financial, social, or personal information. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

Jaime Fuge, Deputy Clerk

AGENDA ITEM # E.I

To provide an update on the extension request for Rockyz Taqueria LLC at 1679 Main St.

BACKGROUND

-The Clerk's Office issued the original license on 6/7/2024.

RECOMMENDATION

Receive and place on file

FISCAL IMPACT**ATTACHMENTS**

I. EXTENSION REQUEST



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.2

Consideration with possible action on a limited expansion request at the following location(s):
a. Brewski's on Broadway at 1100 S. Broadway on September 13-15 (1/2 the parking lot with proper fencing).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. BREWSKI'S ON BROADWAY-1100 S BROADWAY



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

Jaime Fuge, Deputy Clerk

AGENDA ITEM # E.3

Consideration with possible action on the "Class B" Liquor and Class "B" Beer 2024-2025 renewal application for Rockyz Taqueria LLC at 1679 Main St., subject to the approval of the proper authorities.

BACKGROUND

- The Green Bay Clerk's Office would recommend approval. The original application was issued on June 7, 2024 and the business is operational.

RECOMMENDATION

Approval

FISCAL IMPACT**ATTACHMENTS**

- I. 1679 MAIN ST RENEWAL APPLICATION



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.4

Consideration with possible action on a 24-25 renewal application for a "Class A" Liquor and Class "A" Beer license for JLA, Inc. at 1698 Main St., subject to the approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 1698 main-new



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.5

Consideration with possible action on a "Class A" Liquor and Class "A" Beer license with a change of agent for the listed locations, subject to the approval of the proper authorities:

- a. Dolgencorp, LLC (Dollar General Store # 21045) at 1641 Main St.
- b. Dolgencorp, LLC (Dollar General Store #6563) at 1152 S. Military Ave.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.6

Consideration with possible action on the 2024-2025 renewal applications with no changes for the listed locations, subject to the approval of the proper authorities:

"Class A" Liquor and Class "A" Beer:

- a. Traveling Chef, LLC (The Traveling Chef) at 335 N Broadway
- b. Family Dollar Stores of WI (Family Dollar #24158) at 550 N Military
- c. Family Dollar Stores of WI (Family Dollar #26961) at 514 W. Walnut

"Class B" Liquor and Class "B" Beer:

- a. R and Ds Restaurant Holdings LLC (Delilah's) at 115 N Adams
- b. Bay Area Burger Co. (Bay Area Burger Co.) at 126 S. Broadway

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.7

Consideration with possible action on a 2024-2025 "Class B" Liquor and Class "B" Beer license for Jam-Rock GB LLC at 700 Bodart St., subject to the approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 700 bodart renewal liquor application



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.8

Consideration with possible action on a request by JR Smith LLC at 1698 Main St. to extend the issuance of the liquor license (license granted on March 5, 2024).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. liquor license



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.9

Consideration with possible action on a 24-25 renewal application for a Class "A" Beer and "Class A" liquor license for JR Smith LLC at 1698 Main St. , subject to the approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. jr smith llc



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.10

A request by Alderman Wery, District 8, to review, with possible action, all preparations for the 2025 NFL draft. Request a presentation by the Green Bay Packers of their plans and requests for city resources or actions. Monthly updates, with possible action, to all standing committees regarding personnel needs, expenses, uses of city property or equipment etc.

Should separate committee actions be considered too cumbersome, request a 2025 NFL Draft committee be established to coordinate and communicate the items listed in addition to any other items/issues that may arise. This committee would meet regularly and report to city council.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2024-05-31 Dist 8 to P and P

Online Form Submittal: Alders' Petitions and Communications

noreply@civicplus.com <noreply@civicplus.com>

Sat 6/1/2024 12:34 AM

To: Celestine Jeffreys <Celestine.Jeffreys@greenbaywi.gov>; Eric Genrich <Eric.Genrich@greenbaywi.gov>; Amaad Rivera <Amaad.Rivera@greenbaywi.gov>

Alders' Petitions and Communications

Name	Chris Wery
Committee Name	Protection and Policy Committee
Text of Communication	Request by Alderman Wery to review, with possible action, all preparations for the 2025 NFL draft. Request a presentation by the Green Bay Packers of their plans and requests for city resources or actions. Monthly updates, with possible action, to all standing committees regarding personnel needs, expenses, uses of city property or equipment etc. Should separate committee actions be considered too cumbersome, request a 2025 NFL Draft committee be established to coordinate and communicate the items listed in addition to any other items/issues that may arise. This committee would meet regularly and report to city council. Respectfully submitted, Alderman Chris Wery

Email not displaying correctly? [View it in your browser.](#)



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.11

Consideration with possible action on a communication from Ald. Wery, District 8, to direct staff to draft a resolution asking Brown County to fully determine the borders of the Poor Farm/Asylum Cemetery and create an interactive memorial site for those buried there.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2024-06-12 Dist 8 to P and P

From: noreply@civicplus.com
To: [Celestine Jeffreys](#); [Eric Genrich](#); [Amaad Rivera](#)
Subject: Online Form Submittal: Alders' Petitions and Communications
Date: Wednesday, June 12, 2024 4:29:40 PM

Alders' Petitions and Communications

Name	Chris Wery
Committee Name	Protection and Policy Committee
Text of Communication	Direct staff to draft a resolution asking Brown County to fully determine the borders of the Poor Farm/Asylum Cemetery and create an interactive memorial site for those buried there.

Email not displaying correctly? [View it in your browser.](#)



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.12

Consideration with possible action General Ordinance 9-24, an ordinance relating to petitions and communications.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Draft G.O. 09-24 Relating to Petitions and Communications (clean version)
2. Draft G.O. 09-24 Relating to Petitions and Communications

GENERAL ORDINANCE NO. 09-24

**AN ORDINANCE AMENDING SECTION 2-27(i),
GREEN BAY MUNICIPAL CODE,
RELATING TO PETITIONS AND COMMUNICATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-27(i), Green Bay Municipal Code, is hereby amended to read:

(i) **Petitions and communications; sponsorship.**

- (1) All alder communications, petitions, and requests shall be in writing and submitted to the Clerk no later than the close of business on the Wednesday preceding a Common Council meeting, or in the case of a special meeting of the Common Council, not less than 24 hours prior to the meeting.
- (2) Timely submitted communications, petitions, and requests shall be placed on the Common Council agenda for a vote by Council to be referred to and heard by the appropriate committee. The committee shall make a recommendation within two meetings, unless otherwise specified by the Council. If the committee fails to make a recommendation within the prescribed time, the item shall be placed on the next Common Council agenda without a recommendation. Referral to committee can be done by vote of the Common Council as provided in this section or by written consent of the Chairperson of the committee. Any matter referred to more than one committee shall be designated to a primary committee. Other committees considering the matter shall make recommendations to the primary committee for its consideration. Only the recommendation of the primary committee shall be presented to the Common Council for action.
- (3) No ordinance may be added to any committee agenda without the sponsorship of at least one member of the Common Council. Additional alders may join as sponsors of the ordinance prior to, or at the time, of the first reading of the ordinance at Common Council.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2024.

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

law

06/11/2024

GENERAL ORDINANCE NO. 09-24

AN ORDINANCE AMENDING SECTION 2-27(i),
GREEN BAY MUNICIPAL CODE,
RELATING TO PETITIONS AND COMMUNICATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-27(i), Green Bay Municipal Code, is hereby amended to read:

(i) **Petitions and communications; Reference to committees sponsorship.**

- (1) All **alder** communications, petitions, **and** requests, ~~and complaints~~ shall be in writing and **submitted to the Clerk no later than the close of business on the Wednesday preceding a Common Council meeting, or in the case of a special meeting of the Common Council, not less than 24 hours prior to the meeting.**
- (2) **Timely submitted communications, petitions, and requests** shall be **placed on the Common Council agenda for a vote by Council to be referred to and heard by the appropriate committee. The committee shall make a recommendation within two meetings, unless otherwise specified by the Council. If the committee fails to make a recommendation within the prescribed time, the item shall be placed on the next Common Council agenda without a recommendation.** ~~referred to a committee before action is taken thereon by the Council. Referral to committee can be done by referral~~ **vote** of the Common Council **as provided in this section** or by **written** consent of the Chairperson of the committee. Any matter referred to more than one committee shall be designated to a primary committee. Other committees considering the matter shall make recommendations to the primary committee for its consideration. Only the recommendation of the primary committee shall be presented to the Common Council for action.
- (3) **No ordinance may be added to any committee agenda without the sponsorship of at least one member of the Common Council. Additional alders may join as sponsors of the ordinance prior to, or at the time, of the first reading of the ordinance at Common Council.**

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2024.

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

law

06/11/2024



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.13

Consideration with possible action on General Ordinance No. 13-24, Repealing and Recreating Chapter 8, Green Bay Municipal Code, relating to Buildings and Construction.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Chapter 8 Updates Memo
2. DRAFT GO 13-24 - Repeal and Recreate Ch 8 - Buildings and Construction

CITY OF GREEN BAY

TO: Mayor Eric Genrich; Common Council

FROM: Assistant City Attorney Lindsay Mather

DATE: June 13, 2024

RE: Updates and Revisions to Building and Trades Codes in Chapter 8, GBMC

Chapter 8 of the Green Bay Municipal Code is being repealed and recreated in its entirety in order to incorporate necessary revisions and updates to the entire code at once. The primary purpose of the updates is to bring the Green Bay Municipal Code into compliance with Wisconsin's Administrative Code. Many changes were grammatical or otherwise non-substantive; however, this memo serves to provide an overview of the large-scale substantive changes.

- Municipalities no longer have the authority to regulate certain areas previously included in Chapter 8; those parts of the code have been removed.
- Provisions that were inconsistent with the state administrative code were removed or amended to resolve the inconsistencies.
- Certain provisions appeared in and/or applied to several of the Articles within Chapter 8. To streamline the chapter and prevent repetition, as well as make those provisions easier to find, they have been incorporated into Article I, "In General."
- Included in the "In General" article is a provision concerning appeals of permit denials and orders issued under Chapter 8. As presently written, the code gives jurisdiction over these appeals to different bodies. These revisions give that jurisdiction to the Board of Appeals.
 - In order to give the Board of Appeals jurisdiction over these hearings, Section 2-187 is being created to add appeals under Chapter 8 to the Board's jurisdiction (in addition to hearings under Chapter 44).
 - Appeals of reinspection fees, which affect the City's budget, will be heard by the Finance Committee, subject to approval by Council.
- The permitting provisions of each Article have been updated to make them more consistent with one another and contain all necessary provisions, including those related to permit revocation.

GENERAL ORDINANCE NO. 13-24

AN ORDINANCE REPEALING AND RECREATING
CHAPTER 8, GREEN BAY MUNICIPAL CODE,
RELATING TO BUILDINGS AND CONSTRUCTION

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8, Green Bay Municipal Code, is hereby repealed in its entirety and recreated as shown in the attached Exhibit A, incorporated herein and made part hereof in its entirety by reference.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2024.

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

ljm

6/25/2024

Exhibit A

Chapter 8 BUILDINGS AND CONSTRUCTION

ARTICLE I. IN GENERAL

Sec. 8-1. Director of Community and Economic Development to enforce.

The Director of Community and Economic Development is responsible for the enforcement of this chapter and may issue citations hereunder and may delegate such citation authority to their employees. It is declared that the intent of this chapter can be most effectively carried out by the cooperation of all City departments concerned, and all such departments shall cooperate with the Director in the enforcement of this chapter.

Sec. 8-2. Wisconsin Administrative Code to be on file.

Copies of the chapters of the Wisconsin Administrative Code incorporated into this chapter by reference shall be kept on file in the offices of the Department of Community and Economic Development and the City Clerk.

Sec. 8-3. Violations of this chapter.

Whenever the Director 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 or of any rule or regulation adopted pursuant hereto, the Director shall give notice of such violation to the person legally responsible therefor. Such notice shall provide sufficient information to the person responsible as to inform them of the actions necessary to correct the violation and specify a deadline by which such corrections must be made.

Sec. 8-4. Appeals; Zoning Board of Appeals.

- (a) *Jurisdiction.* The Zoning Board of Appeals, organized under Section 44-138, shall have the authority to hear the following matters.
 - (1) Any decision of the Director of the Department of Community and Economic Development (Director) to deny an application for any permit issued under this chapter, or any decision to revoke such a permit.
 - (2) Any error in any order made by the Director in the enforcement of this chapter.
- (b) *Appeal process.* Any person aggrieved by a decision, determination, or order of the Director as described in subsection (a) may appeal the decision, determination, or order to the Zoning Board of Appeals. Unless otherwise provided in this chapter, such appeals shall be governed by the following provisions.
 - (1) The aggrieved person must file a written petition with the City Clerk within 20 days of the decision, determination, or order being appealed or the petition shall be untimely. The petition must identify the permit denial, permit revocation, or enforcement order being appealed, the official who made the decision, determination, or order, and all other relevant facts related to the appeal.
 - (2) The official whose decision, determination, or order is appealed shall submit a written report to the Board describing the reasons for the decision, determination, or order and shall attend the appeal hearing to comment.
 - (3) The Board shall establish a reasonable time for the hearing of the appeal and give public notice thereof. The Board shall render a decision on the appeal within a reasonable time.
 - (4) The Board may reverse or affirm the decision, determination, or order, wholly or partially, as appropriate.
 - (5) A party aggrieved by a decision of the Zoning Board of Appeals under this section may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.

Sec. 8-5. Re-inspection fees.

- (a) *Definition.* The term "re-inspection fee" means a special charge that may be assessed against a property owner by the City in order to defray the administrative cost of exercising jurisdiction over this chapter and conducting related inspections within the City.
- (b) *When assessed.* An inspector may assess a re-inspection fee if a property is not available to be inspected at the time of a scheduled inspection or if all of the following conditions are met:
 - (1) The inspector has found that the owner's parcel is not in compliance with a provision of this chapter;
 - (2) The inspector has informed the property owner of the changes necessary to gain compliance; and
 - (3) Upon subsequent investigation or inspection, the inspector finds that the same violation persists.
- (c) *Fees charged.* Each re-inspection fee shall be as provided in the City Fee Schedule. A separate re-inspection fee may be assessed each time the conditions under subsection (b) of this section exist.
- (d) *Appeals.* Within 30 days of assessment, a property owner against whom re-inspection fees have been assessed may appeal said fees to the Finance Committee.

Sec. 8-6. General penalty.

Unless a more specific penalty is specified, any person who shall violate any provision of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in Section 1-6, except that the minimum penalty for each offense shall be \$25.00. Unless otherwise provided, each 24-hour period any such violation is allowed to exist shall constitute a separate violation.

Secs. 8-7—8-18. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 8-19. Purpose.

The purpose of this article is to provide minimum City regulations, provisions, and requirements for buildings and structures within the City, thereby increasing safety to persons and property, stable design, and good methods of construction and uses of materials in any building or structure constructed, enlarged, altered, repaired, moved, converted to other use, or demolished; to regulate the equipment, maintenance, condition, use, occupancy, and safety of buildings in the City; and to promote the public health, safety, and general welfare. This article shall apply to new buildings and structures and to alterations and additions to existing buildings and structures within the City.

Sec. 8-20. Applicability.

- (a) *Persons affected.* This article shall be binding upon every owner of a building and every person in charge of or responsible for the condition of any building or structure in the City, or who causes repair or alteration thereof.
- (b) *Buildings affected.* This article shall apply to all buildings and structures, except buildings which were erected in compliance with the City Building Code and/or the State of Wisconsin building code in force at the time of their construction or last change in use and which:
 - (1) Have been repaired and maintained so that the structures are weathertight and the structural members are not hazardous to life or property;

- (2) Are kept free from accumulations of dirt, filth, rubbish, garbage, or other matter in or on the same or in the yards, courts, passageways, or other areas connected or belonging to the same; and
- (3) Do not have cross-connections in plumbing systems that are hazardous to the occupants or violate any provision of the Plumbing Code regarding cross-connections.

Sec. 8-21. Definitions.

The definitions in Wis. Admin. Code SPS § 320.07 shall apply to this article. Additionally, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section. Where a conflict exists between a definition in this section and in Wis. Admin. Code SPS § 320.07, the definition in the administrative code shall control.

Accessory building means a detached building, not used as a dwelling unit but incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.

Accessory use means a use incidental to the use of the main building or to the principal use of the premises.

Air temperature means a measurement of the temperature of the air and not of radiant heat.

Alley means a public thoroughfare which affords a secondary means of access to abutting property and which is generally fewer than 20 feet wide.

Alteration means an enhancement, upgrading, or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a dwelling.

Apartment means a part of a building occupied or designed or intended to be occupied by one or more persons as a single-living unit or as a single-family housekeeping unit and which includes the use of kitchen facilities, either in private or in common with others.

Approved as to materials and types of construction means approved by the Director as the result of investigation and tests conducted by the Director or an authorized agent or by reason of accepted principles or tests by national authorities or by technical or scientific organizations accepted by the Director. Approvals given shall be in writing, and a copy thereof kept on file in the Building Inspection Division.

Balcony means a landing or porch projecting from the wall of a building.

Basement means that portion of a dwelling below the first floor or groundfloor with its entire floor below grade.

Base flood has the meaning ascribed in Section 44-1045.

Boarding house or lodging house means a building or structure, other than a hotel licensed by the State, where lodging and meals for three or more persons are served for compensation.

Building means:

- (1) *Noun.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
- (2) *Verb.* Any enlargement, alteration, movement, or demolishing of any building or structure, and also any new heating plant or any material alteration in any existing heating plant, toilet room, or elevator.

Court means an open, unoccupied space other than a yard on the same lot with a building.

Inner court means any court other than an outer court.

Outer court means a court which extends directly to and opens on a street or other permanent open space or on a required yard.

Department means the Department of Community and Economic Development.

Director means the Director of the Department of Community and Economic Development or their designee.

Dwelling means any building, or portion thereof, which is designed or used exclusively for residential purposes.

One-family dwelling means a building designed and occupied exclusively by one family.

Two-family dwelling means a building or portion thereof designed for or occupied by not more than two families.

Extermination means the control or elimination of infestation by eliminating harboring places and removing or make inaccessible materials that may serve as food or by poisoning, spraying, trapping, fumigating by a licensed fumigator or any other effective elimination procedure.

Family means one or more individuals living on a premises as a single housekeeping unit.

Filling station means a place where gasoline, kerosene, or any other fuel, lubricating oil, or grease for operating motor vehicles is offered for sale at retail to the public and where deliveries are made at the time of sale and directly into the motor vehicles, including greasing and oiling on the premises.

Full story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it, not including in either case mezzanine floors or balconies.

Garage means a space or structure used for storing motorized vehicles that has any more than two sides completely enclosed.

Community garage means a garage, or a series of garages, for use only for the storage of noncommercial vehicles of residents of the neighborhood.

Privage garage means a garage, for private use only, for the storage of not more than four motorized vehicles, including not more than one commercial vehicle, which shall be of less than two-ton capacity.

Public garage means a garage other than a private or community garage used for the storage, sale, hire, or repair of motor vehicles or of vehicles used in connection therewith.

Habitable room means any room in a dwelling unit used for sleeping, living, or dining purposes.

Half story. That part of a building between the eaves and the ridge line of pitched roofs used for storage or occupancy. When designed and constructed for limited storage, such portion is an attic.

Homeless family means a group of one or more related individuals who are homeless individuals.

Homeless individual means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is a supervised public or privately-operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, and transitional housing.

Hotel means a building in which lodging and board is provided to the public for compensation and which caters to daily transient guests.

Impervious to water means constructed of concrete, cement block, terrazzo, brick, tile, or other similar material approved by the Director and having tight-fitting joints and more than four and one-half percent absorption by test.

Infestation means the sustained presence of household pests, vermin, or rodents.

Living room means a room used for sitting, dining, or cooking purposes, but does not include a room designed for laundry, workshop, furnace, play, or storage purposes.

Mezzanine floor means a balcony-like floor located between a main or full floor and the main ceiling next above and not exceeding in area more than one-third of such main or full floor.

Occupant means any individual residing in a dwelling.

Owner means the State, the City, the University of Wisconsin-Green Bay, any sewer or drainage district, any person, firm, partnership, corporation, or organization of any kind having a legal or equitable interest in a property.

Plumbing means all gas pipes and gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bath tubs, catch basins, drains, vents, and any other fixtures, together with connections to the water, sewer, or gas lines.

Provided means furnished, supplied, or paid for by, or under control of, the owner.

Rooming house means a building or structure, other than a hotel licensed by the State, where three or more persons are lodged for compensation.

Service station means a garage, other than a public garage, used in connection with liquid fuel dispensing stations and in which one or more vehicles can be accommodated for washing, greasing, oil changing, tire and battery replacement, or similar minor operations or adjustments.

Shelter facility means a temporary place of lodging for homeless individuals or homeless families.

Sleeping room means a room used for sleeping purposes.

Street means a public or private right-of-way, lane, or way set aside permanently for common travel and being 21 feet or more in width if it existed on November 3, 1959.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure means anything constructed, the use of which requires location on the ground or attachment to something having a permanent location on the ground.

Yard means an open, unoccupied space on the same lot with a dwelling and lying between the front, rear, or sides of the dwelling and the respective lot lines.

Sec. 8-22. Incorporation by reference.

The Wisconsin Uniform Dwelling Code, Wis. Admin. Code SPS chs. 320 to 325, and Commercial Building Code, Wis. Admin. Code SPS chs. 361 to 366, as amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein. Any conflict between this article and the Wisconsin Administrative Code shall be resolved in favor of the Wisconsin Administrative Code.

Secs. 8-23—8-45. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 8-46. Division of Building Inspection.

- (a) *Duties.* The Director shall enforce all state laws, City ordinances, and lawful orders relating to the construction, alteration, repair, removal, location, occupancy, safety, and use of buildings and permanent building equipment.
- (b) *Records.* The Director shall keep records of and make monthly and annual reports to the Council on all of the following.
 - (1) All applications for building permits, which shall be numbered in the order of issuance.
 - (2) The number, description, and size of every building erected, which shall indicate the materials used and the cost of each building, as well as the aggregate cost of all buildings of the various classes.

- (3) All inspections made and all removals and condemnations of buildings.
- (4) All related fees collected, including the dates of their receipt and delivery to the City Treasurer.
- (d) *Powers.*
 - (1) *Inspection.* The Director may at all reasonable times for any proper purpose enter upon any public or private premises and make inspections thereof and may require the permit for any building, electrical, heating, or plumbing work, or the required license therefor, to be produced for inspection.
 - (2) *Emergency powers.* The Director shall have such emergency powers as are necessary to fulfill the purpose and intent of this article; that is, to promote the public health, safety, and welfare.

Sec. 8-47. Building permits.

- (a) *Building permit required.* No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this article on any structure without first obtaining a building permit therefor from the Director, provided the Director may authorize minor repairs not involving structural alterations without requiring a building permit to be issued.
 - (1) *Residential properties.* The Director may issue a permit under this section to an owner currently living and residing at the property. For residential properties not occupied by the owner, the Director shall only issue a permit under this section to a contractor who holds a dwelling contractor certification or dwelling contractor qualifier certification issued by the State of Wisconsin.
- (b) *Application.* An application for a building permit shall be filed with the Director on a blank form to be furnished for that purpose. Such application shall describe the land upon which the proposed building or work is to be done, either by lot, block, tract, or similar general description which will readily identify and definitively locate the proposed building or work, shall show the use or occupancy of all parts of the building, and shall include such other pertinent information as may be required by the Director.
- (c) *Information to accompany application.*
 - (1) *Site plan.* Each application for a building permit shall be accompanied by two copies of a site plan, drawn to scale, where not less than one inch equals 20 feet nor more than 1/16-inch equals one foot, which shows the actual dimensions of the lot to be built upon, the size and location of the buildings to be erected, the proper relationship of the buildings to the exterior lines of existing or proposed streets shown on the Official Map, and such other information as may be necessary to provide for the enforcement of this article. Such site plan shall indicate the detailed legal description of the property as it appears of record. In the case of unplatted land or parcels conveyed by metes and bounds, the site plan, together with sufficient measurements to permit property determination, shall be submitted to the Director, who shall certify as to whether the proposal is in conflict with the Official Map.
 - (2) *Other data required.* The following data shall be a part of, or shall accompany, all site plans submitted for approval:
 - a. The location of streets, alleys, lot lines, and any other buildings on the same lot or property.
 - b. The name of the owner.
 - c. The intended use of all rooms.
 - d. When required by the Director, computations, stress diagrams, and other data necessary to show the correctness of the plans.
 - (3) *Foundation specifications.* When necessary, information concerning the size and material of the foundations and, if required, the loads to be placed thereon, where piles are to be driven, and the spacing, size, and materials of the piles and the load to be placed on each shall accompany the application for a building permit.

(e) *Conditions of approval of application.*

- (1) *Sanitary sewers.* Where sanitary sewers are not installed or immediately available, no building permit shall be issued by the Director until a plumbing permit for an individual sewage disposal system has been issued in accordance with Section 8-370.
- (2) *Right to inspect.* The Director may, as a condition of the granting of a building permit, enter any premises for which such permit was issued at any reasonable time during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance with all statutory and ordinance regulations concerning the construction, repair, use, and location of such building.
- (3) *Buildings covered by State Building Code.*
 - a. *Approval of plans.* Before a permit is issued for any building listed in subsection (e)(3)b or for the equipment for remodeling any such building, complete plans and specifications, including a site plan showing the position of the building with respect to lot lines, shall be submitted to the State Department of Safety and Professional Services for approval in accordance with the Wisconsin Administrative Code. Such plans shall be submitted to the State in such number as will permit a complete set of approved plans and specifications, together with any correspondence concerning such approval by the State, to be filed with the Department of Community and Economic Development.
 - b. The Department of Safety and Professional Services must approve permit applications for the following types of buildings:
 1. Hospitals.
 2. Buildings containing elevators.
 3. Buildings containing fire sprinkler systems or fire alarm systems.
 4. All other buildings required by state law or administrative regulation to be submitted.
 - c. *Changes in approved plans.* After plans have been approved for buildings and equipment thereof, no changes shall be permitted unless such changes are approved by the Department of Safety and Professional Services.
 - d. *Inspection of buildings covered by State Building Code.* The Director shall make inspections and require such changes as will be necessary for buildings and their equipment to conform with the approved plans, or the approved changes in such approved plans, which have been filed in their office.

(f) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Building Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection.

(g) *Permit fees.*

- (1) Fees for building permits issued under this section shall be provided in the City Fee Schedule.
- (2) If an application for a building permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.

(h) *Issuance of building permit.*

- (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a building permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp both sets of plans and specifications as "approved."

- (2) *Who shall have plans and specifications.* One such approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
- (3) *Evidence of permit.* With every permit, Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
- (4) *Lapse.* A building permit shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further construction is necessary after one year, the permit holder shall make written application in duplicate to the Director stating the reasons for the request for an extension at least 90 days prior to the expiration of the building permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.
- (5) *Revocation.*
- a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the building permit shall be revoked by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work upon the subject building until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.
 - b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.
 - c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.
- (6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.
- (7) *Preliminary foundation permit may be issued.* Whenever any person has applied for a building permit and all of the provisions of this section have been complied with, particularly with respect to review and approval of the site plan and other necessary conditions of approval as set forth in subsection (e) of this section, the Director may issue a preliminary foundation permit allowing the permittee to construct the foundation of any building for which a permit is sought. Thereafter, the Director may issue the final permit upon approval of plans and specifications for the remaining portion of the building to be constructed above the foundation. Nothing contained herein shall require the Building Inspector to issue the final permit unless the plans and specifications for the remainder of the building to be constructed above the foundation are in proper order and approved. The Director shall not issue such preliminary foundation permit unless all necessary information provided hereunder has been

reviewed and approved by the appropriate City departments and the only information remaining to be approved is the computation, stress diagrams, and other data necessary to show the correctness of the plans for that portion of the building to be constructed above the foundation.

- (i) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Secs. 8-48—8-67. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 8-71. Unsafe buildings; razing or repair.

- (a) *Order to raze.* If any building located within the City is old, dilapidated, or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and unreasonable to repair, the Director may order the owner of the building to raze and remove such building; or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or raze and remove it, at the owner's option; or, where there has been a cessation of normal construction of a building for more than two years, order the owner of the building to raze and remove such building. Any order issued under this section shall specify the repairs necessary to make the building safe and sanitary and shall specify a time within which the owner shall comply therewith. Such order shall be served as provided by Wis. Stats. § 66.0413.
- (b) *Failure to comply with order.*
 - (1) If the owner fails or refuses to comply with an order issued under this section within the time prescribed, the Director shall cause such building either to be razed and removed as provided by Wis. Stats. § 66.0413, through any available public agency or by contract or arrangement with private persons, or to be closed if unfit for human habitation, occupancy, or use.
 - (2) The cost of such razing and removal or closing shall be charged against the real estate and shall be assessed and collected as a special charge. When any building has been ordered razed and removed, the Director may sell the salvage and valuable material at the highest price obtainable. The proceeds of such sale, after deducting the expense of razing and removal of the building, shall be promptly remitted to the Circuit Court with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person entitled to the net proceeds, subject to the order of the Court. If there remains no surplus to be turned over to the Court, the report shall so state.
 - (3) If a building subject to a raze order under this section is unsanitary and unfit for human habitation, occupancy, or use and is not in danger of structural collapse, the Director shall post a placard on the premises containing the following notice: "This Building May Not Be Used For Human Habitation, Occupancy, or Use." The Director shall prohibit use of the building for human habitation, occupancy, or use until the necessary repairs have been made. Any person who rents, leases, or occupies a building which has been condemned for human habitation, occupancy, or use shall be fined not less than \$5.00 nor more than \$50.00 for each week of the violation.

Secs. 8-72—8-98. Reserved.

DIVISION 4. INSPECTION

Sec. 8-99. Structural portions to be inspected.

No structural portion of any part of any building or structure not supervised by an architect or professional engineer or their authorized representative, and no reinforced steel, structural framework of iron or steel, brick, concrete block, frame, or any other materials used in the structural part of any building shall be covered or concealed in any manner without first securing the approval of the Building Inspection Division. The Building Inspection Division shall be notified at least one working day prior to such time as the work is to be inspected.

Sec. 8-100. Successive inspections to be made.

No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Building Inspection Division. Upon notification by the permit holder or an agent of the completion of each of the respective steps in construction, the Director shall make the following successive inspections in accordance with the Department of Safety and Professional Services Administrative Code and shall either approve that portion of the construction as completed or shall notify the permit holder or an agent where the same fails to comply with the law:

- (1) Residential and/or commercial building inspections are required following specific phases of the construction process. The list in this section is not exhaustive, and additional inspections may be required as appropriate. The Director shall perform an inspection following each of the following steps in construction:
 - a. *Footings.* When forms for footings are in and ready to be poured. Forms for footings shall be framed with a minimum depth of six inch framing members.
 - b. *Foundation.* When footings are fully installed and the permit holder is ready to install concrete for the walls.
 - c. *Tar, stone, and tile.* When the walls are up and stone, tile, and damproofing have been installed.
 - d. *Rough-in.* When the roof and all framing, fire blocking, and bracing are in place, and all pipes, chimneys, and vents are completed.
 - e. *Insulation.* When the insulation has been installed.
- (2) *Certificate of occupancy.* The Chief Building Official, Plumbing Supervisor, Heating Inspector, Electrical Inspector, Engineering Department agents, and Fire Department Prevention Bureau, or their designees, shall each make a final inspection of all new buildings, additions, and alterations. If no violation of this article or any other ordinance, law, or order is found and if there is a sewer connected to the public system or a system approved by ordinance, a connection with adequate water supply and access to the premises by a graded and graveled public road, and the buildings, additions, and alterations are in compliance with the City's building, electrical, heating and air conditioning, plumbing, rat prevention, and fire prevention and control ordinances, the Director shall issue a certificate of occupancy stating the purpose for which the building is to be used and the maximum load and maximum number of persons that may be accommodated on each floor thereof. No building or part thereof shall be occupied until such certificate has been issued, except with the written consent of the Director, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. In no case shall a certificate of occupancy be issued until complete compliance with the conditions stipulated on the site plan have been met, except such certificate may be issued prior to complete compliance provided that a cash bond in an amount equal to the cost of site plan compliance, as stipulated by the Director of Public Works and indicated on the site plan, has been deposited with the City Treasurer. If all conditions have not been met within 60 days after notice by the Director of Community and Economic Development, the Director of Public Works may make the

necessary installations as provided in the site plan and charge the same to the cash bond account for that particular building.

- (3) *Commercial partial and/or temporary occupancy.* Partial and/or temporary occupancy of a building may be granted subsequent to the original site plan approvals if the following conditions are met:
- a. The applicant has submitted a Life Safety Plan containing the stamped seal of the supervising professional. Said Life Safety Plan shall demonstrate to the satisfaction of the Director that all life safety components for the entire building have been completed or that an equivalent or better level of protection is in place.
 - b. The Director and the Fire Chief have reviewed and approved the revised Life Safety Plan described in this subsection.
 - c. The applicant has paid an additional permit fee in an amount determined by the Director, which amount shall reflect the actual administrative costs of issuing the partial or temporary certificate of occupancy. In determining the fee amount, the Director may consider all relevant factors, including, but not limited to, the timing or urgency of the request for the partial or temporary occupancy permit, the number of inspections required to grant the partial or temporary occupancy permit, and the percentage of the building included in the partial or temporary occupancy permit. The fee for the partial or temporary occupancy permit shall not exceed fifty percent of the total permit fee.

Secs. 8-101—8-128. Reserved.

DIVISION 5. BUILDING SITE REGULATIONS

Sec. 8-129. Excavations.

- (a) *Excavation plans to be submitted in advance.* A building permit shall be obtained before commencing with excavation or driving piles for any foundation of any building or structure. The application for a building permit shall be filed with the plans and specifications of the building showing the location of the building or structure, the size and material of the foundation, and, if required, the loads to be placed thereon, where piles are to be driven, the spacing, size, and materials of the piles and the load to be placed on each.
- (b) *Guard rails.* Any person making excavations or causing the same to be made shall properly guard them and shall so protect them that the adjoining soil shall not cave in. No one shall excavate so as to injure any adjoining soil, ground, or building. Wherever such excavations are made within ten feet of any sidewalk, street, or alley, guard rails and warning lights and signs determined to be proper by the Director shall be installed and maintained. The Director may require guard rails around such other excavations as such they believe the protection of the public requires.

Sec. 8-130. Abandoned or water-filled excavations.

- (a) *Open basements.* Any open basement or basement excavation on which no work has been performed for a period of 60 days after the commencement of building or razing shall constitute a nuisance and the owner or contractor shall, within five business days of receipt of written notice from the Director, cause such basement or basement excavation to be properly filled and leveled off to the original grade. All concrete, including footings and foundations, must be removed in its entirety prior to such filling and shall not be buried.
- (b) *Fill and debris.* Any fill or debris on land or lots that has not been leveled off or removed within 30 days after its deposit and which is harboring rodents, preventing noxious weeds from being cut, or otherwise creating a nuisance shall be subject to the issuance of written orders by the Director requiring the leveling or removal of such fill or debris within 48 hours of receipt of such orders.
- (c) *Water-filled excavations.* Any open

basement or basement excavation in which one foot or more of water is permitted to stand shall constitute a nuisance and the owner shall, within 48 hours of receipt of written orders from the Director, cause the excavation or basement to be pumped dry.

- (d) *Publication of notice.* If the address of the owner or contractor cannot be ascertained with reasonable diligence, then the 48-hour period provided in subsections (a) through (c) of this section shall commence to run at the beginning of the day following two successive publications of the notice in the official newspaper.
- (e) *Failure to comply.* Failure to comply with a written order from the Director shall be cause to have the work done to abate the nuisance in accordance with Chapter 24, and the cost thereof charged back to the property or property owner.

Sec. 8-131. Littering and damage to property.

- (a) *General provisions.* No person engaged in work for which a building permit has been issued shall cause, maintain, or permit the littering of any public or private property with mud, dust, brush, stumps, tree limbs, construction, or other types of debris; nor shall such person cause damage to any public street, sidewalk, alley, curb, gutter, sewerage system, or property.
- (b) *Littering at razing or removal site.* No person shall leave litter, building debris, excavations, or ground piles on property on which a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing, thus causing a public safety hazard and nuisance, the Director shall issue a written order to the property owner specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, the City shall cause such work to be done to abate the nuisance in accordance with Chapter 24, and the cost thereof charged back to the property or the property owner.

Sec. 8-132. Lot corners.

- (a) *To be monumented.* Prior to issuance of a building permit, all lot corners of the property upon which any building or structure is to be located shall be monumented by a registered land surveyor. These monuments shall be marked by wooden guard stakes.
- (b) *Monuments to be maintained.* The lot corner monuments and guard stakes shall be maintained and kept readily visible until the footings have been inspected and approved by the Director.

Secs. 8-133—8-165. Reserved.

DIVISION 6. BUILDING CONSTRUCTION REGULATIONS

Sec. 8-166. Minimum building elevations.

- (a) The first habitable floor of any building or structure shall not be constructed below the current city elevation.
- (c) Uses requiring floodproofing measures shall be designed consistent with the current flood protection elevation. The Director shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the flood protection elevation. Floodproofing measures shall include, but are not limited to, the following:
 - (1) Installation of water-tight doors, bulkheads, and shutters.
 - (2) Reinforcement of walls to resist water pressure.
 - (3) Use of paint, membrane, or mortar to reduce seepage of water through walls.
 - (4) Construction of water supply and waste treatment systems to prevent the entrance of floodwaters.

- (5) Pumping facilities for subsurface drainage systems for buildings, to receive external foundation wall and basement floor pressures.
- (6) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (7) Installation of cutoff (backwater) valves on sewer lines or elimination of gravity flow basement drains.
- (8) Anchorage to resist flotation and lateral movement.
- (9) Addition of mass or weights to structures to resist flotation.
- (10) Installation of pumps to lower water levels in structures.
- (d) Accessory uses such as parking lots, yards, and other similar land or open land uses may be permitted at the current base flood elevation.
- (e) Fill shall be placed around buildings and structures to a minimum of one foot above base flood elevation and shall extend at such elevation at least 15 feet in each direction from the structure thereon. Fill material shall be stabilized in a manner recommended by the U.S. Soil Conservation Service and protected against erosion.

Secs. 8-167—8-202. Reserved.

DIVISION 7. OTHER CONSTRUCTION REQUIREMENTS

Sec. 8-203. Materials approved by Department of Safety and Professional Services.

Materials not listed in this article but approved by the State Department of Safety and Professional Services may be used in any building in the City, provided the necessary test sheets verifying such approval are on file in the office of the Department.

Sec. 8-204. Prefabricated and other similar buildings.

Nothing in this article shall prevent the erection of prefabricated, component, pre-cut, stressed-skin, or unit-constructed buildings, provided such buildings meet or are modified to comply with all requirements of this article.

Sec. 8-205. Items not covered by this article.

Any item, phase, or area of construction not specifically covered by this article shall meet with the approval of the Director. This article shall not be interpreted to limit the scope or use of other construction practices not specifically covered herein, provided the standards of construction and safety intended by this article are maintained. Detailed material, information, and structural design data on other construction practices shall be submitted to the Director for approval prior to starting construction.

Secs. 8-206—8-234. Reserved.

DIVISION 8. HOUSING REQUIREMENTS

Sec. 8-235. Buildings affected.

This division shall apply to buildings hereafter constructed which are not covered by the State Building Code. Sections 8-238 through 8-240 shall also apply to buildings heretofore constructed which are not covered by the State Building Code.

Sec. 8-236. Light and air regulations.

Every room used for human habitation, including bath and toilet rooms, shall be lighted directly upon a street or alley, upon a court on the same lot with the building, or upon the sky. Every court which is bound on one side by a lot line and which opens at one or both ends to the street, alley, or yard shall be an outer line court and shall be at least three feet wide. Every court which is between two buildings or parts of buildings on the same lot and which opens at one or both ends to the street, alley, or yard shall be an outer court and shall be at least six feet wide. Every court which is bounded on one side and both ends by walls and on the remaining side by a lot line shall be an inner lot line court and shall be at least six feet wide and at least 60 square feet in area. Every court which is bounded on all sides by walls shall be an inner court and shall be at least ten feet wide and at least 150 square feet in area. No building shall be built, altered, or enlarged so as to encroach upon the space reserved under this section for light and air.

Sec. 8-247. Ceilings.

All habitable rooms in each dwelling unit shall maintain a minimum ceiling height of seven feet. If beams or girders are exposed below the normal ceiling, a height of seven feet shall be maintained between the floor and the beams or girders. Rooms with sloping ceilings shall maintain a seven-foot average. In one-half story residences, areas with less than five feet of head room at the sides shall not be included in the above requirements, but the center ceiling height shall be at least seven feet.

Secs. 8-248—8-273. Reserved.

DIVISION 9. OTHER BUILDING REGULATIONS

Sec. 8-274. Razing of buildings.

- (a) *Permit required.* No person shall raze any building in the City without first securing a permit therefor from the Department and a permit for the sealing of the sewer from the Director. No permit shall be granted unless the applicant files a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager. The applicant shall agree to indemnify and hold the City harmless from all liability arising out of the job. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to Risk Management. Such notice shall suspend the permit, and no work shall be done under such permit until a new certificate of insurance certificate complying with this subsection has been filed with Risk Management. No certificate of insurance is required if either of the following conditions exists:
- (1) The building is located in a residential zoning district and is set back at least ten feet from all property lines.
 - (2) The building is located in any zoning district, is an accessory building as defined in Section 44-249, is no greater than one story, and is set back at least ten feet from all property lines, or is constructed and situated upon the property so that the same may be razed with no damage resulting to the person or property of others as determined by the Director and Risk Manager. Anyone aggrieved by such determination may appeal that decision to the Protection and Policy Committee in accordance with Wis. Stats. Ch. 68.
- (b) *Requirements.* The holder of a permit to raze a building shall comply with the following requirements:
- (1) *Property to be protected.* Streets, alleys, and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on streets or alleys, they shall be properly protected with a top cover of planks, guard rails, and toe-boards to prevent the falling of debris on sidewalks or streets. The top of the scaffold shall be at least eight feet above the sidewalk or alley.

- (2) *Walls to be supported.* No person shall remove all horizontal support from exterior walls or partitions thereby permitting them to stand unsupported.
- (3) *Buildings to be razed floor-by-floor.* In buildings of more than one story, the exterior walls, interior partitions, and other supports shall be removed floor-by-floor, using the floor below as protection from falling debris and to prevent exterior and interior walls from collapsing.
- (4) *Razing to be gradual.* No walls, chimneys, or other construction shall be allowed to fall en masse on a floor and bulky material such as beams and columns shall be lowered and not thrown.
- (5) *Cranes.* Cranes may be used in wrecking or demolishing buildings provided the other requirements of this subsection are met.
- (6) *Sewers.* When a building is moved or demolished, its sewer shall be located at a point outside the foundation lines and sealed off. The plug or seal shall not be covered until the Director or a plumbing inspector under Section 8-356 gives approval.
- (7) *Obstruction of streets.* When razing requires the obstruction of a public street, alley, or sidewalk, a permit must be obtained from the Director of Public Works as provided in Section 34-11 before work on razing the structure can begin.
- (8) *Filling basement and excavated areas.* All loose material and debris shall be removed from the basement, crawlspaces, and other excavated areas. Upon ascertaining that all openings, pipelines, drains, and similar components have been properly capped, all basements, crawlspaces, excavated areas, and other below-grade voids resulting from the removal of pavements, slabs, foundations, and the like shall be filled to within four inches of finished grade with granular fill material. The material shall be well graded, free from debris and organic material. All granular fill shall be placed in layers of 12 inches or less and shall be compacted to not less than 95 percent of Modified Proctor (ASTM D-1557).
- (9) *Completion of project.* When razing activities are completed, the disturbed area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three to one (horizontal to vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the disturbed area to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until the area is stabilized and developed with zoning and other applicable provisions of this Code.

Sec. 8-275. Moving of dilapidated or detrimental building prohibited.

- (a) *Dilapidated buildings.* No permit shall be granted for the moving of any building from one location to another which, in the judgment of the Director, is so dilapidated and so out of repair as to be unsanitary or unfit for human habitation, occupancy, or use or is so out of repair that it would be unreasonable to repair the same.
- (b) *Detrimental buildings.*
 - (1) To protect and conserve the value of neighboring property, no permit shall be granted for the moving to a location within the City of any building which, in the judgment of the Director, would be detrimental to the character of the intended neighboring property. Such consideration shall be made on the basis of compatibility of external appearance, size, and architectural quality in relation to existing structures.
 - (2) The application for a moving permit shall be accompanied by three copies of a site plan of the proposed site, with such additional material as would permit the application of the foregoing standards.
- (c) *Denial; appeal.* The refusal to grant a moving permit shall be in writing and shall contain a detailed statement as to why the relocation would be detrimental to the value of the neighboring property, if such is the case. The applicant or any aggrieved party may, within ten days of the granting or refusal of a moving permit,

appeal to the Board of Appeals. The Board of Appeals shall hear such appeal in accordance with procedures which it shall provide.

Sec. 8-276. Building maintenance.

- (a) *Hazardous conditions.* A person who owns, leases, or occupies a building shall keep the building from structural or other conditions that constitute a substantial hazard to the health or safety of its occupants or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the building other than negligence by an occupant.
- (b) *Common areas.* A person who owns a commercial building and leases the building to multiple tenants shall keep all common areas of the building maintained in a manner that is safe, functioning, sanitary, and undamaged.
- (c) *Building exterior.* A person who owns a building shall keep all exterior and weatherproofing components maintained in a manner that is safe, functioning, cleanable, and undamaged.
- (d) *Other structures.* Accessory structures, temporary structures, fences, and other structures shall be kept in a manner that is safe, functioning, cleanable, and undamaged.
- (e) *Insufficient repairs.* A person who owns a building shall ensure all repairs to the building are performed in a workmanlike manner. The term "workmanlike manner" includes, but is not limited to:
 - (1) The use of materials that have a consistent texture, color, quality, or appearance with adjacent materials.
 - (2) The complete performance of a job which does not leave unfinished edges, exposed nails or screws, loosely attached materials, or similar conditions.

Secs. 8-277—8-324. Reserved.

DIVISION 10. OTHER STRUCTURES

Sec. 8-325. Billboards and signs.

- (a) *General.* Billboards and signs are subject to all applicable regulations in Chapter 30.
- (b) *Materials to be used within Commercial Construction District.* When erected or maintained within the Commercial Construction District, billboards and signs shall be constructed and maintained entirely of incombustible materials, including the structural parts of the frames of such structures; except that braces, uprights, and the skeleton frames of billboards and signboards to which the metal facing is fastened may be wood.
- (c) *Not to be an obstruction.* No billboard or sign or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or stand pipe; and no such structure or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be erected or maintained so as to cover or obstruct any doors, doorways, or windows or so as to prevent or hinder the raising or placing of ladders against any such building by the City Fire Department if necessary.
- (d) *Signs in public places.* No person shall erect, fasten, post, paint, or maintain any sign, picture, poster, or advertisement of any description upon any curb, sidewalk, fence, board, barrel, box, case, railing, pole, post, barricade, material, bridge, bridge fender, dock, pile, structure, or building of any kind placed upon any street, alley, public way, public ground, or public waterway.
- (e) *Temporary banner.* No person shall erect or maintain any temporary banner or sign extending beyond the curblineline of the street.

Sec. 8-326. Awnings over streets or sidewalks.

No person shall erect, repair, or maintain any awning over any sidewalk or street within the City except in accordance with this section.

- (1) *Permit required.* No person shall erect any awning over any sidewalk or street without first obtaining a permit therefor from the Director. No permit shall be granted unless the applicant files a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager.
- (2) *Specifications.* Any awning erected over any sidewalk or street within the City shall be constructed of an adjustable iron frame firmly secured in place and covered with canvas or other suitable material. Such frame shall be at least 7½ feet in height above the highest point of the walk, and the lowest point of the flap or fringe of such awning shall not be less than 6½ feet above the sidewalk immediately beneath it.
- (3) *Permanent metal awnings.* Permanent metal-type awnings may be erected provided that a minimum clearance of ten feet is allowed from the sidewalk to the lowest part of the awning.

Sec. 8-327. Canopies, hoods, and projecting signs.

No permanent hood, canopy, or projecting sign shall be constructed unless in the manner herein provided.

- (1) *Permit and inspections required.* No canopy, hood, or projecting sign shall hereafter be erected without a permit therefor being first secured from the Director. All such canopies, hoods, or projecting signs shall be inspected yearly by the Director.
- (2) *Certificate of insurance for canopies, hoods, or projecting signs over the public right-of-way.* No permit shall be granted until the applicant files a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to Risk Management. Such notice shall suspend the permit until a new certificate complying with this subsection has been filed with Risk Management.
- (3) *Clearance.* There shall be not less than ten feet between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any canopy, hood, or projecting sign extending over a public street right-of-way.
- (4) *Project toward streets.* The projections of permanent hoods, canopies, or projecting signs shall not extend over the street nearer than two feet from a vertical projection of the outside face of the curb.
- (5) *Height.* The overall height of canopies or hoods, including all projections, ornamentations, accessories, or appurtenances, shall not exceed six feet. After the original erection, no sign, poster, or other thing extending beyond six feet above the ten-foot clearance required of such canopy shall be added to such canopy or hood. The maximum distance to the top of any canopy, including all projections, ornamentations, or appurtenances, signs, or other part of the canopy, shall not exceed 16 feet from any point of the sidewalk.
- (6) *Accessories to installations.* Any necessary appurtenances or signs of a temporary or permanent installation shall be rigidly attached to the hood or canopy in a manner satisfactory to the Director. No swinging signs or accessories shall be permitted.
- (7) *Signs erected above canopies or hoods.* Where projecting signs are erected above canopies or hoods, they shall in no manner be attached to any accessory, ornament, or other thing of a temporary or permanent nature. Such signs shall be hung independently of the canopy.
- (8) *Drainage to be provided.* All hoods, canopies, and projecting signs shall have gutters and conductors connected with the sewer at the building and shall be so drained as not to discharge any water onto the sidewalk or public highway, except as provided in the City Plumbing Code.

- (9) *Other design and material requirements.* Canopies, hoods, and projecting signs shall be built of incombustible material throughout, shall be capable of resisting a superimposed load of 30 pounds per square foot, shall extend from the lot line toward the curb at a height in the clear of not less than ten feet, and shall slope and drain toward the building in accordance with the City Plumbing Code.
- (10) *Suspension from building.* Canopies, hoods, and projecting signs shall be suspended from the building, with no supports resting upon the sidewalk or public highway.
- (11) *Approval required.* The Director shall approve the design and materials of construction of all canopies, hoods, and projecting signs.

Sec. 8-328. Fire escapes outside.

No outside fire escape or other structural addition projecting from a building over a public alley or thoroughfare shall be erected without first securing a permit from the Director. The Director shall not issue a permit for the building of such outside fire escape or other structural addition unless the plans provide for a minimum of 13 feet, six inches vertical clearance from the permanent established grade of the alley or thoroughfare below, provided where such grade has not been established, the clearance shall be on the basis of the proposed grade for such alley or thoroughfare as set by the Director of Public Works.

Sec. 8-329. Gas or oil distributing stations.

- (a) *Plans and specifications.* Plans and specifications for any gas or oil distributing station shall conform in all respects to the laws of the State and to existing laws for buildings and construction in the City.
- (b) *Design standards.*
 - (1) *Sidewalk, street, and curb grades.* Sidewalk, street, and curb grades shall be established by the Council and shall be obtained from the Engineering Division of the Department of Public Works. All construction shall conform to the grades so established.
 - (2) *Driveways and stationaries.*
 - a. *Surfacing.* All stationaries and driveways which receive moving traffic shall be surfaced with bituminous or Portland cement concrete. If Portland cement concrete is used, it shall be a minimum thickness of six inches or of a designed mix containing not less than 5½ bags of cement per cubic yard of concrete. If bituminous concrete is used, it shall be laid with a minimum thickness of two inches of a plant hot mix material upon either a four-inch Portland cement concrete base or a six-inch crushed stone base, such base to be properly compacted and rolled.
 - b. *Corner lots.* Driveway approaches measured along the curblines shall not be less than 25 feet from the intersection of the street right-of-way line on a corner lot or 35 feet from the point of intersection of the curb faces, whichever is greater.
 - c. *Curb cuts.* Two driveways shall be permitted on both the long and short side of any lot; but in no case shall two driveways be permitted on any side less than 100 feet long. Openings shall not exceed the distances set in this subsection. The opening at the curb to any proposed gas or oil distributing station shall not be greater than 30 feet and at the property line shall not be greater than 20 feet.
 - d. *Curbing required.* Except at driveway locations, curbing not less than eight inches in height and eight inches in width shall be constructed adjacent to all property lines and/or street setback lines abutting the street rights-of-way. At all driveway locations, the end 24 inches by eight inches curbing may be evenly tapered to allow the top of such curbing to intersect at the grade with the driveway.
 - e. *Driveways.* The curbing of all driveways on both sides shall commence at the outside sidewalk line at the grade established by the Engineering Division of the Department of Public Works. Such

curb shall continue and become attached to the curb at the street at the same grade as such street curbing, the outer edge of such curbing conforming with the entrance measurements as set forth in this section.

- f. *Distance between driveways.* The minimum distance between driveways at the property line shall be 30 feet.
 - g. *Lighting.* The type and location of all lighting shall be shown on the site plan. All outdoor light sources shall be controlled, directed, and/or otherwise screened from illuminating directly upon adjoining or opposite properties. This control can be by landscaping, buildings, louvers, and/or shields on the lights, or with similar devices.
 - h. *Fencing required.*
 - 1. When abutting a residential zone, decorative fencing that is impervious to sight and not less than four feet nor more than eight feet in height shall be installed along the interior boundaries of the proposed station property to a point 15 feet from the street right-of-way. Curbing eight inches by eight inches shall be placed along the property line within this 15 feet. When abutting a zone other than residential, curbing or bumper guards may replace the fencing equipment.
 - 2. All exterior waste or storage areas shall be properly fenced to screen them from public view.
 - i. *Setback area.*
 - 1. Where street setback areas are required, the setback area shall not be considered part of the station proper but shall be properly seeded and landscaped.
 - 2. With the permission of the Plan Commission, the station area may extend into the street setback area to within 15 feet of the street right-of-way line if proper curbing is installed as required by the Commission for the purpose of safety and protection of property.
 - 3. Interior and corner side yard setback areas bordering on residential zoning districts shall be landscaped and buffered as required in Chapter 44, regardless of size of parking area.
 - j. *Underground storage tanks.* The location and size of all underground fuel tanks shall be approved in writing by the Fire Prevention Division of the City Fire Department by submitting a site plan and application to such Division. Installations shall comply with the provisions of Chapter 18.
 - k. *Elevated pump islands.* All site plans shall show the following information:
 - 1. The location of the elevated pump islands.
 - 2. The location of a rectangular area that shall surround the pump islands. Such area shall be surfaced with Portland cement concrete or bituminous concrete in accordance with subsection (b)(2)a of this section, and covered and maintained with a solvent resistant material and shall project at least three feet to the front and rear of the pump island and eight feet to each side.
 - 3. The distance from the property line to the nearest point on the face of such pump island. Such distance shall be at least 15 feet.
- (c) *Permit.* No gas or oil distributing station shall be erected in the City without first securing a permit from the Director. No permit shall be issued by the Director until detailed plans and specifications have been submitted to the Plan Commission and subsequently approved by the Council.
- (d) *Approval of plans.* No permit shall be issued until a site plan fulfilling the following requirements has been approved by the Plan Commission pursuant to Chapter 44. Such site plan shall be drawn to an engineer's scale and shall show the location and dimension of all property lines, property description, sidewalks, curbs, trees, lighting standards, utility poles, fire hydrants, mail boxes, traffic signs, water mains, sanitary sewers,

storm sewers, storm sewer inlets, storm, sanitary, and water connections, and any other structures on or in the street adjacent to the property as well as on the property and shall show the location of all existing and proposed structures and installations on the property. All elevations shown on such site plan shall give the City datum. After a site plan has been approved by the Plan Commission, all construction and operation shall be in accordance with the provisions of the plan, and no certificate of occupancy shall be issued by the Director until all requirements have been fulfilled.

- (e) *Noncompliance and inspection.* If it is thought the terms of this section are being violated, the City Engineer or the Director, or any other parties properly designated by the Common Council may enter upon the premises at any reasonable time for inspection. If noncompliance is found, all business activities upon such premises shall be suspended until the terms of this section are complied with.

Sec. 8-330. Erection and operation of service stations dispensing liquefied petroleum gas.

- (a) *Permit.* No service station distributing liquefied petroleum gas shall be erected in the City without first securing a permit from the Director. No permit shall be issued by the Director until detailed plans and specifications have been submitted to the Plan Commission and subsequently approved by the Council.
- (b) No service station dispensing liquefied petroleum gas shall be permitted within 200 feet of a building used for institutional occupancy or public assemblies.
- (c) A site plan shall be submitted to the Plan Commission, and a copy of such site plan shall also be filed with the Fire Department to be retained in the Fire Department records.
- (d) No building permit for a liquefied petroleum gas service station installation shall be issued until plans are approved by the Fire Chief.
- (e) No permit for the installation of a liquefied petroleum gas service station shall be approved within the Commercial Construction District.
- (f) The total quantity of liquefied petroleum gas in one or more containers shall not exceed 12,000 gallons at a single service station.
- (g) Each storage container used exclusively in service station operations shall be a minimum of 50 feet from any building or group of buildings, from the centerline of the adjoining streets at the time of installation, and from the adjoining property lines which may be built upon. No container shall be closer than 20 feet to the adjacent right-of-way line of the street.
- (h) A six-inch diversion curb shall be installed to protect all liquefied petroleum storage containers at any service station where flammable liquids are also dispensed.
- (i) The design and construction of protective guard rails and barriers around containers and metering devices shall be subject to approval by the Fire Chief.
- (j) No gas shall be transferred at a liquefied petroleum gas station to any automotive fuel supply tank if such tank requires removal from its normally-established installed position for weighing or gauging.
- (k) Liquefied petroleum gas service stations shall be equipped with at least 20 pounds dry powder fire extinguisher or the equivalent, as approved by the Fire Chief.

Sec. 8-331. Television and radio receiving and transmitting antennas.

- (a) *Applicability.* This section shall apply to the outdoor portion of all apparatus used for receiving or transmitting television or radio waves of more than 12 inches in height.
- (b) *To be of incombustible materials.* All television and radio antenna systems, including the supporting tower or mast, shall be constructed of galvanized steel or other corrosion-resistant incombustible material. Where approved by the State Department of Safety and Professional Services, towers constructed of wood or wood

poles set in the ground may be used to support antenna systems, provided no wood tower or wood pole shall be mounted on the roof of any building or structure.

- (c) *Load requirements.*
 - (1) *Ice load.* The antenna and tower shall support the dead load of the structure plus an ice load of at least one-half inch in radial thickness. The ice load shall be computed upon the wires, cables, messengers, and antenna only.
 - (2) *To withstand wind.* The tower or mast shall be braced or guyed and anchored to resist a horizontal wind pressure of not less than 30 pounds per square foot of net exposed surface area. Guy wires shall not be anchored to a chimney or to any roof ventilator or vent pipe.
- (d) *To be independently mounted.* Antenna systems installed on the roof of a building shall not be supported by or attached to a chimney. All such installations shall be mounted on an independent platform or base and anchored in place. Such platform or base shall be large enough to distribute the weight of the tower over sufficient roof area so the roof will safely support the weight of the structure in addition to the required live and dead roof loads.
- (e) *Distance from streets and thoroughfares.* All antenna systems shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the top-most point. Any variance necessary from this requirement shall be reviewed as described in subsection (h). No wires, cables, or guy wires shall extend over any street or other public thoroughfare or over any electric power or communication lines.
- (f) *Not to interfere with utility poles and lines.* Poles used for electric power or for communication lines shall not be used for supporting or guying any antenna system. Where antenna installations are so located that damage will be caused to adjacent power or communication lines by the falling of the antenna structures, a separate safety wire shall be attached to the top of the tower and secured in a direction away from such power or communication lines.
- (g) *Electrical installations.* Electrical installations in connection with antenna systems, including the grounding of the tower or mast, shall comply in all respects with the requirements of the State Electrical Code.
- (h) *Variance.* The Plan Commission is authorized to hear and decide special exceptions to the terms of this section and to authorize such variances from the terms of this section as shall not be contrary to the public interest. Such variances shall be granted only where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship. It is the intent that the spirit of this section shall be observed, public safety and welfare secured, and substantial justice done. If a variance is granted under this section, the owner shall sign a contract, approved by the City Attorney, agreeing to hold the City harmless from and indemnify the City for any and all liability that may result from the construction and maintenance of any structure permitted pursuant to such variance.
 - (1) In all cases where such a variance is granted, the owner shall file a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to Risk Management. Such notice shall suspend the variance until a new certificate complying with this subsection has been filed with Risk Management.

Sec. 8-332. Pools, ponds, and spas.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Pond means any naturally-occurring or manmade body of water that retains or detains the natural flow of water. This definition does not include ponds used for or as part of a stormwater management plan as regulated in Chapter 42.

Pool means any constructed or prefabricated structure, either temporary (installed for a duration of less than seven days) or permanent (installed for a duration of seven days or more), either above ground or in-ground, containing or normally capable of containing water that is primarily used for the purpose of wading, swimming, or other recreational use. This definition excludes hot tubs, spas, and ponds.

Spa or hot tub means any hydro-massage pool or tub designed for immersion of users and primarily intended for recreational or therapeutic use which may or may not be equipped with a filter, heater, and motor-driven blower.

- (b) *Permit required.* No construction of a pool intended as a permanent installation, a humanmade pond, or a spa shall begin unless a permit therefor has been obtained and the fee paid as provided in the City Fee Schedule. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property.
- (c) *Requirements.*
 - (1) *Setback.* Permanent above- or in-ground pools, humanmade ponds, or spas shall maintain a minimum front yard setback of 25 feet and a rear and side yard setback of ten feet from adjoining property, subject to properly granted variance under Chapter 44. In determining this setback for above-ground pools, ponds, or spas with permanent fencing or decks, any deck or similar structure shall be considered part of the pool, pond, or spa.
 - (2) *Fencing.* All pools, ponds, or spas requiring a permit shall be encompassed by fencing as required under this subsection. A variance to maximum fence height may be granted under the procedures of Chapter 44. However, under no circumstance may the minimum fence height requirements of this subsection be varied.
 - a. *Structural requirements.* All fences under this subsection shall be constructed in such a manner as to comply with the requirements of Chapter 44, Article V, Division 6, and the requirements of this subsection.
 - 1. The fence must be able to withstand 200 pounds of force in any direction.
 - 2. The fence shall be so constructed and designed as to prevent penetration of an object greater than six inches in diameter.
 - 3. All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section.
 - b. *Permanent in-ground pools, ponds, or spas.* Permanent in-ground pools, ponds, or spas, subject to Chapter 44, Article V, Division 9, shall be encompassed by a freestanding fence not less than 48 inches nor more than 96 inches from the ground level. Such fence shall be no less than three feet from the pool, pond, or spa at its nearest point. The fence shall comply with the requirements of this subsection.
 - c. *Above-ground pools.* Above-ground pools, ponds, and spas shall be encompassed by fencing which complies with one or any combination of options listed below and the requirements of this subsection.
 - 1. A fence in compliance with the requirements under this subsection for in-ground pools, ponds, or spas.
 - 2. A fence within three feet of the pool, pond, or spa, not less than 48 inches nor more than 96 inches from ground level.
 - 3. A fence attached to a deck or walkway, provided such fence is at least 36 inches above the surface of the deck or walkway and complies with subsection (c)(2)c.2 of this section.
 - 4. A pool wall not less than 48 inches from ground level, provided that steps, ladders, or other means of pool access are removed when the pool is not in use.

- (3) *Exceptions.* Fencing shall not be required under the following circumstances:
 - a. Pools, ponds, or spas with locking and solid structural covers. Such covers shall be in place whenever the pool, pond, or spa is not in use and/or is unsupervised by an adult.
 - b. Pools, ponds, or spas completely enclosed within a building.
 - c. Existing pools, ponds, or spas as of April 20, 2004.
 - d. The Director has determined that the pool, pond, or spa does not affect the safety, health, or welfare of the residents of the community and does not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.
- (d) *Operation of residential pools, ponds, or spas.*
 - (1) *Public pools, ponds, or spas prohibited in residential areas.* No person shall operate a public pool, pond, or spa on any premises zoned residential. The operation of a public pool, pond, or spa on residential premises is declared to be a public nuisance.
 - (2) *Interference with enjoyment of property rights prohibited.* No pool, pond, or spa shall be so located, designed, operated, or maintained as to unduly interfere with the enjoyment of the property rights of owners of property adjoining the pool, pond, or spa or located in the neighborhood.
 - (3) *Shielding lights.* Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises as regulated in Chapter 44, Article V, Division 8.
 - (4) *Unnecessary noise.* No person shall make, continue, or cause to be made or continued at any pool, pond, or spa any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of any pool, pond, or spa, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the pool, pond, or spa premises, shall be prohibited.
 - (5) *Indecent exposure.* Every person using an outdoor pool, pond or spa shall wear a bathing suit or other suitable garment to protect their person from indecent exposure.

Secs. 8-333—8-354. Reserved.

ARTICLE III. PLUMBING CODE

Sec. 8-355. Wisconsin State Plumbing Code adopted.

- (a) *Adoption by reference.* Wis. Stats. Ch. 145, and the Wisconsin State Plumbing Code, Wis. Admin. Code SPS chs. 325 and 381 through 387, as amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein. Failure to comply with any of the provisions of such statutes or Codes shall constitute a violation of this article, punishable according to the penalties provided herein.
- (b) *To be on file.* A copy of the Wisconsin State Plumbing Code shall be on file in the offices of the Department of Community and Economic Development and the City Clerk.

Sec. 8-356. Administration.

- (a) *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Director means the Director of the Department of Community and Economic Development or their designee.

Plumbing inspector shall be interpreted to have the same meaning as “Plumbing Supervisor,” as that term is defined in Wis. Stats. § 145.05, and shall be construed as though followed by the words, “or their designee.”

(b) *Duties and authority.*

- (1) Plumbing inspectors shall supervise and inspect all plumbing and drainage work in or in connection with all buildings within the City and shall faithfully enforce all laws, ordinances, and rules in relation thereto. Plumbing inspectors shall see that the construction, reconstruction, demolition, and alteration of all plumbing and drainage installed in all buildings in the City conforms with state laws and with the rules and regulations of the State Department of Safety and Professional Services and of the City, shall see that the work is done by licensed plumbers as provided by state law and this article, and shall make or cause to be made all inspections required thereby and in the manner therein set forth. In the discharge of their duties, the plumbing inspectors may enter any building during reasonable hours. They shall supervise and inspect plumbing and drainage installations as necessary to adequately enforce and administer the provisions of this article, state law, and the State Plumbing Code, or any amendments thereto, to make plumbing safe and sanitary and to promote the public welfare in all classes of buildings.
- (2) Plumbing inspectors shall take applications and issue permits to qualified applicants and keep suitable records of the permits issued.

Sec. 8-357. Reinspection fees.

- (a) *Definition.* The term "re-inspection fee" means a special charge that may be assessed against a property owner by the City in order to defray the cost of exercising jurisdiction over this article and conducting related inspections within the City.
- (b) *When assessed.* An inspector may assess a re-inspection fee if a property is not available to be inspected at the time of a scheduled inspection and/or if the following conditions are met:
 - (1) The inspector has found that the owner's parcel is not in compliance with a provision of this article;
 - (2) The inspector has informed the property owner of the changes necessary to gain compliance; and
 - (3) Upon subsequent inspection, the inspector finds that the same article violation persists.
- (c) *Fees charged.* Each re-inspection fee shall be as provided in the City Fee Schedule. A separate re-inspection fee may be assessed each time the conditions under subsection (b) of this section exist.
- (d) *Appeals.* Within 30 days of assessment, a property owner against whom re-inspection fees have been assessed may appeal said fees to the Finance Committee.

Sec. 8-358. Testing and inspections.

Plumbing inspectors shall make or cause to be made all required testing and inspections in accordance with Wis. Admin. Code SPS § 382.21.

Sec. 8-359. Supervision of sewers.

- (a) The Director shall have jurisdiction over all building sanitary and storm sewers. No such sewer shall be laid, and no opening into or connection with a sewer service lateral shall be made, except under the direction and supervision of a plumbing inspector.
- (b) The Director of Public Works shall keep a proper sewer connection record in a book, card index, or plat provided for such purpose showing the location of the lot, the name of the owner of the premises desiring to make such connection, the master plumber, master plumber restricted service, or utility contractor proposing to lay the sewer or drain, and the exact location with respect to the public sewer of each sewer or drain so laid. Information concerning the size, location, and depth of public and private sewers or drains and

the position of the branches, junctions, and appurtenances shall be furnished by the Director of Public Works. All reasonable care shall be taken to ensure the correctness of such information, but such correctness shall not be guaranteed. When a junction is not found within three (3) feet of the point designated according to the measurements furnished, an approved Y or T fitting shall be used. Such connection shall be made upon approval of the Director of Public Works and under the direction of the plumbing inspector.

Sec. 8-360. Permits.

- (a) *Permit required.* A permit is required to perform work that constitutes "plumbing" as that term is defined in Wis. Stats. § 145.01(10).
- (b) *Application.*
 - (1) Application for a permit shall be filed with the Director on a blank form furnished for that purpose. No work shall be started before a permit has been issued.
 - (2) Permits may be applied for by licensed master plumbers, persons licensed as master plumbers (restricted), as described in Wis. Stats. § 145.14, utility contractors, and by qualified homeowners.
 - (3) The permit application shall include the name, phone number, and email address of the property owner and plumber and shall state that the property owner and plumber will be bound by and subject to the rules and regulations of this article.
- (c) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Plumbing Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection.
- (d) *Insurance and bond for persons making street cuts.* Before a permit shall be issued for work requiring a cut, excavation, or service connection on the traveled portion of any street, a permit therefor shall be obtained, a bond executed and deposited, and a certificate of insurance filed in accordance with the provisions of Section 34-5(b).
- (e) *Fees.*
 - (1) Fees for permits issued under this section shall be as provided in the City Fee Schedule.
 - (2) If an application for a plumbing permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.
- (f) *Restrictions on issuance.*
 - (1) No plumbing or sewer permit shall be granted until a building permit has been issued.
 - (2) No plumbing or sewer permit shall be issued to any person who is in violation of this article until such violation has been corrected.
 - (3) No plumbing or sewer permit shall be issued to any master plumber or person against whom an order issued by a plumbing inspector is pending, including, but not limited to, defective work, bad faith, unreasonable delay in performance of plumbing or drainage work, or failure to respond to official communication.
- (g) *Plan examination.* Plumbing plans and specifications for the types of plumbing installations specified in Wis. Admin. Code SPS § 382.20 shall be submitted to the Director for review. This review requirement applies to all new buildings and all additions and alterations involving six or more indoor and/or outdoor plumbing fixtures.
- (h) *Plan approval.* No permit shall be issued to commence work on any plumbing installation requiring review without plan approval from the City or the State Department of Safety and Professional Services."
- (i) *Issuance of plumbing permit.*

- (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp the plans and specifications as "approved."
- (2) *Who shall have plans and specifications.* One approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
- (3) *Evidence of permit.* With every permit, the Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
- (4) *Lapse.* A permit issued under this section shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further work is necessary after one year, the permit holder shall make written application to the Director stating the reasons for the request for an extension at least 90 days prior to the expiration of the permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.
- (5) *Revocation.*
 - a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the Director may revoke the permit by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.
 - b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.
 - c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.
- (6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.
- (h) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Sec. 8-361. Building sanitary sewers.

- (a) *Required.* Every building shall have a separate and independent connection with a public main sanitary sewer, private onsite water treatment system, or private main sanitary sewer. Each private main sanitary

sewer shall conform to City standards for public sewers and shall be approved by a plumbing inspector. Manholes shall be located not less than 25 feet from any building.

- (1) *Exemption.* Upon proof of the following, the Director may grant an exemption from the requirements of subsection (a) of this section:
 - a. The building is zoned Low Density Residential (R1) and is located within the City's Urban Expansion District.
 - b. The purpose of the exemption is to retrofit existing infrastructure that has been installed but not dedicated to the public and/or accepted as public right-of-way.
 - c. An easement exists on the face of the recorded subdivision plat, certified survey map (CSM) or replat which addresses the location of any shared lateral and identifies the ownership and maintenance responsibilities for the shared lateral from the common point of connection back to the sanitary sewer main.
 - d. An exemption is necessary to achieve compliance with any other requirement that the Director deems necessary.
- (b) *Piping.* All building sanitary sewer piping extending from a public sewer service lateral or other disposal terminal to within three feet to five feet of the outside foundation walls shall be of cast iron or vitrified clay. Such disposal terminal shall be the end of the sewer service lateral or, in the event no lateral has been installed, the City sewer main. Building sanitary sewer connections to a private main sanitary sewer shall be of cast iron pipe or vitrified clay pipe to within three feet to five feet outside of the foundation wall.
- (d) *Unconnected pipes to be closed off.* The ends of all sanitary sewer pipes not immediately connected shall be securely closed with a cap or plug to prevent the introduction of sand, earth, or drainage from an excavation.
- (e) *Replacement.* When it becomes necessary to replace any building sewer because of stoppages, such sewer shall be replaced in its full length with approved materials.
- (f) *Sewers carrying harmful discharges.* No person shall connect to a public sewer any sewer through which is discharged any substance likely to cause undue corrosion, obstruction, nuisance, explosion, or interference with sewage treatment processes.
- (g) *When buildings are razed or moved.* When a building is moved or demolished, the building sewer shall be located at a point outside the foundation walls and shall be sealed off. The plug or seal shall not be covered until approval has been given by a plumbing inspector.

Sec. 8-362. Building drains.

- (b) *Floor outlet fixtures below sidewalk grade.*
 - (1) *New construction.* In all new construction, all floor outlet fixtures located below the sidewalk grade shall be provided with an approved Palmer-type backwater valve.
 - (2) *Existing buildings where drainage systems subject to backflow.* Where a building drainage system is subject to backflow of sewage and where the building was erected prior to August 19, 1972, the owner of the building shall, when ordered by a plumbing inspector, install approved automatic-type backwater valves in all fixtures located below the sidewalk grade.

Sec. 8-363. Grease and oil treatment.

All required plumbing installations for occupancies other than dwelling units where grease, fats, oils, or similar waste products of cooking or food are introduced into the drain system shall be provided.

Sec. 8-364. Storm drainage.

- (a) *Drains to connect to storm sewers.* All clear water drains shall discharge into a storm sewer wherever possible in accordance with Wis. Admin. Code SPS § 382.38. Where a building was erected prior to August 19, 1972, the owner of the building shall disconnect all clear water drains from the sanitary sewer when ordered to do so by a plumbing inspector.
- (b) *Sump pumps.* Every foundation drain shall be connected to a sump pit containing an approved sump pump as specified Wis. Admin. Code SPS § 382.36.
 - (1) *New installations.* In all new construction, such approved sump pump shall discharge into a storm sewer where such is available or can be made available. In areas where a storm sewer is not available, the sump pump shall discharge into the surface at least ten feet from the building foundation. Discharge from the sump pump shall not be directed as to flow into a street or alley, over a sidewalk, or over adjoining property. Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on a City street or sidewalk, entering a City street or sidewalk, creating ponds of standing water, or flowing over adjoining property. If the sump pump discharge is directed to the street, a permit must be obtained from the Director to direct the discharge from a sump pump to the street.
 - (2) *Existing installations creating a nuisance.* All sump pumps shall discharge into a storm sewer where such is available or can be made available if in the opinion of the Director the sump pump discharge creates a nuisance. Sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge flowing into a street or alley, over a sidewalk, or over adjoining property. If such a nuisance exists, the Director shall require the owner of the property to install a storm sewer lateral and connect the sump pump discharge to the lateral.
- (c) *Required drainage of parking lots and surface drains.*
 - (1) All parking lots whose area exceeds 2,000 square feet shall provide for interior drainage and be connected with a storm sewer if one abuts or adjoins the parking lot. Lots of 2,000 square feet or less may drain the surface water runoff to an abutting public street or alley if such public way provides stormwater drainage. Where neither drainage method is available, an interior yard storage area shall be provided. All provisions for drainage require approval by a plumbing inspector and the Director.
 - (2) Where a parking lot is constructed and such construction impedes natural drainage of adjoining property, the parking lot drainage shall be extended as necessary to provide adequate drainage of the adjoining property.
 - (2) *Conduits.* The size of the conduit serving a parking lot shall be determined by the area to be drained. The conduit for areas less than 5,000 square feet shall be cast iron pipe from the yard drain or catch basin to the service lateral or, where no lateral has been installed, to the City sewer main or other designated terminal. Areas over 5,000 square feet may be served by pipes whose standards conform to City specifications for storm drainage.
 - (3) *Catch basin and grates.* Catch basin and grate areas shall conform to City specifications.
- (d) *Granting of funds for private clear water separation work.*
 - (1) *Granting of funds.* The City may grant funds for private clear water separation work subject to this subsection (d). Any repayment of funds granted for private clear water separation work to property owned by indigent persons may be deferred by the Council. Such deferment shall be granted only to owner-occupied, single-family, or duplex residential real estate. Such deferment shall be by resolution directing the Director to pay all or any portion of the costs for private clear water separation work used on such property from the Storm Sewer Construction Account.

- (2) *Copy of resolution to be filed with Register of Deeds for Brown County.* A copy of such resolution, with a statement of the amount and date paid and description of the property, certified by the City Clerk, shall be recorded with the Register of Deeds for Brown County; the amount shall thereby become a lien upon such real property in favor of the City prior to any other lien other than prior outstanding tax certificates or prior liens hereunder, for the amount paid, with legal interest, and shall be enforceable after transfer of title of the property by sale, inheritance, or will in the manner provided by law for the enforcement of mechanics liens.
- (3) *Discharge of lien.* The owner of such property, heirs, personal representatives, or assigns may discharge such lien at any time by paying the amount of such lien with accrued interest to the City Treasurer, who shall execute a satisfaction in such form as may be recorded with the Register of Deeds for Brown County.
- (4) *Purchase of lien.* The holder of any subsequent lien may purchase such lien by payment of the amount thereof with accrued interest to the City Treasurer, who shall execute a proper assignment thereof to such payee; and on recording such assignment, such assignee shall have the same rights the assignor had.
- (5) *When due.* After transfer of title by sale, inheritance, or will, or when the basis for indigency no longer exists, the deferred funds shall be due and owing in full.
- (6) *Limits for the determination of indigency.* The Council shall establish, by resolution, limits for the determination of indigency. Such limits shall include:
 - a. Maximum combined annual income of both spouses and their dependents.
 - b. Maximum combined assets of both spouses and their dependents.
- (7) *Subject to review.* Such income and asset figures shall be subject to periodic review and modification by the Council.
- (8) *Application.* Application for deferment shall be made to the Council upon an affidavit form provided by the City Clerk verified by each applicant.
 - a. The application shall list the relationship, ages, and employment status of the applicant and all dependents; a complete schedule setting forth all assets, liabilities, and income from all sources including the applicant individually and jointly with their spouse, and from their dependents; and any other pertinent information which may assist the City in evaluating such application.
- (9) *Notify Clerk of increases.* The applicant shall notify the City Clerk when there is a material change in the applicant's assets and/or their annual income increases above the limits described in this subsection(d).
- (10) *Providing false or incomplete information.* If the applicant willfully provides false or incomplete information, the basis for indigency shall no longer exist and the special assessment shall become due and owing in full.
- (11) *Application reviewed by Improvement and Services Committee.* The application for deferment shall be reviewed by the Improvement and Services Committee, which shall make a recommendation to the Council.
- (12) *Interest.* Interest may be charged during the deferment period. The interest rate shall not, however, exceed the legal rate prescribed by Wisconsin Statutes.

Sec. 8-365. Water supply systems.

- (a) *Water service.*

- (1) *Size.* The water service or building supply pipe to any building shall be of sufficient size to provide an ample flow of water under maximum use to all fixtures and points of service. Such size shall be determined by standards set forth by the Wisconsin Department of Safety and Professional Services.
 - (2) *Material.* The underground water service pipe from the City main or a private water supply system to any building shall be meet the requirements of Wis. Admin. Code SPS § 384.30 and the Green Bay Water Utility.
 - (3) *Valve controls.* Service laterals shall include a corporation stop at the main, and a curb stop or valve at the curb, or privately-owned pump and a valve or stop within three feet of entering each building and, where a meter is installed, a valve on both sides of the meter as specified in Wis. Admin. Code SPS § 382.40(4)(b). Meters of one and one-half (1½) inches in diameter or larger shall have a bypass around the meter.
- (b) *Separate water service.* Plans and specifications for private water mains are required to be submitted to the State Department of Safety and Professional Services for site plan review in accordance with Wis. Admin. Code SPS § 382.20.
 - (c) *Cross-connections prohibited.* No private water system shall be connected directly or indirectly to any private water main or pipe that is in turn connected to any publicly owned water main or pipe unless approved in writing by the State Department of Natural Resources pursuant to Wis. Admin. Code SPS § 382.40(3)(c).
 - (d) *Plumbing inspector may make orders.* A plumbing inspector may issue orders requiring any changes necessary to bring any water supply work up to prescribed standards.

Sec. 8-366. Authority to control water service.

After the completion and trial of the work, no person shall turn on or leave turned on any water service curb stop which for any reason has been turned off by the Green Bay Water Utility. No unauthorized individual shall turn water on or off after it has been turned on or off from a given service, nor shall anyone make openings in the street or turn off water at the main without a permit therefor and supervision thereof as provided for in this article.

Sec. 8-367. Compulsory connection to sewer service.

When notified, the owner of any building intended for human habitation or occupancy abutting on any street, alley, or other thoroughfare in which public sanitary sewer has been extended and is available for service shall cause to be made a sewer connection thereto.

Sec. 8-368. Compulsory connection to water and well abandonment.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Cross-connection means a connection or potential connection between any part of a water supply system and another environment containing substances that, under any circumstances, would allow the substances to enter the water supply system by means of back siphonage or back pressure.

Licensed pump installer means any individual who has obtained a license under Wis. Stats. § 280.15(2m), and Wis. Admin. Code § NR 146.04, as a pump installer and has paid the annual license fee under Wis. Stats. § 280.15(2m)(c)2.

Licensed well driller means any individual who has obtained a license under Wis. Stats. § 280.15(2m), and Wis. Admin. Code § NR 146.04, as a water well driller and has paid the annual license fee under Wis. Stats. § 280.15(2m)(c)1.

Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal-owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

Pump installation means the pump and its associated pressure system including any equipment and material needed to withdraw, obtain, discharge, and store water from a well or a spring. The pump installation includes the spring box, reservoir, pump, pump drop pipe, check valves, well cap or seal, pitless adapter, pitless receiver tank, pitless unit, above-ground discharge unit, associated discharge piping and associated connections, valves, and appurtenances, pressure tank, sampling faucet, water storage or pressure vessel or structure, the electrical wiring and controls needed to operate the pump or pressure system, and any chemical addition, water treatment device, or yard hydrant upstream of the water storage or pressure vessel or building control valve.

Unused well means a well which is not in use or does not have a functional pumping system.

Well means any drillhole or other excavation or opening deeper than it is wide that extends more than ten feet below the ground surface constructed for the purpose of obtaining groundwater.

Well filling and sealing means the filling and sealing of a well, drillhole, pit, or reservoir with materials in accordance with Wis. Admin. Code NR ch. 812 so the well, drillhole, pit, or reservoir will not act as a vertical conduit to contaminate another well, groundwater, or an aquifer.

- (b) *Compulsory connection to municipal water main.* The owner of any building intended for human habitation or occupancy abutting on any street, alley, or other thoroughfare in which a municipal water main has been extended and is available for service, shall cause to be made a water connection thereto within 120 days of notification of said extension and availability. Except as provided in subsection (4), the owner shall abandon any existing source of water currently being used for said building.
- (c) *Well filling and sealing required.* All unused wells and wells located on premises served by the municipal water system shall be filled and sealed in accordance with the terms of Wis. Admin. Code NR ch. 812 not later than one year from the date the municipal water system is available.
- (d) *Well filling and sealing procedures.* All wells required to be filled and sealed under this section shall be filled and sealed according to the procedures and standards established in Wis. Admin. Code NR ch. 812. A copy of the State Department of Natural Resources filling and sealing report shall be submitted by the well owner to the Water Utility within thirty days of the completion the well filling and sealing.
- (e) *Private well operation permit.*
 - (1) The Green Bay Water Utility may grant a permit to a private well owner to operate a private well for a period of five years provided the conditions of this section are met. A private well operation permit may be renewed provided that the conditions of this section are met.
 - (2) Permit applications shall be made on the form provided by the Water Utility.
 - (3) The Water Utility General Manager or their designee may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application.
 - (4) The Water Utility may only grant a private well operation permit if all of the following conditions are met.
 - a. The owner pays the private well operation permit fee as provided in the City Fee Schedule.
 - b. The demonstrates a need for use of a private well.
 - c. The owner operates the well in accordance with Wis. Admin. Code NR ch. 812.
 - d. Prior to issuing or renewing the permit, a minimum of one safe sample has been taken from the private well to establish that the water is bacteriologically safe.

- e. The well and pump system are functional and have been evaluated by a licensed well driller or pump installer and certified to comply with Wis. Admin. Code NR ch. 812. The evaluation shall be documented on a form provided by the State of Wisconsin Department of Natural Resources.
- (5) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Water Commission.
- (f) Unapproved cross-connections between any private well and pump installations and the municipal water system are prohibited.
- (g) *Hardship.* When, in the judgment of the Water Commission, after recommendation from the Water Utility, it would be inappropriate to apply literally a provision of this section because hardship would result, the Water Commission may waive or vary such provisions so that substantial justice may be done and the public interest secured.

Sec. 8-369. Individual sewage disposal systems.

Private domestic sewage treatment and disposal systems, where permitted, shall be constructed, maintained, and used in accordance with the provisions of Wis. Admin. Code SPS ch. 383.

Secs. 8-370—8-385. Reserved.

ARTICLE IV. ELECTRICAL CODE

DIVISION 1. GENERALLY

Secs. 8-386—8-402. Reserved.

DIVISION 2. LICENSURE

Sec. 8-403. License or registration required.

No person may install, repair, or maintain electrical wiring or engage in the business of installing, repairing, or maintaining electrical wiring, except as allowed pursuant to Wis. Stats. § 101.862 and this article.

Sec. 8-404. Licensure exemptions for homeowners.

Notwithstanding Wis. Stats. § 101.862(4)(a), a residential property owner may only install, repair, or maintain electrical wiring on premises that they own and occupy as a residence without a license if all of the following apply:

- (1) The premises is a one-family dwelling;
- (2) The homeowner signs the permit and accepts all responsibility for work performed; and
- (3) The homeowner does not perform any work on service entrance equipment.

Sec. 8-405. Proof of credentials.

The City of Green Bay has the right to verify the licensure of all persons performing electrical work.

Secs. 8-406—8-423. Reserved.

DIVISION 3. ELECTRICAL CODE REGULATIONS

Sec. 8-424. Adoption by reference.

Wis. Admin. Code SPS ch. 316, as it may be amended from time to time, is hereby adopted and incorporated by reference as though fully set forth herein.

Sec. 8-425. Existing services.

If any component of the electrical service, from the service point to the load side of the service disconnect, is repaired or replaced grounding and bonding is required by the City to the same extent required by Wis. Admin. Code SPS § 316.250, as amended from time to time.

Secs. 8-426—8-448. Reserved.

DIVISION 4. CODE ENFORCEMENT

Sec. 8-450. Electrical Inspectors.

- (a) *Jurisdiction.* Electrical Inspectors shall exercise jurisdiction over inspection of the installation, alteration, repair, servicing, or maintenance of electrical wiring in all public or private buildings, including places of employment, within the City of Green Bay city limits.
- (b) *Authority.* Electrical Inspectors shall ensure all work performed within their jurisdiction complies with this article.
- (c) *Duties.* Electrical Inspectors may issue permits and shall maintain records of permits issued to contractors and homeowners, along with any fees received for such permits.

Sec. 8-451. Permits.

- (a) *Permit required.* No person may install, repair, alter, service, or maintain electrical wiring without first obtaining a permit under this article.
- (b) *Application.* An application for an electrical permit shall be filed with the Director on a blank form to be furnished for that purpose. The application shall include the name, phone number, and email address of the property owner and contractor and shall state that the property owner and contractor will be bound by and subject to the rules and regulations of this article.
- (c) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Electrical Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection.
- (d) *Permit fees.*
 - (1) Fees for building permits issued under this section shall be provided in the City Fee Schedule.
 - (2) If an application for a building permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.
- (e) *Issuance of electrical permit.*
 - (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp the plans and specifications as "approved."

- (2) *Who shall have plans and specifications.* One approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
- (3) *Evidence of permit.* With every permit, the Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
- (4) *Lapse.* A permit issued under this section shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further work is necessary after one year, the permit holder shall make written application to the Director stating the reasons for the request for an extension at least 90 days prior to the expiration of the permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.
- (5) *Revocation.*
 - a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the Director may revoke the permit by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.
 - b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.
 - c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.
- (6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.
- (f) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Sec. 8-452. Inspection stages.

During the process of performing electrical work, the person performing such work shall ensure the following inspections occur when required by the Electrical Inspector:

- (1) *Rough.* An inspection before any electrical wiring is hidden from view.
- (2) *Service.* An inspection of the service equipment and grounding electrode system prior to energizing.
- (3) *Final.* An inspection after all work has been completed and wiring concealed.

Sec. 8-453. Compliance with article.

Electrical Inspectors may utilize any lawful means to gain compliance with this article, including, but not limited to:

- (1) Inspecting electrical wiring.
- (2) Withholding electrical permits.
- (3) Issuing orders to correct violations.
- (4) Assessing re-inspection fees.
- (5) Denying/removing the connection of power to equipment.
- (6) Issuing citations or complaints for violations.
- (7) Condemning a building that is not safe for human habitation.

Secs. 8-455—8-475. Reserved.

ARTICLE V. HEATING AND AIR CONDITIONING CODE

Sec. 8-477. Wisconsin State Heating, Ventilating, and Air Conditioning Code adopted.

Adoption by reference. The Wisconsin State Heating, Ventilating, and Air Conditioning Code, Wis. Admin. Code SPS chs. 323 and 364, and the National Fuel Gas Code, NFPA 54, as amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein.

Sec. 8-478. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Director means the Director of the Department of Community and Economic Development or their designee.

HVAC means heating, ventilating, and air conditioning.

HVAC equipment means materials, piping, fittings, devices, appliances, apparatus, controls, and control wiring used as part of or in connection with permanent heating, ventilating, air conditioning, or exhausting systems serving buildings.

Licensed heating contractor means a person, entity, or business is a registered HVAC contractor under Wis. Admin. Code SPS § 305.70 or holds an HVAC qualifier certification under Wis. Admin. Code SPS § 305.71.

Sec. 8-479. License Required.

No person, entity, or business may engage or offer to engage in installing or servicing heating, ventilating, or air conditioning (HVAC) equipment unless the person, entity, or business is a registered HVAC contractor under Wis. Admin. Code SPS § 305.70 or holds an HVAC qualifier certification under Wis. Admin. Code SPS § 305.71.

Sec. 8-480. Permits.

- (a) *Permit required.* No person shall install or repair within the City any furnace, boiler, air conditioner, fireplace, or woodburning stove, or commence any other HVAC work in any structure subject to this article and/or any applicable provisions of the Wisconsin Administrative Code incorporated into this article, without first obtaining a permit for said work from the Director. In addition to any plans and specifications otherwise

required under this article, the Director may require additional information consistent with their duty to review such plans prior to issuing permits under this section.

- (b) *To whom issued.* No permit shall be issued except to the owner of a residence to personally perform work on the owner's home or to a licensed heating contractor. Such permits shall be nontransferable.
- (c) *Application.* An application for an HVAC permit shall be filed with the Director on a blank form to be furnished for that purpose. The application shall include the name, phone number, and email address of the property owner and contractor and shall state that the property owner and contractor will be bound by and subject to the rules and regulations of this article.
- (d) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the HVAC Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection. (e) *Fees.*
 - (1) Fees for permits issued under this section shall be as provided in the City Fee Schedule.
 - (2) If an application for a permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.
- (f) *Issuance of HVAC permit.*
 - (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp the plans and specifications as "approved."
 - (2) *Who shall have plans and specifications.* One approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
 - (3) *Evidence of permit.* With every permit, the Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
 - (4) *Lapse.* A permit issued under this section shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further work is necessary after one year, the permit holder shall make written application to the Director stating the reasons for the request for an extension at least 90 days prior to the expiration of the permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.
 - (5) *Revocation.*
 - a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the Director may revoke the permit by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.
 - b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.

- c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.
- (6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.
- (g) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Sec. 8-481. Inspection.

- (a) The Director shall examine and approve or disapprove all plans and specifications for the performance of any work governed by this article. The Inspector shall inspect all work as required by this article and shall order work stopped which is in violation of this article.
- (b) In any new building or addition, immediately upon completion of those portions of the installation which are to be concealed or covered, the licensed heating contractor shall notify the Director, who shall make an inspection within two working days after notice for inspection, excepting weekends and holidays. If no inspection is made within the specified time period, work may proceed. All other inspections shall be scheduled immediately upon notification of the completion of such work.
- (c) Wherever work for which a permit has been issued has been ordered stopped by the Inspector, the Inspector shall post a stop-work notice. After such notice has been posted, no further work shall be done until the violations have been corrected and such corrections approved by the Inspector.

Secs. 8-485—8-516. Reserved.

ARTICLE VI. MINIMUM HOUSING STANDARDS

DIVISION 1. GENERALLY

Sec. 8-517. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Approved means approved by or in accordance with regulations established by the Director of Community and Economic Development or their designee.

Basement means that portion of a building the floor of which is below the outside ground grade level.

Bath means a bathtub or shower stall.

Bedroom means a habitable room within a dwelling unit or part thereof which is used or intended to be used primarily for the purpose of sleeping, but not including any kitchen or dining room.

Boarding house or lodging house means a building or structure other than a hotel licensed by the State where lodging is furnished and meals for three (3) or more persons are served for compensation. A boarding house or lodging house may be considered a dormitory as defined and regulated within this Code.

City Building Code means Article II of this chapter.

City Electrical Code means Article IV of this chapter.

City Heating and Air Conditioning Code means Article V of this chapter.

City Plumbing Code means Article III of this chapter.

Director means the Director of the Department of Community and Economic Development or their designee.

Dormitory means a communal-type living arrangement of four or more persons not related by blood, adoption, or marriage who share common sleeping areas, kitchen, bath, and/or restroom facilities. The term "dormitory" includes, but is not limited to, shelter facilities, educational facility housing, rooming houses, boarding houses or lodging houses, community living arrangements, community based residential facilities, and migrant housing.

Dwelling means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit means any habitable room or group of adjoining habitable rooms located within a dwelling or part thereof and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

Extermination means the control and elimination of infestation of insects, rodents, or other pests by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, and poisoning, spraying, fumigating, trapping, or utilizing any other approved pest elimination methods.

Family means one or more individuals living on a premises as a single housekeeping unit.

Garbage broadly refers to both "garbage" and "refuse," as defined in Section 32-1 of this Code.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, stairways, and rooms used for play or recreational purposes.

Homeless family means a group of one or more related individuals who are homeless individuals.

Homeless individual means an individual who lacks a fixed, regular, and adequate nighttime residence (without regard to whether the individual is a member of a family) or an individual whose primary nighttime residence is a supervised public or privately operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, dormitories, and transitional housing.

Infestation means the presence of any insects, rodents, or other pests within a dwelling or part thereof or on the dwelling premises or part thereof.

Kitchen means a habitable room used or intended to be used for cooking or the preparation of meals.

Living room means a habitable room within a dwelling unit which is used or intended to be used primarily for general living purposes.

Meaning of certain terms. Whenever the terms "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Non-dwelling structure means a garage, shed, or other similar storage or convenience building attached to or detached from a dwelling and used primarily for recreation and the storage of vehicles, lawn and garden appliances, and other household tools or equipment. A non-dwelling structure shall not be used for living or sleeping by human occupants.

Occupant means any person, including an owner or operator, living, sleeping, or cooking in or having actual possession of a dwelling or rooming unit or part thereof.

Operator means any person who has charge, care, or control of a building or part thereof in which dwelling or rooming units or part thereof are let.

Owner means any person who, individually or jointly or as tenant in common with other(s), has legal title or equitable title to any dwelling or dwelling unit or rooming unit or part thereof or who has charge, care, or control of any dwelling or dwelling unit or rooming unit or part thereof as executor, administrator, trustee, or guardian of the estate of the owner.

Plumbing includes, but is not limited to, all of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, vent pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, domestic hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

Portable heater means a UL-listed portable appliance used for heating a relatively small area, typically electrical in nature.

Premises means a platted lot or part thereof, an unplatted lot, or a parcel or a plot of land, either occupied or unoccupied by any dwelling or structure.

Recyclables means "recyclable waste," as defined in § 32-1 of this Code.

Roomer means an occupant of a rooming house or part thereof who is not a member of the family of the operator of that rooming house, or an occupant of a dwelling unit or part thereof who is not a member of the family occupying the dwelling unit or part thereof.

Rooming house means a building or structure, other than a hotel licensed by the State of Wisconsin, where three or more persons are lodged for compensation. A rooming house may be considered a dormitory as defined and regulated within this article. The term "rooming house" does not include short term rentals as defined in Wis. Stats. § 66.0615(1)(dk).

Rooming unit means any room or group of rooms forming a single habitable unit in a rooming house or part thereof used or intended to be used for living and sleeping but not for cooking or eating meals.

Shelter facility means a temporary place of lodging for homeless individuals or homeless families. A shelter facility may be considered a dormitory as defined and regulated within this Code.

Sleeping room means a habitable room in a dwelling or dwelling unit of an area and volume as required by this code intended for or used primarily for sleeping purposes.

State Building Code means Wis. Admin. Code SPS chs. 320 through 325 and 361 through 366.

State Heating, Ventilating, and Air Conditioning Code means Wis. Admin. Code SPS chs. 323 and 364.

State Plumbing Code means Wis. Admin. Code SPS chs. 381 through 387.

Supplied means paid for, furnished by, or provided by or under the control of the owner or operator.

Unit heater means a self-contained, automatically controlled, vented, fuel-gas burning, space-heating appliance intended for installation in the space to be heated without the use of ducts, having integral means for circulation of air.

Sec. 8-518. Residential rental practices.

- (a) *State law adopted.* Wis. Admin. Code ATPC ch. 134 and Wis. Stats. § 704.95, as they may be amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein.
- (b) *Enforcement.* The Director may sign and issue citations for violations of this section and may delegate that authority to employees.
- (c) *Penalties.* Any person who violates this section shall forfeit not less than \$25.00 nor more than \$5,000.00 for each offense.

Secs. 8-519—8-542. Reserved.

DIVISION 2. PURPOSE AND SCOPE

Sec. 8-543. Purpose.

Buildings that are or are becoming dilapidated, neglected, overcrowded with occupants, or unsanitary jeopardize and are detrimental to the health, safety, morals, and welfare of the people of the City. Such buildings are rendered detrimental to the public through faulty design or construction, failure to be kept in a proper state of repair, lack of proper sanitary facilities or adequate lighting or ventilation, inability to properly heat, improper management, or any combination of these factors. The City finds that elimination of such buildings or structures and the prevention of the occurrence of such conditions in the future is in the best interest of the citizens of the City, and this article is enacted to foster and encourage such elimination.

Sec. 8-544. Compliance with other codes.

The provisions of this article shall not abrogate the responsibility of every person to comply with the provisions of the State Building Code and the building, zoning, plumbing, heating and air conditioning, and electrical codes of the City.

Secs. 8-545—8-566. Reserved.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 8-568. Inspections.

- (a) *To be made by Director.* The Director of Community and Economic Development shall make inspections to determine the condition of dwelling units, rooming units, premises, and parts thereof located within the City and may enter any building during reasonable hours in the discharge of the duties. Any person who interferes with the Director in the discharge of the duties shall be in violation of this article. The Director shall have proper identification and shall show same when making such inspections.
- (b) *Access of owner or operator.* Every occupant of a dwelling, dwelling unit, rooming unit shall give the owner or operator thereof, or an agent or employee of the owner, access to any part of such dwelling, dwelling unit, rooming unit or its premises or part thereof at all reasonable times for the purpose of maintenance or making such repairs or alterations as are necessary to effect compliance with this article or with any lawful rule or regulation adopted, or any lawful notice or order issued, pursuant to the provisions of this article.

Sec. 8-570. Emergency orders.

Whenever the Director finds that an emergency exists which requires immediate action to protect the public health, the Director may, without notice of hearing and in accordance with the provisions of Wis. Stats. § 66.1337(4)(a), issue an order reciting the existence of such an emergency and requiring that such action be taken as the Director deems necessary to meet the emergency. Such order shall be effective immediately. Notwithstanding any other provision of this article, every notice served by the Director in accordance with the provisions of Sections 8-593(8), 8-596(a)(11), (b)(2) and (b)(3), and 8-632(j) shall be regarded as an order.

Sec. 8-571. Condemnation of dwellings and dwelling units or parts thereof as unfit for human habitation.

- (a) *When condemnation required.* Any dwelling unit or part thereof which the Director finds to have any of the following defects shall be condemned as unfit for human habitation, occupancy, or use:
- (1) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin-infested that it creates a hazard to the health or welfare of the occupants or the public.
 - (2) One which lacks illumination, ventilation, or sanitary facilities adequate to protect the health or welfare of the occupants or the general public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or welfare of the occupants or the general public.
- (b) Any dwelling or dwelling unit or part thereof may be condemned by the Director as unfit for human habitation if the owner or occupant fails to comply with any order based on the provisions of this article or any rule or regulation adopted pursuant hereto, provided such dwelling or dwelling unit or part thereof is, in the opinion of the Director, unfit for human habitation by reason of such failure to comply.
- (c) *Procedure for condemnation.* The condemnation of dwellings and dwelling units as unfit for human habitation, occupancy, or use shall be carried out in accordance with Wis. Stats. § 66.0413. Where such condemnation occurs, the Director shall post at the main entrance to such dwelling or dwelling unit a notice stating that the dwelling or dwelling unit is unfit for human habitation, occupancy, or use and has been condemned. It shall be further unlawful for any person to occupy, use, or enter such dwelling or dwelling unit thereafter, except for the purpose of making required repairs or alterations.
- (1) *Removal of notice prohibited.* The notice of condemnation shall remain posted until the required repairs or alterations are made. It shall be unlawful for any person to remove such notice without written permission from the Director.
 - (2) *Condemnation by police and fire departments.* The Director may temporarily grant authority under this section to the Chief of Police, Fire Chief, or their designees when circumstances so require.

Sec. 8-572. General penalty.

Any person who violates any provision of this article or any rule, regulation, or order made hereunder shall be subject to forfeiture of not less than \$25.00 nor more than \$5,000.00 for each offense.

Secs. 8-573—8-592. Reserved.

DIVISION 4. HOUSING STANDARDS

Sec. 8-593. Minimum standards for basic equipment and facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit or part thereof for the purpose of living, sleeping, cooking, or eating meals therein which does not comply with the following requirements:

- (1) *Kitchen sink and lavatory.* Every dwelling unit shall contain an approved kitchen sink. Every dwelling unit shall contain a lavatory or wash basin in or adjacent to the toilet room.
- (2) *Toilet.* Every dwelling unit shall contain a toilet which shall be placed in a separate room enclosed with partitions which extend to the ceiling.
- (3) *Bath.* Every dwelling unit shall contain a bath which shall be contained within a toilet room or within a separate room which affords privacy to a person using such facility.

- (4) *Hot and cold water supply to bath and sinks.* Every bath, kitchen sink, and lavatory required under this article shall be properly connected with both hot and cold water lines.
- (5) *Water heating facilities.* Every dwelling shall have supplied water heating facilities which are properly installed and maintained in reasonably good working condition, properly connected with the hot water lines required under subsection (4) of this section, and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.
- (6) *Connection to water and sewer system.* Every kitchen sink, toilet, lavatory basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.
- (7) *Plumbing.* All plumbing, plumbing equipment, and plumbing fixtures and the installation thereof shall comply with the Plumbing Codes of the City and of the State.
- (8) *Garbage and recyclables.* Every dwelling and dwelling unit shall be provided with adequate facilities for the storing of recyclables and garbage. Such facilities shall comply with the provisions of Chapter 32.
- (9) *Exits.* Every dwelling unit shall have exits which conform to the exit requirements of the City Building Code or the State Building Code, as applicable. Every exit and passageway shall also comply with the following requirements:
 - a. It shall be kept in good repair.
 - b. It shall be unobstructed at all times.

Sec. 8-594. Minimum standards for light, heating, and ventilation.

- (a) *Window area.* Every habitable room, toilet room, and bathroom shall have at least one window facing directly to the outdoors. The minimum window area shall be at least ten percent of the floor area of the room, but not less than 12 square feet. The top of at least one such window shall be not less than six and one-half (6½) feet above the floor. At least one half of the window shall be made so as to open the full width unless other means of adequately ventilating such rooms are installed and operating. The outside window in every toilet or bathroom shall have a total area of at least ten percent of the floor area, but not less than four square feet, provided no window or sky light shall be required in adequately ventilated bathrooms or toilet rooms equipped with a ventilation system which is kept in continuous operation.
- (b) *Electric equipment.* In accordance with Wis. Admin. Code SPS §§ 316.020 and 316.021, all electrical power and communication equipment shall be properly constructed, installed, operated, and maintained. Any of this equipment known to be defective shall be promptly repaired or isolated until repairs can be made.
- (c) *Heating facilities.*
 - (1) Every dwelling unit shall have supplied heating facilities; and such facilities shall be properly installed, maintained in good working condition, and capable of adequately heating all habitable rooms, bathrooms, and toilet rooms contained therein or intended for use by the occupants thereof to a temperature of at least 68 degrees Fahrenheit, measured three feet above the floor level, when the outside temperature is at or above negative fifteen (-15) degrees Fahrenheit. A dwelling unit shall contain a sufficient number of chimney outlets to permit the occupants, through the use of unit heaters furnished by the owner, to adequately heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 68 degrees Fahrenheit, measured at least three feet above the floor level, when the outdoor temperature is at or above negative fifteen (-15) degrees Fahrenheit. This provision shall not be interpreted to permit the use of portable heaters where such use is prohibited by either the City Building or Heating and Air Conditioning Code or the State Building or Heating, Ventilating and Air Conditioning Codes, as applicable. Every central heating system shall comply with the City Building and Heating and Air Conditioning Codes and the State Building and

Heating, Ventilating and Air Conditioning Codes, as applicable. Such central heating systems shall also comply with the following requirements:

- a. The central heating unit shall be in good operating condition.
 - b. Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.
 - c. Every seal between the sections of a warm air furnace shall be tight, so noxious gases will not escape into heat ducts.
 - d. If the temperature of all dwelling units in a multi-unit dwelling is regulated by a single heating zone controlled by a single device, and the temperature standards articulated in this section cannot be maintained in any of the dwelling units included in that zone, the Director may issue orders to remedy the deficiency, including but not limited to requiring additional heating zones in the dwelling.
- (2) Every unit heater shall comply with the City Building and Heating and Air Conditioning Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes, as applicable, and with all of the following requirements:
- a. No unit heater burning solid, liquid, or gaseous fuels shall be a portable type.
 - b. Every unit heater burning solid, liquid, or gaseous fuels shall be properly vented.
 - c. Every coal-burning or oil-burning unit heater shall have a fire-resistant panel beneath it.
 - d. The location of unit heaters, the insulation of walls and ceilings close to such heaters, and the construction, installation, and guarding of smoke pipes and walls or ceilings through which they go shall be in accordance with the Heating and Air Conditioning Code of the City in Article V of this chapter.
- (d) *Lighting of public halls and stairways.* Every public hall and public stairway in every dwelling containing four or more dwelling units or accommodating more than 20 persons shall be adequately lighted at all times. Such lighting shall include lights at all intersections of stairways. Instead of continuous lighting, every public hall and public stairway in dwellings containing fewer than four dwelling units or rooming houses accommodating more than three roomers but less than 20 persons shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed.
- (e) *Screens.* At least one window in each habitable room, toilet room, and bathroom where windows are required shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16, and all installed screens must be in a state of good repair.
- (1) *Exception.* During the cold weather period from November 1 to March 31 of each calendar year, having screens installed is optional. Any screens installed must be in a state of good repair.(f) *Basement window screens.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

Sec. 8-595. Minimum space, use, and location requirements.

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:

- (1) *Dwelling unit to be occupied by one family.* No dwelling unit or part thereof shall be occupied by more than one family.
- (2) *Minimum floor area for dwelling unit or part thereof.* Every dwelling unit or part thereof shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square

feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

- (3) *Minimum floor area for sleeping purposes.* Every room occupied by one person for sleeping purposes shall contain at least 70 square feet of floor space and 490 cubic feet of air space, and every room occupied by more than one person for sleeping purposes shall contain at least 60 square feet of floor space and 400 cubic feet of air space for each occupant thereof, provided these requirements shall be reduced by one-half for children under 12 years of age.
- (4) *Arrangement of sleeping, bath, and toilet rooms.* No dwelling or dwelling unit containing two or more sleeping rooms shall be so arranged that access to a bathroom or toilet room intended for use by the occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.
- (5) *When basement space may be habitable.* No basement space shall be used as a sleeping room or dwelling unit unless such sleeping room or dwelling unit is in conformity with existing City or State Building Codes and complies with the following requirements:
 - a. The total window area in each room shall be at least equal to the minimum window area required in Section 8-594(a).
 - b. Such required minimum window area shall be located entirely above the grade of the adjoining ground.
 - c. The total openable window area in each room shall be at least equal to the minimum required under Section 8-594(a), unless there is supplied some other approved ventilating device.
 - d. Every habitable room in a basement shall be at least seven feet, six inches high from the floor to the ceiling; and the ceiling shall be at least four feet above the outside ground grade level. The walls and floors shall be damp-proof and waterproof.
- (6) *Occupants to have access to sanitary facilities.* Every occupant of every dwelling or dwelling unit shall have unrestricted access to a toilet and bath and to a kitchen sink or lavatory located within that dwelling or dwelling unit.
- (7) *Ceiling height with respect to floor area.* At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
 - (a) *Exemption.* Any one- or two-family dwelling unit built prior to the State of Wisconsin's adoption of the Uniform Dwelling Code on June 1, 1980 is exempt from the basement room height requirement in Wis. Admin. Code SPS ch. 321.

Sec. 8-596. Maintenance of dwellings, dwelling units, and rooming units.

- (a) *Owner's responsibility.* No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, or rooming unit for the purpose of living therein which does not comply with the following requirements:
 - (1) *Maintenance of foundations, exterior walls, roofs.* Every foundation, exterior wall, and roof shall be weather-tight, water-tight, and insect-proof, shall be rodent-proof in accordance with the terms of Section 6-7 (Rat Prevention), and shall be well-maintained and kept in a state of good repair. The exterior walls of dwellings, dwelling units, and rooming houses shall be either prefinished material, brick, stone, stucco, exterior plaster, stained or painted wood, water-proof shingles, or other material designed and advertised to be used as permanent exterior siding and capable of being painted, stained, or weatherproofed if not prefinished. Materials designed and advertised for insulation, sub-siding, or structural uses other than exterior walls shall not be allowed as exterior siding. Roofing materials shall

- be kept in a state of good repair and shall have no significant signs of wear, weathering, or other forms of deterioration.
- (2) *Maintenance of interior walls, doors, floors, ceilings, countertops, cabinets.* Every interior partition, wall, door, floor, ceiling, countertop, and cabinet shall be capable of affording privacy, kept in a state of good repair, and so maintained as to permit it to be kept clean and sanitary.
 - (3) *Rainwater drains.* Rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the basement, walls, ceilings, or floors of any room. Drains shall be kept clean and free of debris, and shall allow for the proper flow of water. No downspout located within six feet of adjoining property shall be pointed toward such property.
 - (4) *Windows, doors, hatchways.* Every window, exterior door, and basement hatchway shall be weather-tight and shall be kept in a good working condition, well-maintained, and repaired. All windows and exterior doors shall open and close properly with all hardware in-tact and operational.
 - (5) *Protection of exterior surfaces.* All exterior surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Painted surfaces must be properly maintained and repaired, including, but not limited to, scraping, priming, and applying finishing coats to said surfaces.
 - (6) *Stairways and porches.* Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and maintained in a state of good repair.
 - (7) *Supplied plumbing fixtures.* Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition and in accordance with the Plumbing Codes of the City and the State.
 - (8) *Chimney and supplied smoke pipes.* Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a state of good repair and in accordance with the City Building and Heating and Air Conditioning Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes, as applicable.
 - (9) *Bathroom and toilet room floors.* Every bathroom and toilet room floor shall be so maintained as to be reasonably impervious to water and as to permit such floor to be kept in a clean and sanitary condition.
 - (10) *Supplied facilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function properly and shall be maintained in good working condition.
 - (11) *Discontinuance of required services, facilities, equipment, or utilities.* No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this article to be removed from, shut off from, or discontinued from any occupied dwelling or dwelling unit let or occupied by said owner or operator, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are being made.
 - (12) *Pest extermination.* Whenever infestation exists in any dwelling or dwelling unit or part thereof, or in the shared or public parts of any dwelling or part thereof containing two or more dwelling units, or whenever infestation is caused by failure of the owner to maintain the dwelling or part thereof in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner. The owner shall hire a pest management professional to inspect and treat, as necessary, all dwelling units sharing a common wall, floor, or ceiling with the dwelling unit containing the infestation. The pest management professional must provide documentation that the affected dwelling unit and surrounding units are clear and free of infestation and live activity.
 - (13) *Cleanliness of public areas of dwellings.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition in all communal, shared, or

public areas of the dwelling and premises or parts thereof which are used or shared by the occupants of two or more dwelling units.

- (14) *Vacant dwelling units to be clean and sanitary before being let for occupancy.* No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit or part thereof unless it is clean, sanitary, free of infestation, and complies with all provisions of this article and all rules and regulations adopted pursuant thereto.
- (15) *Hanging screens.* The owner of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant hereto. Screens shall be hung at all times except as otherwise provided in this article. If windows are designed to have screens installed, one must be installed and in a state of good repair as required by Section 8-594.

(b) *Responsibility of occupants.*

- (1) *Cleanliness.* Every occupant of a dwelling or dwelling unit or part thereof shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which is occupied or controlled.
- (2) *Disposal of garbage and recyclables.* Every occupant of a dwelling or dwelling unit or part thereof shall dispose of all garbage and recyclables in a clean and sanitary manner by placing it in the garbage or recyclables containers as required by Chapter 32.
- (3) *Extermination of pests.* Every occupant of a dwelling or part thereof or dwelling unit or part thereof shall assist the owner of the dwelling with the extermination of any pests, including, but not limited to, maintaining unit cleanliness, notifying the owner of any infestation, cooperating with extermination efforts, and preparing the unit for treatment.
- (4) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 8-597. Maintenance of non-dwelling structures, fences, and premises.

No owner shall permit any non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:

- (1) *Maintenance of non-dwelling structures.* Every foundation, retaining wall, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every non-dwelling structure shall be weather-tight, water-tight, and insect-proof; shall be rodent-proof in accordance with the terms of Section 6-7; shall be well maintained and kept in a state of good repair; and shall have no significant signs of wear, weathering, or other forms of deterioration.
- (2) *Protection of exterior surfaces.* All exterior wood and other surfaces of all non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Painted surfaces must be properly maintained and repaired, including, but not limited to, scraping, priming, and applying finishing coats to said surfaces. Exterior walls of structures shall be prefinished material, brick, stone, stucco, exterior plaster, stained or painted wood, water-proof shingles, or a similar material designed and advertised to be used as permanent exterior siding and capable of being painted, stained, or weatherproofed if not prefinished. Materials designed and advertised for insulation, sub-siding, or structural uses other than exterior walls shall not be allowed as exterior siding.
- (3) *Maintenance of fences.* Every fence either shall be reasonably maintained and kept in a state of good repair or shall be removed. All components of fencing material shall be installed as designed or completely removed. Fences shall consist only of materials approved in Chapter 44. Nothing in this subsection shall permit fence removal where the fence is otherwise required by this Code.

- (4) *Grading and drainage of premises.* All premises or part thereof shall be so graded and maintained that no stagnant water will accumulate or stand on the premises or part thereof or within any building or structure located on the premises or part thereof.

Secs. 8-598—8-627. Reserved.

DIVISION 5. ROOMING HOUSE/SHELTER FACILITY REGULATIONS

Sec. 8-628. Compliance required.

No person shall operate a rooming house or shelter facility or occupy or let to another for occupancy any rooming unit in any rooming house or shelter facility except in compliance with the requirements of this division and any other applicable section within this Code.

Sec. 8-629. Permits.

- (a) *Required.* No person shall operate a rooming house or shelter facility without a valid rooming house/shelter facility permit issued by the Director in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house or shelter facility is contained, provided the provisions of this subsection shall not apply to dormitories associated with and run in connection with licensed educational institutions, hotels, motels, bed and breakfast establishments, and community living arrangements which are licensed by an agency of the State of Wisconsin.
- (b) *Application.* The operator shall file the application for a rooming house/shelter facility permit and a site plan according to Sections 44-83 and 44-1581 in the office of the Director on forms prepared by the Director.
- (c) *Issuance of permit and fees.* When all applicable provisions of this division and any rules and regulations adopted pursuant hereto have been complied with by the operator, the Director shall issue a rooming house/shelter facility permit upon the payment of the fee, which shall be as provided in the City Fee Schedule. Shelter facilities shall be exempt from the fees. All rooming house/shelter facility permits so issued shall expire on July 1 following the date of issuance unless sooner suspended or revoked as herein provided. Occupancy shall not exceed the capacity specified in Section 8-632(d) or in Wis. Admin. Code SPS § 362.0400 or sections referenced therein.
- (d) *Posting of permit.* Every rooming house/shelter facility permit issued by the Director shall be conspicuously posted by the operator in the rooming house or shelter facility for which it is issued and shall remain so posted at all times unless removed by the order of the Director.
- (e) *Nontransferability of permit.* No rooming house/shelter facility permit issued under this division shall be transferable as to person or place. Every operator shall notify the Director in writing within 24 hours after having relinquished the operation of a rooming house or shelter facility and shall file in writing with the Director the name and address of the operator assuming the operation of the rooming house or shelter facility. Any operator so assuming operation must have obtained a valid rooming house/shelter facility permit in accordance with this section.
- (f) *Relationship of permit to other codes.* The issuance of a rooming house/shelter facility permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable laws of the City and County and applicable rules of the State Department of Health and Department of Safety and Professional Services.
- (g) *Hearing when permit is denied.* Any person whose application for a rooming house shelter facility permit has been denied may request and shall be granted a hearing on the matter before the Protection and Policy Committee under the procedure provided by Section 8-569.
- (h) *Suspension, revocation, and non-renewal of permit.*

- (1) *Grounds.* Whenever, upon inspection of a rooming house or shelter facility, the Director finds that conditions or practices exist which are in violation of any provision of this article or any other provisions of this Code, or any rule or regulation adopted pursuant hereto, or if the operator keeps or maintains a disorderly house, the rooming house/shelter facility permit may be revoked, suspended for up to six months, or non-renewed.
- (2) *Notice.* No permit issued under this section shall be revoked, suspended, or non-renewed except upon due notice and hearing to determine whether grounds for such action exist. The Director shall give written notice of the grounds for revocation, suspension, or nonrenewal to the operator of such rooming house or shelter facility, which shall constitute the complaint. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof.
- (2) *Hearing.* The hearing on a complaint for suspension, revocation, or nonrenewal shall be held before the Protection and Policy Committee. The operator of the rooming house or shelter facility shall be entitled to be heard, to be represented by counsel, and to present and cross-examine witnesses. The operator may be provided a transcript of the hearing at their own expense.
- (3) *Recommendation by Committee.* Following the hearing, the Protection and Policy Committee shall issue Findings of Fact and Conclusions of Law and shall make a recommendation to the Common Council whether the operator's rooming house/shelter facility permit should be suspended, revoked, or nonrenewed. The City Clerk shall provide the operator with a copy of the Committee's report.
- (4) *Council action.* The Common Council shall consider the report and recommendation of the Protection and Policy Committee no later than the second regularly scheduled meeting following its receipt of the Committee's report. The Director or the operator may file an objection to the recommendation and have the opportunity to present arguments supporting their objection to the Common Council. Council shall determine whether arguments shall be presented orally, in writing, or both. Following arguments and deliberation, the Common Council shall adopt, modify, or reject the Findings of Fact, Conclusions of Law, and Recommendation of the Protection and Policy Committee. Notice of Council's decision shall be provided to the operator within 20 days.
- (5) *Appeal.* An operator of a rooming house or shelter facility shall appeal the suspension, revocation, or nonrenewal of their rooming house/shelter facility permit to the Brown County Circuit Court within 30 days of receipt of notice of Common Council's action.

Sec. 8-630. Operator to control occupancy.

No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this division.

Sec. 8-631. Applicability of other parts of this article.

No person shall operate a rooming house or shelter facility unless all of the requirements of Sections 8-594, 8-595, and 8-596 are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this division, the term "dwelling" shall be interpreted to mean rooming house or shelter facility and the term "dwelling unit" shall be interpreted to mean rooming unit. Every dwelling unit located within a rooming house or shelter facility shall comply with all of the requirements for dwelling units as established in this article.

Sec. 8-632. Arrangement, equipping, maintenance, and use of facilities.

- (a) *Toilets and lavatory basins.* At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten persons or fraction thereof residing within a rooming house or shelter facility, including members of the operator's family wherever they share the use of such facilities.

- (b) *Baths.* At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house or shelter facility, including members of the operator's family wherever they share the use of such facilities.
- (c) *Location of sanitary facilities.* Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within. All such facilities shall be so located within the rooming house or shelter facility as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling or part thereof and without going through another dwelling unit or part thereof or through a rooming unit or part thereof of another occupant.
- (d) *Minimum area for sleeping purposes.*
 - (1) The capacity of any room occupied for sleeping purposes shall be as follows:
 - a. 400 cubic feet for each occupant over 12 years of age; and
 - b. 200 cubic feet for each occupant 12 years of age or under.
 - (2) The operator of a shelter facility may allow homeless families on an emergency basis to occupy a sleeping room which does not meet the above minimum sleeping area requirements if the operator makes all reasonable attempts to place the family in another shelter which meets those requirements and so long as the family is placed in a room which complies with these regulations within 72 hours.
- (e) *Number of sleeping rooms.* Every sleeping room in every rooming house or shelter facility shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such sleeping room. No two doors shall bear the same number. No number on any door of any sleeping room shall be changed to any other number without first securing the written approval of the Director.
- (f) *Preparation or eating of meals in rooming units prohibited.* No occupant of a sleeping room shall prepare meals or store perishable foods therein. The operator shall post in every sleeping room a sign on which shall be written or printed in letters not less than three-eighths-inch in height the following words: "NO COOKING OR STORING PERISHABLE FOODS PERMITTED IN THIS ROOM." Such sign shall remain posted at all times.
- (g) *Bed linens and towels.* The operator of every rooming house or shelter facility shall effect the change of supplied bed linens and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall maintain all supplied bedding in a reasonably clean and sanitary manner.
- (h) *Shades and drapes.* Every window of every sleeping room shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room.
- (i) *Sanitary maintenance.* The operator of every rooming house or shelter facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the rooming house or shelter facility, and the entire premises, where the entire structure or building within which the rooming house or shelter facility is contained is leased or occupied by the operator.
- (j) *Storage and disposal of garbage and recyclables.* Adequate garbage and recyclable storage containers, whose type and location are approved under Chapter 32, shall be supplied by the rooming house or shelter facility operator. The operator shall dispose of all garbage and recyclables in a clean and sanitary manner by placing them in the required containers.
- (k) *Hanging screens, storm doors, and storm windows.* The operator of a rooming house or shelter facility shall hang all screen and double storm doors and windows whenever the same are required under this article or any rule or regulation adopted pursuant hereto except where the owner has agreed to supply such service.
 - (1) *Exception.* During the cold weather period from November 1 to March 31 of each calendar year, having screens installed is optional. Any screens installed must be in a state of good repair.
- (l) *Pest extermination.* Whenever infestation exists in any dwelling or dwelling unit or part thereof, or in the shared or public parts of any dwelling or part thereof containing two or more dwelling units, or whenever infestation is caused by failure of the owner to maintain the dwelling or part thereof in a rat-proof or insect-

proof condition, extermination thereof shall be the responsibility of the owner. The owner shall hire a pest management professional to inspect and treat, as necessary, all dwelling units sharing a common wall, floor, or ceiling with the dwelling unit containing the infestation. The pest management professional must provide documentation that the affected dwelling unit and surrounding units are clear and free of infestation and live activity.

- (m) *Exits.* Every sleeping room in every rooming house or shelter facility shall have exits which conform to the exit requirements of the City and State Building Codes, as applicable. In addition, every exit and passageway shall comply with the following:
- (1) It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.
 - (2) It shall be kept in a reasonably good state of repair.
 - (3) It shall be unobstructed at all times.

Sec. 8-633. Reporting of communicable disease by operator.

The operator of a rooming house or shelter facility shall report to the Brown County Health Commissioner or any State of Wisconsin health care professional licensed under Wis. Stats. Ch. 441 (nurses) or Ch. 448 (medical practitioners) immediately upon discovery the name of any person living in the rooming house or shelter facility who is suffering from any communicable disease, as listed in Appendix A to Wis. Admin. Code DHS ch. 145; and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house or shelter facility may be afflicted with any communicable disease.

Secs. 8-634—8-646. Reserved.

DIVISION 6. DORMITORY FACILITY REGULATIONS

Sec. 8-647. Compliance required.

No person shall operate a dormitory facility or occupy or let to another for occupancy any rooming unit in any dormitory facility except in compliance with the requirements of this division and any other applicable section of this Code.

Sec. 8-648. Permits.

- (a) *Required.* No person shall operate a dormitory facility without a valid dormitory facility conditional use permit issued by the City of Green Bay in the name of the operator and for the specific dwelling or dwelling unit or part thereof within which the dormitory facility is contained, provided the provisions of this section shall not apply to dormitories associated with and run in connection with hotels, motels, and bed and breakfast establishments which are licensed by an agency of the State of Wisconsin.
- (b) *Application.* The operator shall file the application for a dormitory facility conditional use permit and a site plan in accordance with Section 44-83.
- (c) *Issuance of permit.* When the operator has complied with all applicable provisions of this division and any rules and regulations adopted pursuant hereto, the Director shall process the conditional use permit request in accordance with Section 44-83.
- (d) *Nontransferability of permit.* No dormitory facility conditional use permit issued under this division shall be transferable as to person or place. Every operator shall notify the Director of Planning in writing within 24 hours after having relinquished the operation of a dormitory facility and shall file in writing with the Director the name and address of the operator assuming the operation of the dormitory facility. Any operator so

assuming operation must have obtained a valid dormitory facility conditional use permit in accordance with this section.

- (e) *Relationship of permit to other codes.* The issuance of a dormitory facility conditional use permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable laws of the City and County and applicable rules of the State of Wisconsin.
- (f) *Revocation of permit.* Any dormitory facility conditional use permit that has been issued may be revoked in accordance with the provisions of Chapter 44.

Sec. 8-649. Operator to control occupancy.

No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this division.

Sec. 8-650. Applicability of other parts of this article.

No person shall operate a dormitory facility unless all of the requirements of Sections 8-594, 8-595, and 8-596 are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this division, the term "dwelling" shall be interpreted to mean dormitory facility and the term "dwelling unit" shall be interpreted to mean rooming unit or part thereof. Every dwelling unit located within a dormitory facility shall comply with all of the requirements for dwelling units as established in this article.

Sec. 8-651. Arrangement, equipping, maintenance, and use of facilities.

- (a) *Toilets and lavatory basins.* At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory facility, including members of the operator's family wherever they share the use of such facilities.
- (b) *Baths.* At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory facility, including members of the operator's family wherever they share the use of such facilities.
- (c) *Location of sanitary facilities.* Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within. All such facilities shall be so located within the dormitory facility as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling or part thereof and without going through another dwelling unit or part thereof or through a rooming unit or part thereof of another occupant.
- (d) *Minimum area for sleeping purposes.* The capacity of any room occupied for sleeping purposes shall be as follows:
 - (1) Sleeping areas of at least 50 square feet per person residing in the dormitory with no more than four individuals per room, except that more than four individuals may be allowed per room if all said individuals are related by blood, marriage, or adoption.
 - (2) Rooms shall consist of enclosed places having walls that extend from the ceiling to the floor and an entry door.
- (e) *Number of kitchens/dining areas.* Every dormitory shall have one kitchen and dining area for every ten individuals residing in the dormitory facility.
- (f) *Number of laundry facilities.* Every dormitory shall have one laundry facility consisting of a minimum of one clothes washer, one clothes dryer, and one washbasin for every ten individuals residing in the dormitory facility.

- (g) *Number and size of common area/lounge.* Every dormitory shall have one common use area/lounge of at least 600 square feet in size for every ten individuals residing in the dormitory facility for relaxation and recreation of the occupants.
- (h) *Sanitary maintenance.* The operator of every dormitory facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the dormitory facility, and the entire premises, where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator.
- (i) *Storage and disposal of garbage and recyclables.* Adequate garbage and recyclable storage containers, whose type and location are approved under Chapter 32, shall be supplied by the dormitory facility operator. The operator shall dispose of all garbage and recyclables in a clean and sanitary manner by placing them in the required containers.
- (j) *Extermination of pests.* The operator of a dormitory facility shall cause the extermination of any insects, rodents, or other pests therein and on the entire premises where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator, except that whenever infestation of a dormitory facility is caused by a failure of the owner to maintain the dwelling within which the dormitory facility is contained in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.
- (k) *Exits.* Every sleeping room in every dormitory facility shall have exits which conform to the exit requirements of the City and State Building Codes, as applicable. In addition, every exit and passageway shall comply with the following:
 - (1) It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.
 - (2) It shall be kept in a reasonably good state of repair.
 - (3) It shall be unobstructed at all times.

Secs. 8-652—8-668. Reserved.

ARTICLE VII. MANUFACTURED AND MOBILE HOMES

Sec. 8-669. State laws adopted.

Except as otherwise provided in this article, Wis. Stats. § 66.0435, all provisions of Wis. Stats. Ch. 101, and all provisions of Wis. Admin. Code Ch. SPS 326 describing and defining regulations relative to manufactured and mobile homes that the City may adopt as ordinances are hereby adopted and by reference made part of this article as if fully set forth herein. Any future amendments, revisions, or modifications of the statutes and regulations incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of manufactured and mobile homes in the City of Green Bay. A copy of such code shall be on file in the office of the Inspection Division.

Sec. 8-670. Parking of manufactured and mobile homes restricted.

Except as provided in this article, no person shall park within the City any manufactured and mobile home on any street, alley, highway, or other public place or on any privately-owned land.

Sec. 8-671. Manufactured and mobile home park licenses.

- (a) *Required.* No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned, leased, or controlled by said person a manufactured and mobile home park within the City without first securing a license therefor from the Director of the Department of Community and Economic Development (Director) or their designee, pursuant to this article. Operation in

any fiscal year requires a license. Such license shall expire on 12:00 midnight on June 30 annually but may be renewed under the provisions of this article for additional maximum two-year periods.

- (b) *Location restricted.* An application for the construction of a manufactured and mobile home park shall be considered only when its proposed location is within a district zoned to permit such use.
- (c) *Application.* The application for a license or a renewal thereof shall be made on forms furnished by the City and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the manufactured and mobile home park and make the application, and such legal description of the premises upon which the manufactured and mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised manufactured and mobile home park shall contain a park plan showing the following, either as existing or as proposed:
 - (1) The area to be used for park purposes.
 - (2) Roadways and driveways.
 - (3) The location and designation of dependent and independent manufactured and mobile home spaces.
 - (4) The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms, to be used by occupants of the manufactured and mobile home park.
 - (5) A complete layout of storm, sanitary, and water systems for the service building and spaces.
 - (6) The method and plan of garbage removal.
 - (7) A plan for electrical lighting of spaces.
- (d) *Issuance of license.*
 - (1) *Approval and fee required.* The application for such license or renewal thereof shall be approved by the Inspection Division. Before a license is issued, the applicant shall pay an annual fee in accordance with Wis. Admin. Code Ch. SPS 326. The fee shall be as provided in the City Fee Schedule. A penalty fee, as provided in the City Fee Schedule, shall apply to renewal applications postmarked after June 30.
 - (2) *Municipal sanitary facilities required.* No license shall be issued for a manufactured and mobile home park where municipal sanitary facilities are not available.
- (e) *Revocation and suspension.* A license may be suspended or revoked after a hearing held pursuant to Wis. Stats. § 66.0435. Any hearing for the suspension, revocation, or non-renewal of a license shall be conducted before the Protection and Policy Committee. At the conclusion of the hearing, the Protection and Policy Committee shall recommend to the Common Council that the license be suspended, revoked, or non-renewed if it finds that the licensee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Policy Committee within 45 days after the committee adjourns the hearing. Appeal from a decision of the Common Council shall be by petition for writ of certiorari to the Brown County Circuit Court.

Sec. 8-672. Management of manufactured and mobile home parks.

- (a) *Office to be in park.* In every manufactured and mobile home park, there shall be located the office of the attendant or person in charge of such park. A copy of the park license and of this article shall be posted therein, and the park register shall at all times be kept in such office.
- (b) *Duties of attendant and licensee.* The attendant or person in charge, together with the licensee, shall:
 - (1) Keep a register of all occupants, which shall be open at all times to inspection by state, federal, and local officers and which shall show for all occupants of the manufactured and mobile home park the following information:

- a. Names and addresses.
 - b. Number and ages of all children.
 - c. Number of public elementary school children.
 - d. Number of public secondary school children.
 - e. State of legal residence.
 - f. Dates of entrance and departure.
 - g. License numbers of all manufactured and mobile homes and towing or other vehicles, and states issuing such licenses.
 - h. Place of last location and length of stay.
 - i. Place of employment of each occupant.
- (2) Maintain the park in a clean, orderly, and sanitary condition at all times.
 - (3) Ensure that the provisions of this article are complied with and enforced and report promptly to the proper authorities any violations of this article or any other violations of law which may come to attention.
 - (4) Collect the monthly parking permit fee and keep a record book showing the names of persons paying such fees and the amounts paid.
 - (5) Submit with the total monthly parking permit fees to the City Treasurer a monthly report showing the names of persons paying such fees and the amount paid if less than for a full month. Such report shall also indicate departure time for current tenants and arrival time for new tenants and departure time if occurring the same month as arrival.

Sec. 8-673. Applicability of plumbing, electrical, and building ordinances.

All plumbing, electrical, building, and other work on or at any park licensed under this article shall comply with City ordinances, the requirements of the State Plumbing, Electrical, and Building Codes, and the regulations of the State Department of Health. Licenses granted under this article grant no permission to erect or repair any structure or to do any plumbing or electrical work.

Sec. 8-674. Variances.

When, in the judgment of the Plan Commission or the Council, a provision of this article may not literally be applied due to unusual hardship, such provision may be altered as long as the basic intent of control herein stated is retained.

Exhibit A

Chapter 8 BUILDINGS AND CONSTRUCTION

ARTICLE I. IN GENERAL

Sec. 8-1. Director of Community and Economic Development to enforce.

The Director of Community and Economic Development is responsible for the enforcement of this chapter and may issue citations hereunder and may delegate such citation authority to their employees. It is declared that the intent of this chapter can be most effectively carried out by the cooperation of all City departments concerned, and all such departments shall cooperate with the Director in the enforcement of this chapter.

Sec. 8-2. Wisconsin Administrative Code to be on file.

Copies of the chapters of the Wisconsin Administrative Code incorporated into this chapter by reference shall be kept on file in the offices of the Department of Community and Economic Development and the City Clerk.

Sec. 8-3. Violations of this chapter.

Whenever the Director 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 or of any rule or regulation adopted pursuant hereto, the Director shall give notice of such violation to the person legally responsible therefor. Such notice shall provide sufficient information to the person responsible as to inform them of the actions necessary to correct the violation and specify a deadline by which such corrections must be made.

Sec. 8-4. Appeals; Zoning Board of Appeals.

- (a) *Jurisdiction.* The Zoning Board of Appeals, organized under Section 44-138, shall have the authority to hear the following matters.
 - (1) Any decision of the Director of the Department of Community and Economic Development (Director) to deny an application for any permit issued under this chapter, or any decision to revoke such a permit.
 - (2) Any error in any order made by the Director in the enforcement of this chapter.
- (b) *Appeal process.* Any person aggrieved by a decision, determination, or order of the Director as described in subsection (a) may appeal the decision, determination, or order to the Zoning Board of Appeals. Unless otherwise provided in this chapter, such appeals shall be governed by the following provisions.
 - (1) The aggrieved person must file a written petition with the City Clerk within 20 days of the decision, determination, or order being appealed or the petition shall be untimely. The petition must identify the permit denial, permit revocation, or enforcement order being appealed, the official who made the decision, determination, or order, and all other relevant facts related to the appeal.
 - (2) The official whose decision, determination, or order is appealed shall submit a written report to the Board describing the reasons for the decision, determination, or order and shall attend the appeal hearing to comment.
 - (3) The Board shall establish a reasonable time for the hearing of the appeal and give public notice thereof. The Board shall render a decision on the appeal within a reasonable time.
 - (4) The Board may reverse or affirm the decision, determination, or order, wholly or partially, as appropriate.
 - (5) A party aggrieved by a decision of the Zoning Board of Appeals under this section may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.

Sec. 8-5. Re-inspection fees.

- (a) *Definition.* The term "re-inspection fee" means a special charge that may be assessed against a property owner by the City in order to defray the administrative cost of exercising jurisdiction over this chapter and conducting related inspections within the City.
- (b) *When assessed.* An inspector may assess a re-inspection fee if a property is not available to be inspected at the time of a scheduled inspection or if all of the following conditions are met:
 - (1) The inspector has found that the owner's parcel is not in compliance with a provision of this chapter;
 - (2) The inspector has informed the property owner of the changes necessary to gain compliance; and
 - (3) Upon subsequent investigation or inspection, the inspector finds that the same violation persists.
- (c) *Fees charged.* Each re-inspection fee shall be as provided in the City Fee Schedule. A separate re-inspection fee may be assessed each time the conditions under subsection (b) of this section exist.
- (d) *Appeals.* Within 30 days of assessment, a property owner against whom re-inspection fees have been assessed may appeal said fees to the Finance Committee.

Sec. 8-6. General penalty.

Unless a more specific penalty is specified, any person who shall violate any provision of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in Section 1-6, except that the minimum penalty for each offense shall be \$25.00. Unless otherwise provided, each 24-hour period any such violation is allowed to exist shall constitute a separate violation.

Secs. 8-7—8-18. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 8-19. Purpose.

The purpose of this article is to provide minimum City regulations, provisions, and requirements for buildings and structures within the City, thereby increasing safety to persons and property, stable design, and good methods of construction and uses of materials in any building or structure constructed, enlarged, altered, repaired, moved, converted to other use, or demolished; to regulate the equipment, maintenance, condition, use, occupancy, and safety of buildings in the City; and to promote the public health, safety, and general welfare. This article shall apply to new buildings and structures and to alterations and additions to existing buildings and structures within the City.

Sec. 8-20. Applicability.

- (a) *Persons affected.* This article shall be binding upon every owner of a building and every person in charge of or responsible for the condition of any building or structure in the City, or who causes repair or alteration thereof.
- (b) *Buildings affected.* This article shall apply to all buildings and structures, except buildings which were erected in compliance with the City Building Code and/or the State of Wisconsin building code in force at the time of their construction or last change in use and which:
 - (1) Have been repaired and maintained so that the structures are weathertight and the structural members are not hazardous to life or property;

- (2) Are kept free from accumulations of dirt, filth, rubbish, garbage, or other matter in or on the same or in the yards, courts, passageways, or other areas connected or belonging to the same; and
- (3) Do not have cross-connections in plumbing systems that are hazardous to the occupants or violate any provision of the Plumbing Code regarding cross-connections.

Sec. 8-21. Definitions.

The definitions in Wis. Admin. Code SPS § 320.07 shall apply to this article. Additionally, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section. Where a conflict exists between a definition in this section and in Wis. Admin. Code SPS § 320.07, the definition in the administrative code shall control.

Accessory building means a detached building, not used as a dwelling unit but incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.

Accessory use means a use incidental to the use of the main building or to the principal use of the premises.

Air temperature means a measurement of the temperature of the air and not of radiant heat.

Alley means a public thoroughfare which affords a secondary means of access to abutting property and which is generally fewer than 20 feet wide.

Alteration means an enhancement, upgrading, or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a dwelling.

Apartment means a part of a building occupied or designed or intended to be occupied by one or more persons as a single-living unit or as a single-family housekeeping unit and which includes the use of kitchen facilities, either in private or in common with others.

Approved as to materials and types of construction means approved by the Director as the result of investigation and tests conducted by the Director or an authorized agent or by reason of accepted principles or tests by national authorities or by technical or scientific organizations accepted by the Director. Approvals given shall be in writing, and a copy thereof kept on file in the Building Inspection Division.

Balcony means a landing or porch projecting from the wall of a building.

Basement means that portion of a dwelling below the first floor or groundfloor with its entire floor below grade.

Base flood has the meaning ascribed in Section 44-1045.

Boarding house or lodging house means a building or structure, other than a hotel licensed by the State, where lodging and meals for three or more persons are served for compensation.

Building means:

- (1) *Noun.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
- (2) *Verb.* Any enlargement, alteration, movement, or demolishing of any building or structure, and also any new heating plant or any material alteration in any existing heating plant, toilet room, or elevator.

Court means an open, unoccupied space other than a yard on the same lot with a building.

Inner court means any court other than an outer court.

Outer court means a court which extends directly to and opens on a street or other permanent open space or on a required yard.

Department means the Department of Community and Economic Development.

Director means the Director of the Department of Community and Economic Development or their designee.

Dwelling means any building, or portion thereof, which is designed or used exclusively for residential purposes.

One-family dwelling means a building designed and occupied exclusively by one family.

Two-family dwelling means a building or portion thereof designed for or occupied by not more than two families.

Extermination means the control or elimination of infestation by eliminating harboring places and removing or make inaccessible materials that may serve as food or by poisoning, spraying, trapping, fumigating by a licensed fumigator or any other effective elimination procedure.

Family means one or more individuals living on a premises as a single housekeeping unit.

Filling station means a place where gasoline, kerosene, or any other fuel, lubricating oil, or grease for operating motor vehicles is offered for sale at retail to the public and where deliveries are made at the time of sale and directly into the motor vehicles, including greasing and oiling on the premises.

Full story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it, not including in either case mezzanine floors or balconies.

Garage means a space or structure used for storing motorized vehicles that has any more than two sides completely enclosed.

Community garage means a garage, or a series of garages, for use only for the storage of noncommercial vehicles of residents of the neighborhood.

Private garage means a garage, for private use only, for the storage of not more than four motorized vehicles, including not more than one commercial vehicle, which shall be of less than two-ton capacity.

Public garage means a garage other than a private or community garage used for the storage, sale, hire, or repair of motor vehicles or of vehicles used in connection therewith.

Habitable room means any room in a dwelling unit used for sleeping, living, or dining purposes.

Half story means that part of a building between the eaves and the ridge line of pitched roofs used for storage or occupancy. When designed and constructed for limited storage, such portion is an attic.

Homeless family means a group of one or more related individuals who are homeless individuals.

Homeless individual means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is a supervised public or privately-operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, and transitional housing.

Hotel means a building in which lodging and board is provided to the public for compensation and which caters to daily transient guests.

Impervious to water means constructed of concrete, cement block, terrazzo, brick, tile, or other similar material approved by the Director and having tight-fitting joints and more than four and one-half percent absorption by test.

Infestation means the sustained presence of household pests, vermin, or rodents.

Living room means a room used for sitting, dining, or cooking purposes, but does not include a room designed for laundry, workshop, furnace, play, or storage purposes.

Mezzanine floor means a balcony-like floor located between a main or full floor and the main ceiling next above and not exceeding in area more than one-third of such main or full floor.

Occupant means any individual residing in a dwelling.

Owner means the State, the City, the University of Wisconsin-Green Bay, any sewer or drainage district, any person, firm, partnership, corporation, or organization of any kind having a legal or equitable interest in a property.

Plumbing means all gas pipes and gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bath tubs, catch basins, drains, vents, and any other fixtures, together with connections to the water, sewer, or gas lines.

Provided means furnished, supplied, or paid for by, or under control of, the owner.

Rooming house means a building or structure, other than a hotel licensed by the State, where three or more persons are lodged for compensation.

Service station means a garage, other than a public garage, used in connection with liquid fuel dispensing stations and in which one or more vehicles can be accommodated for washing, greasing, oil changing, tire and battery replacement, or similar minor operations or adjustments.

Shelter facility means a temporary place of lodging for homeless individuals or homeless families.

Sleeping room means a room used for sleeping purposes.

Street means a public or private right-of-way, lane, or way set aside permanently for common travel and being 21 feet or more in width if it existed on November 3, 1959.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure means anything constructed, the use of which requires location on the ground or attachment to something having a permanent location on the ground.

Yard means an open, unoccupied space on the same lot with a dwelling and lying between the front, rear, or sides of the dwelling and the respective lot lines.

Sec. 8-22. Incorporation by reference.

The Wisconsin Uniform Dwelling Code, Wis. Admin. Code SPS Chs. 320 to 325, and Commercial Building Code, Wis. Admin. Code SPS Chs. 361 to 366, as amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein. Any conflict between this article and the Wisconsin Administrative Code shall be resolved in favor of the Wisconsin Administrative Code.

Secs. 8-23—8-45. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 8-46. Division of Building Inspection.

- (a) *Duties.* The Director shall enforce all state laws, City ordinances, and lawful orders relating to the construction, alteration, repair, removal, location, occupancy, safety, and use of buildings and permanent building equipment.
- (b) *Records.* The Director shall keep records of and make monthly and annual reports to the Council on all of the following.
 - (1) All applications for building permits, which shall be numbered in the order of issuance.
 - (2) The number, description, and size of every building erected, which shall indicate the materials used and the cost of each building, as well as the aggregate cost of all buildings of the various classes.

- (3) All inspections made and all removals and condemnations of buildings.
- (4) All related fees collected, including the dates of their receipt and delivery to the City Treasurer.
- (d) *Powers.*
 - (1) *Inspection.* The Director may at all reasonable times for any proper purpose enter upon any public or private premises and make inspections thereof and may require the permit for any building, electrical, heating, or plumbing work, or the required license therefor, to be produced for inspection.
 - (2) *Emergency powers.* The Director shall have such emergency powers as are necessary to fulfill the purpose and intent of this article; that is, to promote the public health, safety, and welfare.

Sec. 8-47. Building permits.

- (a) *Building permit required.* No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this article on any structure without first obtaining a building permit therefor from the Director, provided the Director may authorize minor repairs not involving structural alterations without requiring a building permit to be issued.
 - (1) *Residential properties.* The Director may issue a permit under this section to an owner currently living and residing at the property. For residential properties not occupied by the owner, the Director shall only issue a permit under this section to a contractor who holds a dwelling contractor certification or dwelling contractor qualifier certification issued by the State of Wisconsin.
- (b) *Application.* An application for a building permit shall be filed with the Director on a blank form to be furnished for that purpose. Such application shall describe the land upon which the proposed building or work is to be done, either by lot, block, tract, or similar general description which will readily identify and definitively locate the proposed building or work, shall show the use or occupancy of all parts of the building, and shall include such other pertinent information as may be required by the Director.
- (c) *Information to accompany application.*
 - (1) *Site plan.* Each application for a building permit shall be accompanied by two copies of a site plan, drawn to scale, where not less than one inch equals 20 feet nor more than 1/16-inch equals one foot, which shows the actual dimensions of the lot to be built upon, the size and location of the buildings to be erected, the proper relationship of the buildings to the exterior lines of existing or proposed streets shown on the Official Map, and such other information as may be necessary to provide for the enforcement of this article. Such site plan shall indicate the detailed legal description of the property as it appears of record. In the case of unplatted land or parcels conveyed by metes and bounds, the site plan, together with sufficient measurements to permit property determination, shall be submitted to the Director, who shall certify as to whether the proposal is in conflict with the Official Map.
 - (2) *Other data required.* The following data shall be a part of, or shall accompany, all site plans submitted for approval:
 - a. The location of streets, alleys, lot lines, and any other buildings on the same lot or property.
 - b. The name of the owner.
 - c. The intended use of all rooms.
 - d. When required by the Director, computations, stress diagrams, and other data necessary to show the correctness of the plans.
 - (3) *Foundation specifications.* When necessary, information concerning the size and material of the foundations and, if required, the loads to be placed thereon, where piles are to be driven, and the spacing, size, and materials of the piles and the load to be placed on each shall accompany the application for a building permit.

(e) *Conditions of approval of application.*

- (1) *Sanitary sewers.* Where sanitary sewers are not installed or immediately available, no building permit shall be issued by the Director until a plumbing permit for an individual sewage disposal system has been issued in accordance with Section 8-370.
- (2) *Right to inspect.* The Director may, as a condition of the granting of a building permit, enter any premises for which such permit was issued at any reasonable time during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance with all statutory and ordinance regulations concerning the construction, repair, use, and location of such building.
- (3) *Buildings covered by State Building Code.*
 - a. *Approval of plans.* Before a permit is issued for any building listed in subsection (e)(3)b or for the equipment for remodeling any such building, complete plans and specifications, including a site plan showing the position of the building with respect to lot lines, shall be submitted to the State Department of Safety and Professional Services for approval in accordance with the Wisconsin Administrative Code. Such plans shall be submitted to the State in such number as will permit a complete set of approved plans and specifications, together with any correspondence concerning such approval by the State, to be filed with the Department of Community and Economic Development.
 - b. The Department of Safety and Professional Services must approve permit applications for the following types of buildings:
 1. Hospitals.
 2. Buildings containing elevators.
 3. Buildings containing fire sprinkler systems or fire alarm systems.
 4. All other buildings required by state law or administrative regulation to be submitted.
 - c. *Changes in approved plans.* After plans have been approved for buildings and equipment thereof, no changes shall be permitted unless such changes are approved by the Department of Safety and Professional Services.
 - d. *Inspection of buildings covered by State Building Code.* The Director shall make inspections and require such changes as will be necessary for buildings and their equipment to conform with the approved plans, or the approved changes in such approved plans, which have been filed in their office.

(f) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Building Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection.

(g) *Permit fees.*

- (1) Fees for building permits issued under this section shall be provided in the City Fee Schedule.
- (2) If an application for a building permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.

(h) *Issuance of building permit.*

- (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a building permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp both sets of plans and specifications as "approved."

- (2) *Who shall have plans and specifications.* One such approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
- (3) *Evidence of permit.* With every permit, Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
- (4) *Lapse.* A building permit shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further construction is necessary after one year, the permit holder shall make written application in duplicate to the Director stating the reasons for the request for an extension at least 90 days prior to the expiration of the building permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.
- (5) *Revocation.*
- a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the building permit shall be revoked by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work upon the subject building until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.
 - b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.
 - c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.
- (6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.
- (7) *Preliminary foundation permit may be issued.* Whenever any person has applied for a building permit and all of the provisions of this section have been complied with, particularly with respect to review and approval of the site plan and other necessary conditions of approval as set forth in subsection (e) of this section, the Director may issue a preliminary foundation permit allowing the permittee to construct the foundation of any building for which a permit is sought. Thereafter, the Director may issue the final permit upon approval of plans and specifications for the remaining portion of the building to be constructed above the foundation. Nothing contained herein shall require the Building Inspector to issue the final permit unless the plans and specifications for the remainder of the building to be constructed above the foundation are in proper order and approved. The Director shall not issue such preliminary foundation permit unless all necessary information provided hereunder has been

reviewed and approved by the appropriate City departments and the only information remaining to be approved is the computation, stress diagrams, and other data necessary to show the correctness of the plans for that portion of the building to be constructed above the foundation.

- (i) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Secs. 8-48—8-67. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 8-68. Unsafe buildings; razing or repair.

- (a) *Order to raze.* If any building located within the City is old, dilapidated, or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and unreasonable to repair, the Director may order the owner of the building to raze and remove such building; or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or raze and remove it, at the owner's option; or, where there has been a cessation of normal construction of a building for more than two years, order the owner of the building to raze and remove such building. Any order issued under this section shall specify the repairs necessary to make the building safe and sanitary and shall specify a time within which the owner shall comply therewith. Such order shall be served as provided by Wis. Stats. § 66.0413.
- (b) *Failure to comply with order.*
 - (1) If the owner fails or refuses to comply with an order issued under this section within the time prescribed, the Director shall cause such building either to be razed and removed as provided by Wis. Stats. § 66.0413, through any available public agency or by contract or arrangement with private persons, or to be closed if unfit for human habitation, occupancy, or use.
 - (2) The cost of such razing and removal or closing shall be charged against the real estate and shall be assessed and collected as a special charge. When any building has been ordered razed and removed, the Director may sell the salvage and valuable material at the highest price obtainable. The proceeds of such sale, after deducting the expense of razing and removal of the building, shall be promptly remitted to the Circuit Court with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person entitled to the net proceeds, subject to the order of the Court. If there remains no surplus to be turned over to the Court, the report shall so state.
 - (3) If a building subject to a raze order under this section is unsanitary and unfit for human habitation, occupancy, or use and is not in danger of structural collapse, the Director shall post a placard on the premises containing the following notice: "This Building May Not Be Used For Human Habitation, Occupancy, or Use." The Director shall prohibit use of the building for human habitation, occupancy, or use until the necessary repairs have been made. Any person who rents, leases, or occupies a building which has been condemned for human habitation, occupancy, or use shall be fined not less than \$5.00 nor more than \$50.00 for each week of the violation.

Secs. 8-69—8-98. Reserved.

DIVISION 4. INSPECTION

Sec. 8-99. Structural portions to be inspected.

No structural portion of any part of any building or structure not supervised by an architect or professional engineer or their authorized representative, and no reinforced steel, structural framework of iron or steel, brick,

concrete block, frame, or any other materials used in the structural part of any building shall be covered or concealed in any manner without first securing the approval of the Building Inspection Division. The Building Inspection Division shall be notified at least one working day prior to such time as the work is to be inspected.

Sec. 8-100. Successive inspections to be made.

No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Building Inspection Division. Upon notification by the permit holder or an agent of the completion of each of the respective steps in construction, the Director shall make the following successive inspections in accordance with the Department of Safety and Professional Services Administrative Code and shall either approve that portion of the construction as completed or shall notify the permit holder or an agent where the same fails to comply with the law:

- (1) Residential and/or commercial building inspections are required following specific phases of the construction process. The list in this section is not exhaustive, and additional inspections may be required as appropriate. The Director shall perform an inspection following each of the following steps in construction:
 - a. *Footings.* When forms for footings are in and ready to be poured. Forms for footings shall be framed with a minimum depth of six inch framing members.
 - b. *Foundation.* When footings are fully installed and the permit holder is ready to install concrete for the walls.
 - c. *Tar, stone, and tile.* When the walls are up and stone, tile, and damproofing have been installed.
 - d. *Rough-in.* When the roof and all framing, fire blocking, and bracing are in place, and all pipes, chimneys, and vents are completed.
 - e. *Insulation.* When the insulation has been installed.
- (2) *Certificate of occupancy.* The Chief Building Official, Plumbing Supervisor, Heating Inspector, Electrical Inspector, Engineering Department agents, and Fire Department Prevention Bureau, or their designees, shall each make a final inspection of all new buildings, additions, and alterations. If no violation of this article or any other ordinance, law, or order is found and if there is a sewer connected to the public system or a system approved by ordinance, a connection with adequate water supply and access to the premises by a graded and graveled public road, and the buildings, additions, and alterations are in compliance with the City's building, electrical, heating and air conditioning, plumbing, rat prevention, and fire prevention and control ordinances, the Director shall issue a certificate of occupancy stating the purpose for which the building is to be used and the maximum load and maximum number of persons that may be accommodated on each floor thereof. No building or part thereof shall be occupied until such certificate has been issued, except with the written consent of the Director, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. In no case shall a certificate of occupancy be issued until complete compliance with the conditions stipulated on the site plan have been met, except such certificate may be issued prior to complete compliance provided that a cash bond in an amount equal to the cost of site plan compliance, as stipulated by the Director of Public Works and indicated on the site plan, has been deposited with the City Treasurer. If all conditions have not been met within 60 days after notice by the Director of Community and Economic Development, the Director of Public Works may make the necessary installations as provided in the site plan and charge the same to the cash bond account for that particular building.
- (3) *Commercial partial and/or temporary occupancy.* Partial and/or temporary occupancy of a building may be granted subsequent to the original site plan approvals if the following conditions are met:
 - a. The applicant has submitted a Life Safety Plan containing the stamped seal of the supervising professional. Said Life Safety Plan shall demonstrate to the satisfaction of the Director that all life

safety components for the entire building have been completed or that an equivalent or better level of protection is in place.

- b. The Director and the Fire Chief have reviewed and approved the revised Life Safety Plan described in this subsection.
- c. The applicant has paid an additional permit fee in an amount determined by the Director, which amount shall reflect the actual administrative costs of issuing the partial or temporary certificate of occupancy. In determining the fee amount, the Director may consider all relevant factors, including, but not limited to, the timing or urgency of the request for the partial or temporary occupancy permit, the number of inspections required to grant the partial or temporary occupancy permit, and the percentage of the building included in the partial or temporary occupancy permit. The fee for the partial or temporary occupancy permit shall not exceed fifty percent of the total permit fee.

Secs. 8-101—8-128. Reserved.

DIVISION 5. BUILDING SITE REGULATIONS

Sec. 8-129. Excavations.

- (a) *Excavation plans to be submitted in advance.* A building permit shall be obtained before commencing with excavation or driving piles for any foundation of any building or structure. The application for a building permit shall be filed with the plans and specifications of the building showing the location of the building or structure, the size and material of the foundation, and, if required, the loads to be placed thereon, where piles are to be driven, the spacing, size, and materials of the piles and the load to be placed on each.
- (b) *Guard rails.* Any person making excavations or causing the same to be made shall properly guard them and shall so protect them that the adjoining soil shall not cave in. No one shall excavate so as to injure any adjoining soil, ground, or building. Wherever such excavations are made within ten feet of any sidewalk, street, or alley, guard rails and warning lights and signs determined to be proper by the Director shall be installed and maintained. The Director may require guard rails around such other excavations as such they believe the protection of the public requires.

Sec. 8-130. Abandoned or water-filled excavations.

- (a) *Open basements.* Any open basement or basement excavation on which no work has been performed for a period of 60 days after the commencement of building or razing shall constitute a nuisance and the owner or contractor shall, within five business days of receipt of written notice from the Director, cause such basement or basement excavation to be properly filled and leveled off to the original grade. All concrete, including footings and foundations, must be removed in its entirety prior to such filling and shall not be buried.
- (b) *Fill and debris.* Any fill or debris on land or lots that has not been leveled off or removed within 30 days after its deposit and which is harboring rodents, preventing noxious weeds from being cut, or otherwise creating a nuisance shall be subject to the issuance of written orders by the Director requiring the leveling or removal of such fill or debris within 48 hours of receipt of such orders. (c) *Water-filled excavations.* Any open basement or basement excavation in which one foot or more of water is permitted to stand shall constitute a nuisance and the owner shall, within 48 hours of receipt of written orders from the Director, cause the excavation or basement to be pumped dry.
- (d) *Publication of notice.* If the address of the owner or contractor cannot be ascertained with reasonable diligence, then the 48-hour period provided in subsections (a) through (c) of this section shall commence to run at the beginning of the day following two successive publications of the notice in the official newspaper.

- (e) *Failure to comply.* Failure to comply with a written order from the Director shall be cause to have the work done to abate the nuisance in accordance with Chapter 24, and the cost thereof charged back to the property or property owner.

Sec. 8-131. Littering and damage to property.

- (a) *General provisions.* No person engaged in work for which a building permit has been issued shall cause, maintain, or permit the littering of any public or private property with mud, dust, brush, stumps, tree limbs, construction, or other types of debris; nor shall such person cause damage to any public street, sidewalk, alley, curb, gutter, sewerage system, or property.
- (b) *Littering at razing or removal site.* No person shall leave litter, building debris, excavations, or ground piles on property on which a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing, thus causing a public safety hazard and nuisance, the Director shall issue a written order to the property owner specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, the City shall cause such work to be done to abate the nuisance in accordance with Chapter 24, and the cost thereof charged back to the property or the property owner.

Sec. 8-132. Lot corners.

- (a) *To be monumented.* Prior to issuance of a building permit, all lot corners of the property upon which any building or structure is to be located shall be monumented by a registered land surveyor. These monuments shall be marked by wooden guard stakes.
- (b) *Monuments to be maintained.* The lot corner monuments and guard stakes shall be maintained and kept readily visible until the footings have been inspected and approved by the Director.

Secs. 8-133—8-165. Reserved.

DIVISION 6. BUILDING CONSTRUCTION REGULATIONS

Sec. 8-166. Minimum building elevations.

- (a) The first habitable floor of any building or structure shall not be constructed below the current city elevation.
- (c) Uses requiring floodproofing measures shall be designed consistent with the current flood protection elevation. The Director shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the flood protection elevation. Floodproofing measures shall include, but are not limited to, the following:
 - (1) Installation of water-tight doors, bulkheads, and shutters.
 - (2) Reinforcement of walls to resist water pressure.
 - (3) Use of paint, membrane, or mortar to reduce seepage of water through walls.
 - (4) Construction of water supply and waste treatment systems to prevent the entrance of floodwaters.
 - (5) Pumping facilities for subsurface drainage systems for buildings, to receive external foundation wall and basement floor pressures.
 - (6) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - (7) Installation of cutoff (backwater) valves on sewer lines or elimination of gravity flow basement drains.
 - (8) Anchorage to resist flotation and lateral movement.
 - (9) Addition of mass or weights to structures to resist flotation.

- (10) Installation of pumps to lower water levels in structures.
- (d) Accessory uses such as parking lots, yards, and other similar land or open land uses may be permitted at the current base flood elevation.
- (e) Fill shall be placed around buildings and structures to a minimum of one foot above base flood elevation and shall extend at such elevation at least 15 feet in each direction from the structure thereon. Fill material shall be stabilized in a manner recommended by the U.S. Soil Conservation Service and protected against erosion.

Secs. 8-167—8-202. Reserved.

DIVISION 7. OTHER CONSTRUCTION REQUIREMENTS

Sec. 8-203. Materials approved by Department of Safety and Professional Services.

Materials not listed in this article but approved by the State Department of Safety and Professional Services may be used in any building in the City, provided the necessary test sheets verifying such approval are on file in the office of the Department.

Sec. 8-204. Prefabricated and other similar buildings.

Nothing in this article shall prevent the erection of prefabricated, component, pre-cut, stressed-skin, or unit-constructed buildings, provided such buildings meet or are modified to comply with all requirements of this article.

Sec. 8-205. Items not covered by this article.

Any item, phase, or area of construction not specifically covered by this article shall meet with the approval of the Director. This article shall not be interpreted to limit the scope or use of other construction practices not specifically covered herein, provided the standards of construction and safety intended by this article are maintained. Detailed material, information, and structural design data on other construction practices shall be submitted to the Director for approval prior to starting construction.

Secs. 8-206—8-234. Reserved.

DIVISION 8. HOUSING REQUIREMENTS

Sec. 8-235. Buildings affected.

This division shall apply to buildings hereafter constructed which are not covered by the State Building Code. Sections 8-238 through 8-240 shall also apply to buildings heretofore constructed which are not covered by the State Building Code.

Sec. 8-236. Light and air regulations.

Every room used for human habitation, including bath and toilet rooms, shall be lighted directly upon a street or alley, upon a court on the same lot with the building, or upon the sky. Every court which is bound on one side by a lot line and which opens at one or both ends to the street, alley, or yard shall be an outer line court and shall be at least three feet wide. Every court which is between two buildings or parts of buildings on the same lot and which opens at one or both ends to the street, alley, or yard shall be an outer court and shall be at least six feet wide. Every court which is bounded on one side and both ends by walls and on the remaining side by a lot line shall be an inner lot line court and shall be at least six feet wide and at least 60 square feet in area. Every court which is bounded on all sides by walls shall be an inner court and shall be at least ten feet wide and at least 150 square feet in area. No building shall be built, altered, or enlarged so as to encroach upon the space reserved under this section for light and air.

Sec. 8-237. Ceilings.

All habitable rooms in each dwelling unit shall maintain a minimum ceiling height of seven feet. If beams or girders are exposed below the normal ceiling, a height of seven feet shall be maintained between the floor and the beams or girders. Rooms with sloping ceilings shall maintain a seven-foot average. In one-half story residences, areas with less than five feet of head room at the sides shall not be included in the above requirements, but the center ceiling height shall be at least seven feet.

Secs. 8-238—8-273. Reserved.

DIVISION 9. OTHER BUILDING REGULATIONS

Sec. 8-274. Razing of buildings.

- (a) *Permit required.* No person shall raze any building in the City without first securing a permit therefor from the Department and a permit for the sealing of the sewer from the Director. No permit shall be granted unless the applicant files a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager. The applicant shall agree to indemnify and hold the City harmless from all liability arising out of the job. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to Risk Management. Such notice shall suspend the permit, and no work shall be done under such permit until a new certificate of insurance certificate complying with this subsection has been filed with Risk Management. No certificate of insurance is required if either of the following conditions exists:
- (1) The building is located in a residential zoning district and is set back at least ten feet from all property lines.
 - (2) The building is located in any zoning district, is an accessory building as defined in Section 44-249, is no greater than one story, and is set back at least ten feet from all property lines, or is constructed and situated upon the property so that the same may be razed with no damage resulting to the person or property of others as determined by the Director and Risk Manager. Anyone aggrieved by such determination may appeal that decision to the Protection and Policy Committee in accordance with Wis. Stats. Ch. 68.
- (b) *Requirements.* The holder of a permit to raze a building shall comply with the following requirements:
- (1) *Property to be protected.* Streets, alleys, and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on streets or alleys, they shall be properly protected with a top cover of planks, guard rails, and toe-boards to prevent the falling of debris on sidewalks or streets. The top of the scaffold shall be at least eight feet above the sidewalk or alley.
 - (2) *Walls to be supported.* No person shall remove all horizontal support from exterior walls or partitions thereby permitting them to stand unsupported.
 - (3) *Buildings to be razed floor-by-floor.* In buildings of more than one story, the exterior walls, interior partitions, and other supports shall be removed floor-by-floor, using the floor below as protection from falling debris and to prevent exterior and interior walls from collapsing.
 - (4) *Razing to be gradual.* No walls, chimneys, or other construction shall be allowed to fall en masse on a floor and bulky material such as beams and columns shall be lowered and not thrown.
 - (5) *Cranes.* Cranes may be used in wrecking or demolishing buildings provided the other requirements of this subsection are met.
 - (6) *Sewers.* When a building is moved or demolished, its sewer shall be located at a point outside the foundation lines and sealed off. The plug or seal shall not be covered until the Director or a plumbing inspector under Section 8-356 gives approval.

- (7) *Obstruction of streets.* When razing requires the obstruction of a public street, alley, or sidewalk, a permit must be obtained from the Director of Public Works as provided in Section 34-11 before work on razing the structure can begin.
- (8) *Filling basement and excavated areas.* All loose material and debris shall be removed from the basement, crawlspaces, and other excavated areas. Upon ascertaining that all openings, pipelines, drains, and similar components have been properly capped, all basements, crawlspaces, excavated areas, and other below-grade voids resulting from the removal of pavements, slabs, foundations, and the like shall be filled to within four inches of finished grade with granular fill material. The material shall be well graded, free from debris and organic material. All granular fill shall be placed in layers of 12 inches or less and shall be compacted to not less than 95 percent of Modified Proctor (ASTM D-1557).
- (9) *Completion of project.* When razing activities are completed, the disturbed area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three to one (horizontal to vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the disturbed area to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until the area is stabilized and developed with zoning and other applicable provisions of this Code.

Sec. 8-275. Moving of dilapidated or detrimental building prohibited.

- (a) *Dilapidated buildings.* No permit shall be granted for the moving of any building from one location to another which, in the judgment of the Director, is so dilapidated and so out of repair as to be unsanitary or unfit for human habitation, occupancy, or use or is so out of repair that it would be unreasonable to repair the same.
- (b) *Detrimental buildings.*
 - (1) To protect and conserve the value of neighboring property, no permit shall be granted for the moving to a location within the City of any building which, in the judgment of the Director, would be detrimental to the character of the intended neighboring property. Such consideration shall be made on the basis of compatibility of external appearance, size, and architectural quality in relation to existing structures.
 - (2) The application for a moving permit shall be accompanied by three copies of a site plan of the proposed site, with such additional material as would permit the application of the foregoing standards.
- (c) *Denial; appeal.* The refusal to grant a moving permit shall be in writing and shall contain a detailed statement as to why the relocation would be detrimental to the value of the neighboring property, if such is the case. The applicant or any aggrieved party may, within ten days of the granting or refusal of a moving permit, appeal to the Board of Appeals. The Board of Appeals shall hear such appeal in accordance with procedures which it shall provide.

Sec. 8-276. Building maintenance.

- (a) *Hazardous conditions.* A person who owns, leases, or occupies a building shall keep the building from structural or other conditions that constitute a substantial hazard to the health or safety of its occupants or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the building other than negligence by an occupant.
- (b) *Common areas.* A person who owns a commercial building and leases the building to multiple tenants shall keep all common areas of the building maintained in a manner that is safe, functioning, sanitary, and undamaged.
- (c) *Building exterior.* A person who owns a building shall keep all exterior and weatherproofing components maintained in a manner that is safe, functioning, cleanable, and undamaged.

- (d) *Other structures.* Accessory structures, temporary structures, fences, and other structures shall be kept in a manner that is safe, functioning, cleanable, and undamaged.
- (e) *Insufficient repairs.* A person who owns a building shall ensure all repairs to the building are performed in a workmanlike manner. The term "workmanlike manner" includes, but is not limited to:
 - (1) The use of materials that have a consistent texture, color, quality, or appearance with adjacent materials.
 - (2) The complete performance of a job which does not leave unfinished edges, exposed nails or screws, loosely attached materials, or similar conditions.

Secs. 8-277—8-324. Reserved.

DIVISION 10. OTHER STRUCTURES

Sec. 8-325. Billboards and signs.

- (a) *General.* Billboards and signs are subject to all applicable regulations in Chapter 30.
- (b) *Materials to be used within Commercial Construction District.* When erected or maintained within the Commercial Construction District, billboards and signs shall be constructed and maintained entirely of incombustible materials, including the structural parts of the frames of such structures; except that braces, uprights, and the skeleton frames of billboards and signboards to which the metal facing is fastened may be wood.
- (c) *Not to be an obstruction.* No billboard or sign or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or stand pipe; and no such structure or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be erected or maintained so as to cover or obstruct any doors, doorways, or windows or so as to prevent or hinder the raising or placing of ladders against any such building by the City Fire Department if necessary.
- (d) *Signs in public places.* No person shall erect, fasten, post, paint, or maintain any sign, picture, poster, or advertisement of any description upon any curb, sidewalk, fence, board, barrel, box, case, railing, pole, post, barricade, material, bridge, bridge fender, dock, pile, structure, or building of any kind placed upon any street, alley, public way, public ground, or public waterway.
- (e) *Temporary banner.* No person shall erect or maintain any temporary banner or sign extending beyond the curblin of the street.

Sec. 8-326. Awnings over streets or sidewalks.

No person shall erect, repair, or maintain any awning over any sidewalk or street within the City except in accordance with this section.

- (1) *Permit required.* No person shall erect any awning over any sidewalk or street without first obtaining a permit therefor from the Director. No permit shall be granted unless the applicant files a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager.
- (2) *Specifications.* Any awning erected over any sidewalk or street within the City shall be constructed of an adjustable iron frame firmly secured in place and covered with canvas or other suitable material. Such frame shall be at least 7½ feet in height above the highest point of the walk, and the lowest point of the flap or fringe of such awning shall not be less than 6½ feet above the sidewalk immediately beneath it.

- (3) *Permanent metal awnings.* Permanent metal-type awnings may be erected provided that a minimum clearance of ten feet is allowed from the sidewalk to the lowest part of the awning.

Sec. 8-327. Canopies, hoods, and projecting signs.

No permanent hood, canopy, or projecting sign shall be constructed unless in the manner herein provided.

- (1) *Permit and inspections required.* No canopy, hood, or projecting sign shall hereafter be erected without a permit therefor being first secured from the Director. All such canopies, hoods, or projecting signs shall be inspected yearly by the Director.
- (2) *Certificate of insurance for canopies, hoods, or projecting signs over the public right-of-way.* No permit shall be granted until the applicant files a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to Risk Management. Such notice shall suspend the permit until a new certificate complying with this subsection has been filed with Risk Management.
- (3) *Clearance.* There shall be not less than ten feet between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any canopy, hood, or projecting sign extending over a public street right-of-way.
- (4) *Project toward streets.* The projections of permanent hoods, canopies, or projecting signs shall not extend over the street nearer than two feet from a vertical projection of the outside face of the curb.
- (5) *Height.* The overall height of canopies or hoods, including all projections, ornamentations, accessories, or appurtenances, shall not exceed six feet. After the original erection, no sign, poster, or other thing extending beyond six feet above the ten-foot clearance required of such canopy shall be added to such canopy or hood. The maximum distance to the top of any canopy, including all projections, ornamentations, or appurtenances, signs, or other part of the canopy, shall not exceed 16 feet from any point of the sidewalk.
- (6) *Accessories to installations.* Any necessary appurtenances or signs of a temporary or permanent installation shall be rigidly attached to the hood or canopy in a manner satisfactory to the Director. No swinging signs or accessories shall be permitted.
- (7) *Signs erected above canopies or hoods.* Where projecting signs are erected above canopies or hoods, they shall in no manner be attached to any accessory, ornament, or other thing of a temporary or permanent nature. Such signs shall be hung independently of the canopy.
- (8) *Drainage to be provided.* All hoods, canopies, and projecting signs shall have gutters and conductors connected with the sewer at the building and shall be so drained as not to discharge any water onto the sidewalk or public highway, except as provided in the City Plumbing Code.
- (9) *Other design and material requirements.* Canopies, hoods, and projecting signs shall be built of incombustible material throughout, shall be capable of resisting a superimposed load of 30 pounds per square foot, shall extend from the lot line toward the curb at a height in the clear of not less than ten feet, and shall slope and drain toward the building in accordance with the City Plumbing Code.
- (10) *Suspension from building.* Canopies, hoods, and projecting signs shall be suspended from the building, with no supports resting upon the sidewalk or public highway.
- (11) *Approval required.* The Director shall approve the design and materials of construction of all canopies, hoods, and projecting signs.

Sec. 8-328. Fire escapes outside.

No outside fire escape or other structural addition projecting from a building over a public alley or thoroughfare shall be erected without first securing a permit from the Director. The Director shall not issue a

permit for the building of such outside fire escape or other structural addition unless the plans provide for a minimum of 13 feet, six inches vertical clearance from the permanent established grade of the alley or thoroughfare below, provided where such grade has not been established, the clearance shall be on the basis of the proposed grade for such alley or thoroughfare as set by the Director of Public Works.

Sec. 8-329. Gas or oil distributing stations.

- (a) *Plans and specifications.* Plans and specifications for any gas or oil distributing station shall conform in all respects to the laws of the State and to existing laws for buildings and construction in the City.
- (b) *Design standards.*
 - (1) *Sidewalk, street, and curb grades.* Sidewalk, street, and curb grades shall be established by the Council and shall be obtained from the Engineering Division of the Department of Public Works. All construction shall conform to the grades so established.
 - (2) *Driveways and stationaries.*
 - a. *Surfacing.* All stationaries and driveways which receive moving traffic shall be surfaced with bituminous or Portland cement concrete. If Portland cement concrete is used, it shall be a minimum thickness of six inches or of a designed mix containing not less than 5½ bags of cement per cubic yard of concrete. If bituminous concrete is used, it shall be laid with a minimum thickness of two inches of a plant hot mix material upon either a four-inch Portland cement concrete base or a six-inch crushed stone base, such base to be properly compacted and rolled.
 - b. *Corner lots.* Driveway approaches measured along the curblines shall not be less than 25 feet from the intersection of the street right-of-way line on a corner lot or 35 feet from the point of intersection of the curb faces, whichever is greater.
 - c. *Curb cuts.* Two driveways shall be permitted on both the long and short side of any lot; but in no case shall two driveways be permitted on any side less than 100 feet long. Openings shall not exceed the distances set in this subsection. The opening at the curb to any proposed gas or oil distributing station shall not be greater than 30 feet and at the property line shall not be greater than 20 feet.
 - d. *Curbing required.* Except at driveway locations, curbing not less than eight inches in height and eight inches in width shall be constructed adjacent to all property lines and/or street setback lines abutting the street rights-of-way. At all driveway locations, the end 24 inches by eight inches curbing may be evenly tapered to allow the top of such curbing to intersect at the grade with the driveway.
 - e. *Driveways.* The curbing of all driveways on both sides shall commence at the outside sidewalk line at the grade established by the Engineering Division of the Department of Public Works. Such curb shall continue and become attached to the curb at the street at the same grade as such street curbing, the outer edge of such curbing conforming with the entrance measurements as set forth in this section.
 - f. *Distance between driveways.* The minimum distance between driveways at the property line shall be 30 feet.
 - g. *Lighting.* The type and location of all lighting shall be shown on the site plan. All outdoor light sources shall be controlled, directed, and/or otherwise screened from illuminating directly upon adjoining or opposite properties. This control can be by landscaping, buildings, louvers, and/or shields on the lights, or with similar devices.
 - h. *Fencing required.*
 - 1. When abutting a residential zone, decorative fencing that is impervious to sight and not less than four feet nor more than eight feet in height shall be installed along the interior

boundaries of the proposed station property to a point 15 feet from the street right-of-way. Curbing eight inches by eight inches shall be placed along the property line within this 15 feet. When abutting a zone other than residential, curbing or bumper guards may replace the fencing equipment.

2. All exterior waste or storage areas shall be properly fenced to screen them from public view.
- i. *Setback area.*
 1. Where street setback areas are required, the setback area shall not be considered part of the station proper but shall be properly seeded and landscaped.
 2. With the permission of the Plan Commission, the station area may extend into the street setback area to within 15 feet of the street right-of-way line if proper curbing is installed as required by the Commission for the purpose of safety and protection of property.
 3. Interior and corner side yard setback areas bordering on residential zoning districts shall be landscaped and buffered as required in Chapter 44, regardless of size of parking area.
 - j. *Underground storage tanks.* The location and size of all underground fuel tanks shall be approved in writing by the Fire Prevention Division of the City Fire Department by submitting a site plan and application to such Division. Installations shall comply with the provisions of Chapter 18.
 - k. *Elevated pump islands.* All site plans shall show the following information:
 1. The location of the elevated pump islands.
 2. The location of a rectangular area that shall surround the pump islands. Such area shall be surfaced with Portland cement concrete or bituminous concrete in accordance with subsection (b)(2)a of this section, and covered and maintained with a solvent resistant material and shall project at least three feet to the front and rear of the pump island and eight feet to each side.
 3. The distance from the property line to the nearest point on the face of such pump island. Such distance shall be at least 15 feet.
- (c) *Permit.* No gas or oil distributing station shall be erected in the City without first securing a permit from the Director. No permit shall be issued by the Director until detailed plans and specifications have been submitted to the Plan Commission and subsequently approved by the Council.
 - (d) *Approval of plans.* No permit shall be issued until a site plan fulfilling the following requirements has been approved by the Plan Commission pursuant to Chapter 44. Such site plan shall be drawn to an engineer's scale and shall show the location and dimension of all property lines, property description, sidewalks, curbs, trees, lighting standards, utility poles, fire hydrants, mail boxes, traffic signs, water mains, sanitary sewers, storm sewers, storm sewer inlets, storm, sanitary, and water connections, and any other structures on or in the street adjacent to the property as well as on the property and shall show the location of all existing and proposed structures and installations on the property. All elevations shown on such site plan shall give the City datum. After a site plan has been approved by the Plan Commission, all construction and operation shall be in accordance with the provisions of the plan, and no certificate of occupancy shall be issued by the Director until all requirements have been fulfilled.
 - (e) *Noncompliance and inspection.* If it is thought the terms of this section are being violated, the City Engineer or the Director, or any other parties properly designated by the Common Council may enter upon the premises at any reasonable time for inspection. If noncompliance is found, all business activities upon such premises shall be suspended until the terms of this section are complied with.

Sec. 8-330. Erection and operation of service stations dispensing liquefied petroleum gas.

- (a) *Permit.* No service station distributing liquefied petroleum gas shall be erected in the City without first securing a permit from the Director. No permit shall be issued by the Director until detailed plans and specifications have been submitted to the Plan Commission and subsequently approved by the Council.
- (b) No service station dispensing liquefied petroleum gas shall be permitted within 200 feet of a building used for institutional occupancy or public assemblies.
- (c) A site plan shall be submitted to the Plan Commission, and a copy of such site plan shall also be filed with the Fire Department to be retained in the Fire Department records.
- (d) No building permit for a liquefied petroleum gas service station installation shall be issued until plans are approved by the Fire Chief.
- (e) No permit for the installation of a liquefied petroleum gas service station shall be approved within the Commercial Construction District.
- (f) The total quantity of liquefied petroleum gas in one or more containers shall not exceed 12,000 gallons at a single service station.
- (g) Each storage container used exclusively in service station operations shall be a minimum of 50 feet from any building or group of buildings, from the centerline of the adjoining streets at the time of installation, and from the adjoining property lines which may be built upon. No container shall be closer than 20 feet to the adjacent right-of-way line of the street.
- (h) A six-inch diversion curb shall be installed to protect all liquefied petroleum storage containers at any service station where flammable liquids are also dispensed.
- (i) The design and construction of protective guard rails and barriers around containers and metering devices shall be subject to approval by the Fire Chief.
- (j) No gas shall be transferred at a liquefied petroleum gas station to any automotive fuel supply tank if such tank requires removal from its normally-established installed position for weighing or gauging.
- (k) Liquefied petroleum gas service stations shall be equipped with at least 20 pounds dry powder fire extinguisher or the equivalent, as approved by the Fire Chief.

Sec. 8-331. Television and radio receiving and transmitting antennas.

- (a) *Applicability.* This section shall apply to the outdoor portion of all apparatus used for receiving or transmitting television or radio waves of more than 12 inches in height.
- (b) *To be of incombustible materials.* All television and radio antenna systems, including the supporting tower or mast, shall be constructed of galvanized steel or other corrosion-resistant incombustible material. Where approved by the State Department of Safety and Professional Services, towers constructed of wood or wood poles set in the ground may be used to support antenna systems, provided no wood tower or wood pole shall be mounted on the roof of any building or structure.
- (c) *Load requirements.*
 - (1) *Ice load.* The antenna and tower shall support the dead load of the structure plus an ice load of at least one-half inch in radial thickness. The ice load shall be computed upon the wires, cables, messengers, and antenna only.
 - (2) *To withstand wind.* The tower or mast shall be braced or guyed and anchored to resist a horizontal wind pressure of not less than 30 pounds per square foot of net exposed surface area. Guy wires shall not be anchored to a chimney or to any roof ventilator or vent pipe.
- (d) *To be independently mounted.* Antenna systems installed on the roof of a building shall not be supported by or attached to a chimney. All such installations shall be mounted on an independent platform or base and

anchored in place. Such platform or base shall be large enough to distribute the weight of the tower over sufficient roof area so the roof will safely support the weight of the structure in addition to the required live and dead roof loads.

- (e) *Distance from streets and thoroughfares.* All antenna systems shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the top-most point. Any variance necessary from this requirement shall be reviewed as described in subsection (h). No wires, cables, or guy wires shall extend over any street or other public thoroughfare or over any electric power or communication lines.
- (f) *Not to interfere with utility poles and lines.* Poles used for electric power or for communication lines shall not be used for supporting or guying any antenna system. Where antenna installations are so located that damage will be caused to adjacent power or communication lines by the falling of the antenna structures, a separate safety wire shall be attached to the top of the tower and secured in a direction away from such power or communication lines.
- (g) *Electrical installations.* Electrical installations in connection with antenna systems, including the grounding of the tower or mast, shall comply in all respects with the requirements of the State Electrical Code.
- (h) *Variance.* The Plan Commission is authorized to hear and decide special exceptions to the terms of this section and to authorize such variances from the terms of this section as shall not be contrary to the public interest. Such variances shall be granted only where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship. It is the intent that the spirit of this section shall be observed, public safety and welfare secured, and substantial justice done. If a variance is granted under this section, the owner shall sign a contract, approved by the City Attorney, agreeing to hold the City harmless from and indemnify the City for any and all liability that may result from the construction and maintenance of any structure permitted pursuant to such variance.
 - (1) In all cases where such a variance is granted, the owner shall file a certificate of insurance with Risk Management giving evidence of liability insurance with policy limits in amounts to be determined by the Risk Manager. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to Risk Management. Such notice shall suspend the variance until a new certificate complying with this subsection has been filed with Risk Management.

Sec. 8-332. Pools, ponds, and spas.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Pond means any naturally-occurring or manmade body of water that retains or detains the natural flow of water. This definition does not include ponds used for or as part of a stormwater management plan as regulated in Chapter 42.

Pool means any constructed or prefabricated structure, either temporary (installed for a duration of less than seven days) or permanent (installed for a duration of seven days or more), either above ground or in-ground, containing or normally capable of containing water that is primarily used for the purpose of wading, swimming, or other recreational use. This definition excludes hot tubs, spas, and ponds.

Spa or hot tub means any hydro-massage pool or tub designed for immersion of users and primarily intended for recreational or therapeutic use which may or may not be equipped with a filter, heater, and motor-driven blower.

- (b) *Permit required.* No construction of a pool intended as a permanent installation, a humanmade pond, or a spa shall begin unless a permit therefor has been obtained and the fee paid as provided in the City Fee Schedule. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property.
- (c) *Requirements.*

- (1) *Setback.* Permanent above- or in-ground pools, humanmade ponds, or spas shall maintain a minimum front yard setback of 25 feet and a rear and side yard setback of ten feet from adjoining property, subject to properly granted variance under Chapter 44. In determining this setback for above-ground pools, ponds, or spas with permanent fencing or decks, any deck or similar structure shall be considered part of the pool, pond, or spa.
- (2) *Fencing.* All pools, ponds, or spas requiring a permit shall be encompassed by fencing as required under this subsection. A variance to maximum fence height may be granted under the procedures of Chapter 44. However, under no circumstance may the minimum fence height requirements of this subsection be varied.
 - a. *Structural requirements.* All fences under this subsection shall be constructed in such a manner as to comply with the requirements of Chapter 44, Article V, Division 6, and the requirements of this subsection.
 1. The fence must be able to withstand 200 pounds of force in any direction.
 2. The fence shall be so constructed and designed as to prevent penetration of an object greater than six inches in diameter.
 3. All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section.
 - b. *Permanent in-ground pools, ponds, or spas.* Permanent in-ground pools, ponds, or spas, subject to Chapter 44, Article V, Division 9, shall be encompassed by a freestanding fence not less than 48 inches nor more than 96 inches from the ground level. Such fence shall be no less than three feet from the pool, pond, or spa at its nearest point. The fence shall comply with the requirements of this subsection.
 - c. *Above-ground pools.* Above-ground pools, ponds, and spas shall be encompassed by fencing which complies with one or any combination of options listed below and the requirements of this subsection.
 1. A fence in compliance with the requirements under this subsection for in-ground pools, ponds, or spas.
 2. A fence within three feet of the pool, pond, or spa, not less than 48 inches nor more than 96 inches from ground level.
 3. A fence attached to a deck or walkway, provided such fence is at least 36 inches above the surface of the deck or walkway and complies with subsection (c)(2)c.2 of this section.
 4. A pool wall not less than 48 inches from ground level, provided that steps, ladders, or other means of pool access are removed when the pool is not in use.
- (3) *Exceptions.* Fencing shall not be required under the following circumstances:
 - a. Pools, ponds, or spas with locking and solid structural covers. Such covers shall be in place whenever the pool, pond, or spa is not in use and/or is unsupervised by an adult.
 - b. Pools, ponds, or spas completely enclosed within a building.
 - c. Existing pools, ponds, or spas as of April 20, 2004.
 - d. The Director has determined that the pool, pond, or spa does not affect the safety, health, or welfare of the residents of the community and does not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.
- (d) *Operation of residential pools, ponds, or spas.*

- (1) *Public pools, ponds, or spas prohibited in residential areas.* No person shall operate a public pool, pond, or spa on any premises zoned residential. The operation of a public pool, pond, or spa on residential premises is declared to be a public nuisance.
- (2) *Interference with enjoyment of property rights prohibited.* No pool, pond, or spa shall be so located, designed, operated, or maintained as to unduly interfere with the enjoyment of the property rights of owners of property adjoining the pool, pond, or spa or located in the neighborhood.
- (3) *Shielding lights.* Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises as regulated in Chapter 44, Article V, Division 8.
- (4) *Unnecessary noise.* No person shall make, continue, or cause to be made or continued at any pool, pond, or spa any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of any pool, pond, or spa, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the pool, pond, or spa premises, shall be prohibited.
- (5) *Indecent exposure.* Every person using an outdoor pool, pond or spa shall wear a bathing suit or other suitable garment to protect their person from indecent exposure.

Secs. 8-333—8-354. Reserved.

ARTICLE III. PLUMBING CODE

Sec. 8-355. Wisconsin State Plumbing Code adopted.

- (a) *Adoption by reference.* Wis. Stats. Ch. 145, and the Wisconsin State Plumbing Code, Wis. Admin. Code SPS Chs. 325 and 381 through 387, as amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein. Failure to comply with any of the provisions of such statutes or Codes shall constitute a violation of this article, punishable according to the penalties provided herein.
- (b) *To be on file.* A copy of the Wisconsin State Plumbing Code shall be on file in the offices of the Department of Community and Economic Development and the City Clerk.

Sec. 8-356. Administration.

- (a) *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Director means the Director of the Department of Community and Economic Development or their designee.

Plumbing inspector shall be interpreted to have the same meaning as "Plumbing Supervisor," as that term is defined in Wis. Stats. § 145.05, and shall be construed as though followed by the words, "or their designee."

- (b) *Duties and authority.*

- (1) Plumbing inspectors shall supervise and inspect all plumbing and drainage work in or in connection with all buildings within the City and shall faithfully enforce all laws, ordinances, and rules in relation thereto. Plumbing inspectors shall see that the construction, reconstruction, demolition, and alteration of all plumbing and drainage installed in all buildings in the City conforms with state laws and with the rules and regulations of the State Department of Safety and Professional Services and of the City, shall see that the work is done by licensed plumbers as provided by state law and this article, and shall make or cause to be made all inspections required thereby and in the manner therein set forth. In the discharge of their duties, the plumbing inspectors may enter any building during reasonable hours.

They shall supervise and inspect plumbing and drainage installations as necessary to adequately enforce and administer the provisions of this article, state law, and the State Plumbing Code, or any amendments thereto, to make plumbing safe and sanitary and to promote the public welfare in all classes of buildings.

- (2) Plumbing inspectors shall take applications and issue permits to qualified applicants and keep suitable records of the permits issued.

Sec. 8-357. Testing and inspections.

Plumbing inspectors shall make or cause to be made all required testing and inspections in accordance with Wis. Admin. Code SPS § 382.21.

Sec. 8-358. Supervision of sewers.

- (a) The Director shall have jurisdiction over all building sanitary and storm sewers. No such sewer shall be laid, and no opening into or connection with a sewer service lateral shall be made, except under the direction and supervision of a plumbing inspector.
- (b) The Director of Public Works shall keep a proper sewer connection record in a book, card index, or plat provided for such purpose showing the location of the lot, the name of the owner of the premises desiring to make such connection, the master plumber, master plumber restricted service, or utility contractor proposing to lay the sewer or drain, and the exact location with respect to the public sewer of each sewer or drain so laid. Information concerning the size, location, and depth of public and private sewers or drains and the position of the branches, junctions, and appurtenances shall be furnished by the Director of Public Works. All reasonable care shall be taken to ensure the correctness of such information, but such correctness shall not be guaranteed. When a junction is not found within three (3) feet of the point designated according to the measurements furnished, an approved Y or T fitting shall be used. Such connection shall be made upon approval of the Director of Public Works and under the direction of the plumbing inspector.

Sec. 8-359. Permits.

- (a) *Permit required.* A permit is required to perform work that constitutes "plumbing" as that term is defined in Wis. Stats. § 145.01(10).
- (b) *Application.*
 - (1) Application for a permit shall be filed with the Director on a blank form furnished for that purpose. No work shall be started before a permit has been issued.
 - (2) Permits may be applied for by licensed master plumbers, persons licensed as master plumbers (restricted), as described in Wis. Stats. § 145.14, utility contractors, and by qualified homeowners.
 - (3) The permit application shall include the name, phone number, and email address of the property owner and plumber and shall state that the property owner and plumber will be bound by and subject to the rules and regulations of this article.
- (c) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Plumbing Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection.
- (d) *Insurance and bond for persons making street cuts.* Before a permit shall be issued for work requiring a cut, excavation, or service connection on the traveled portion of any street, a permit therefor shall be obtained, a bond executed and deposited, and a certificate of insurance filed in accordance with the provisions of Section 34-5(b).
- (e) *Fees.*

- (1) Fees for permits issued under this section shall be as provided in the City Fee Schedule.
 - (2) If an application for a plumbing permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.
- (f) *Restrictions on issuance.*
- (1) No plumbing or sewer permit shall be granted until a building permit has been issued.
 - (2) No plumbing or sewer permit shall be issued to any person who is in violation of this article until such violation has been corrected.
 - (3) No plumbing or sewer permit shall be issued to any master plumber or person against whom an order issued by a plumbing inspector is pending, including, but not limited to, defective work, bad faith, unreasonable delay in performance of plumbing or drainage work, or failure to respond to official communication.
- (g) *Plan examination.* Plumbing plans and specifications for the types of plumbing installations specified in Wis. Admin. Code SPS § 382.20 shall be submitted to the Director for review. This review requirement applies to all new buildings and all additions and alterations involving six or more indoor and/or outdoor plumbing fixtures.
- (h) *Plan approval.* No permit shall be issued to commence work on any plumbing installation requiring review without plan approval from the City or the State Department of Safety and Professional Services.”
- (i) *Issuance of plumbing permit.*
- (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp the plans and specifications as "approved."
 - (2) *Who shall have plans and specifications.* One approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
 - (3) *Evidence of permit.* With every permit, the Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
 - (4) *Lapse.* A permit issued under this section shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further work is necessary after one year, the permit holder shall make written application to the Director stating the reasons for the request for an extension at least 90 days prior to the expiration of the permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.
 - (5) *Revocation.*
 - a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the Director may revoke the permit by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.

- b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.
 - c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.
- (6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.
- (h) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Sec. 8-360. Building sanitary sewers.

- (a) *Required.* Every building shall have a separate and independent connection with a public main sanitary sewer, private onsite water treatment system, or private main sanitary sewer. Each private main sanitary sewer shall conform to City standards for public sewers and shall be approved by a plumbing inspector. Manholes shall be located not less than 25 feet from any building.
- (1) *Exemption.* Upon proof of the following, the Director may grant an exemption from the requirements of subsection (a) of this section:
- a. The building is zoned Low Density Residential (R1) and is located within the City's Urban Expansion District.
 - b. The purpose of the exemption is to retrofit existing infrastructure that has been installed but not dedicated to the public and/or accepted as public right-of-way.
 - c. An easement exists on the face of the recorded subdivision plat, certified survey map (CSM) or replat which addresses the location of any shared lateral and identifies the ownership and maintenance responsibilities for the shared lateral from the common point of connection back to the sanitary sewer main.
 - d. An exemption is necessary to achieve compliance with any other requirement that the Director deems necessary.
- (b) *Piping.* All building sanitary sewer piping extending from a public sewer service lateral or other disposal terminal to within three feet to five feet of the outside foundation walls shall be of cast iron or vitrified clay. Such disposal terminal shall be the end of the sewer service lateral or, in the event no lateral has been installed, the City sewer main. Building sanitary sewer connections to a private main sanitary sewer shall be of cast iron pipe or vitrified clay pipe to within three feet to five feet outside of the foundation wall.
- (d) *Unconnected pipes to be closed off.* The ends of all sanitary sewer pipes not immediately connected shall be securely closed with a cap or plug to prevent the introduction of sand, earth, or drainage from an excavation.
- (e) *Replacement.* When it becomes necessary to replace any building sewer because of stoppages, such sewer shall be replaced in its full length with approved materials.
- (f) *Sewers carrying harmful discharges.* No person shall connect to a public sewer any sewer through which is discharged any substance likely to cause undue corrosion, obstruction, nuisance, explosion, or interference with sewage treatment processes.

- (g) *When buildings are razed or moved.* When a building is moved or demolished, the building sewer shall be located at a point outside the foundation walls and shall be sealed off. The plug or seal shall not be covered until approval has been given by a plumbing inspector.

Sec. 8-361. Building drains.

- (b) *Floor outlet fixtures below sidewalk grade.*
 - (1) *New construction.* In all new construction, all floor outlet fixtures located below the sidewalk grade shall be provided with an approved Palmer-type backwater valve.
 - (2) *Existing buildings where drainage systems subject to backflow.* Where a building drainage system is subject to backflow of sewage and where the building was erected prior to August 19, 1972, the owner of the building shall, when ordered by a plumbing inspector, install approved automatic-type backwater valves in all fixtures located below the sidewalk grade.

Sec. 8-362. Grease and oil treatment.

All required plumbing installations for occupancies other than dwelling units where grease, fats, oils, or similar waste products of cooking or food are introduced into the drain system shall be provided.

Sec. 8-363. Storm drainage.

- (a) *Drains to connect to storm sewers.* All clear water drains shall discharge into a storm sewer wherever possible in accordance with Wis. Admin. Code SPS § 382.38. Where a building was erected prior to August 19, 1972, the owner of the building shall disconnect all clear water drains from the sanitary sewer when ordered to do so by a plumbing inspector.
- (b) *Sump pumps.* Every foundation drain shall be connected to a sump pit containing an approved sump pump as specified Wis. Admin. Code SPS § 382.36.
 - (1) *New installations.* In all new construction, such approved sump pump shall discharge into a storm sewer where such is available or can be made available. In areas where a storm sewer is not available, the sump pump shall discharge into the surface at least ten feet from the building foundation. Discharge from the sump pump shall not be directed as to flow into a street or alley, over a sidewalk, or over adjoining property. Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on a City street or sidewalk, entering a City street or sidewalk, creating ponds of standing water, or flowing over adjoining property. If the sump pump discharge is directed to the street, a permit must be obtained from the Director to direct the discharge from a sump pump to the street.
 - (2) *Existing installations creating a nuisance.* All sump pumps shall discharge into a storm sewer where such is available or can be made available if in the opinion of the Director the sump pump discharge creates a nuisance. Sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge flowing into a street or alley, over a sidewalk, or over adjoining property. If such a nuisance exists, the Director shall require the owner of the property to install a storm sewer lateral and connect the sump pump discharge to the lateral.
- (c) *Required drainage of parking lots and surface drains.*
 - (1) All parking lots whose area exceeds 2,000 square feet shall provide for interior drainage and be connected with a storm sewer if one abuts or adjoins the parking lot. Lots of 2,000 square feet or less may drain the surface water runoff to an abutting public street or alley if such public way provides stormwater drainage. Where neither drainage method is available, an interior yard storage area shall be provided. All provisions for drainage require approval by a plumbing inspector and the Director.

- (2) Where a parking lot is constructed and such construction impedes natural drainage of adjoining property, the parking lot drainage shall be extended as necessary to provide adequate drainage of the adjoining property.
 - (2) *Conduits.* The size of the conduit serving a parking lot shall be determined by the area to be drained. The conduit for areas less than 5,000 square feet shall be cast iron pipe from the yard drain or catch basin to the service lateral or, where no lateral has been installed, to the City sewer main or other designated terminal. Areas over 5,000 square feet may be served by pipes whose standards conform to City specifications for storm drainage.
 - (3) *Catch basin and grates.* Catch basin and grate areas shall conform to City specifications.
- (d) *Granting of funds for private clear water separation work.*
- (1) *Granting of funds.* The City may grant funds for private clear water separation work subject to this subsection (d). Any repayment of funds granted for private clear water separation work to property owned by indigent persons may be deferred by the Council. Such deferment shall be granted only to owner-occupied, single-family, or duplex residential real estate. Such deferment shall be by resolution directing the Director to pay all or any portion of the costs for private clear water separation work used on such property from the Storm Sewer Construction Account.
 - (2) *Copy of resolution to be filed with Register of Deeds for Brown County.* A copy of such resolution, with a statement of the amount and date paid and description of the property, certified by the City Clerk, shall be recorded with the Register of Deeds for Brown County; the amount shall thereby become a lien upon such real property in favor of the City prior to any other lien other than prior outstanding tax certificates or prior liens hereunder, for the amount paid, with legal interest, and shall be enforceable after transfer of title of the property by sale, inheritance, or will in the manner provided by law for the enforcement of mechanics liens.
 - (3) *Discharge of lien.* The owner of such property, heirs, personal representatives, or assigns may discharge such lien at any time by paying the amount of such lien with accrued interest to the City Treasurer, who shall execute a satisfaction in such form as may be recorded with the Register of Deeds for Brown County.
 - (4) *Purchase of lien.* The holder of any subsequent lien may purchase such lien by payment of the amount thereof with accrued interest to the City Treasurer, who shall execute a proper assignment thereof to such payee; and on recording such assignment, such assignee shall have the same rights the assignor had.
 - (5) *When due.* After transfer of title by sale, inheritance, or will, or when the basis for indigency no longer exists, the deferred funds shall be due and owing in full.
 - (6) *Limits for the determination of indigency.* The Council shall establish, by resolution, limits for the determination of indigency. Such limits shall include:
 - a. Maximum combined annual income of both spouses and their dependents.
 - b. Maximum combined assets of both spouses and their dependents.
 - (7) *Subject to review.* Such income and asset figures shall be subject to periodic review and modification by the Council.
 - (8) *Application.* Application for deferment shall be made to the Council upon an affidavit form provided by the City Clerk verified by each applicant.
 - a. The application shall list the relationship, ages, and employment status of the applicant and all dependents; a complete schedule setting forth all assets, liabilities, and income from all sources including the applicant individually and jointly with their spouse, and from their dependents; and any other pertinent information which may assist the City in evaluating such application.

- (9) *Notify Clerk of increases.* The applicant shall notify the City Clerk when there is a material change in the applicant's assets and/or their annual income increases above the limits described in this subsection(d).
- (10) *Providing false or incomplete information.* If the applicant willfully provides false or incomplete information, the basis for indigency shall no longer exist and the special assessment shall become due and owing in full.
- (11) *Application reviewed by Improvement and Services Committee.* The application for deferment shall be reviewed by the Improvement and Services Committee, which shall make a recommendation to the Council.
- (12) *Interest.* Interest may be charged during the deferment period. The interest rate shall not, however, exceed the legal rate prescribed by Wisconsin Statutes.

Sec. 8-364. Water supply systems.

- (a) *Water service.*
 - (1) *Size.* The water service or building supply pipe to any building shall be of sufficient size to provide an ample flow of water under maximum use to all fixtures and points of service. Such size shall be determined by standards set forth by the Wisconsin Department of Safety and Professional Services.
 - (2) *Material.* The underground water service pipe from the City main or a private water supply system to any building shall be meet the requirements of Wis. Admin. Code SPS § 384.30 and the Green Bay Water Utility.
 - (3) *Valve controls.* Service laterals shall include a corporation stop at the main, and a curb stop or valve at the curb, or privately-owned pump and a valve or stop within three feet of entering each building and, where a meter is installed, a valve on both sides of the meter as specified in Wis. Admin. Code SPS § 382.40(4)(b). Meters of one and one-half (1½) inches in diameter or larger shall have a bypass around the meter.
- (b) *Separate water service.* Plans and specifications for private water mains are required to be submitted to the State Department of Safety and Professional Services for site plan review in accordance with Wis. Admin. Code SPS § 382.20.
- (c) *Cross-connections prohibited.* No private water system shall be connected directly or indirectly to any private water main or pipe that is in turn connected to any publicly owned water main or pipe unless approved in writing by the State Department of Natural Resources pursuant to Wis. Admin. Code SPS § 382.40(3)(c).
- (d) *Plumbing inspector may make orders.* A plumbing inspector may issue orders requiring any changes necessary to bring any water supply work up to prescribed standards.

Sec. 8-365. Authority to control water service.

After the completion and trial of the work, no person shall turn on or leave turned on any water service curb stop which for any reason has been turned off by the Green Bay Water Utility. No unauthorized individual shall turn water on or off after it has been turned on or off from a given service, nor shall anyone make openings in the street or turn off water at the main without a permit therefor and supervision thereof as provided for in this article.

Sec. 8-366. Compulsory connection to sewer service.

When notified, the owner of any building intended for human habitation or occupancy abutting on any street, alley, or other thoroughfare in which public sanitary sewer has been extended and is available for service shall cause to be made a sewer connection thereto.

Sec. 8-367. Compulsory connection to water and well abandonment.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Cross-connection means a connection or potential connection between any part of a water supply system and another environment containing substances that, under any circumstances, would allow the substances to enter the water supply system by means of back siphonage or back pressure.

Licensed pump installer means any individual who has obtained a license under Wis. Stats. § 280.15(2m), and Wis. Admin. Code NR § 146.04, as a pump installer and has paid the annual license fee under Wis. Stats. § 280.15(2m)(c)2.

Licensed well driller means any individual who has obtained a license under Wis. Stats. § 280.15(2m), and Wis. Admin. Code NR § 146.04, as a water well driller and has paid the annual license fee under Wis. Stats. § 280.15(2m)(c)1.

Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal-owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

Pump installation means the pump and its associated pressure system including any equipment and material needed to withdraw, obtain, discharge, and store water from a well or a spring. The pump installation includes the spring box, reservoir, pump, pump drop pipe, check valves, well cap or seal, pitless adapter, pitless receiver tank, pitless unit, above-ground discharge unit, associated discharge piping and associated connections, valves, and appurtenances, pressure tank, sampling faucet, water storage or pressure vessel or structure, the electrical wiring and controls needed to operate the pump or pressure system, and any chemical addition, water treatment device, or yard hydrant upstream of the water storage or pressure vessel or building control valve.

Unused well means a well which is not in use or does not have a functional pumping system.

Well means any drillhole or other excavation or opening deeper than it is wide that extends more than ten feet below the ground surface constructed for the purpose of obtaining groundwater.

Well filling and sealing means the filling and sealing of a well, drillhole, pit, or reservoir with materials in accordance with Wis. Admin. Code NR Ch. 812 so the well, drillhole, pit, or reservoir will not act as a vertical conduit to contaminate another well, groundwater, or an aquifer.

- (b) *Compulsory connection to municipal water main.* The owner of any building intended for human habitation or occupancy abutting on any street, alley, or other thoroughfare in which a municipal water main has been extended and is available for service, shall cause to be made a water connection thereto within 120 days of notification of said extension and availability. Except as provided in subsection (4), the owner shall abandon any existing source of water currently being used for said building.
- (c) *Well filling and sealing required.* All unused wells and wells located on premises served by the municipal water system shall be filled and sealed in accordance with the terms of Wis. Admin. Code NR Ch. 812 not later than one year from the date the municipal water system is available.
- (d) *Well filling and sealing procedures.* All wells required to be filled and sealed under this section shall be filled and sealed according to the procedures and standards established in Wis. Admin. Code NR Ch. 812. A copy of the State Department of Natural Resources filling and sealing report shall be submitted by the well owner to the Water Utility within thirty days of the completion the well filling and sealing.
- (e) *Private well operation permit.*
- (1) The Green Bay Water Utility may grant a permit to a private well owner to operate a private well for a period of five years provided the conditions of this section are met. A private well operation permit may be renewed provided that the conditions of this section are met.

- (2) Permit applications shall be made on the form provided by the Water Utility.
- (3) The Water Utility General Manager or their designee may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application.
- (4) The Water Utility may only grant a private well operation permit if all of the following conditions are met.
 - a. The owner pays the private well operation permit fee as provided in the City Fee Schedule.
 - b. The owner demonstrates a need for use of a private well.
 - c. The owner operates the well in accordance with Wis. Admin. Code NR Ch. 812.
 - d. Prior to issuing or renewing the permit, a minimum of one safe sample has been taken from the private well to establish that the water is bacteriologically safe.
 - e. The well and pump system are functional and have been evaluated by a licensed well driller or pump installer and certified to comply with Wis. Admin. Code NR Ch. 812. The evaluation shall be documented on a form provided by the State of Wisconsin Department of Natural Resources.
- (5) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Water Commission.
- (f) Unapproved cross-connections between any private well and pump installations and the municipal water system are prohibited.
- (g) *Hardship.* When, in the judgment of the Water Commission, after recommendation from the Water Utility, it would be inappropriate to apply literally a provision of this section because hardship would result, the Water Commission may waive or vary such provisions so that substantial justice may be done and the public interest secured.

Sec. 8-368. Individual sewage disposal systems.

Private domestic sewage treatment and disposal systems, where permitted, shall be constructed, maintained, and used in accordance with the provisions of Wis. Admin. Code SPS Ch. 383.

Secs. 8-369—8-385. Reserved.

ARTICLE IV. ELECTRICAL CODE

DIVISION 1. GENERALLY

Secs. 8-386—8-402. Reserved.

DIVISION 2. LICENSURE

Sec. 8-403. License or registration required.

No person may install, repair, or maintain electrical wiring or engage in the business of installing, repairing, or maintaining electrical wiring, except as allowed pursuant to Wis. Stats. § 101.862 and this article.

Sec. 8-404. Licensure exemptions for homeowners.

Notwithstanding Wis. Stats. § 101.862(4)(a), a residential property owner may only install, repair, or maintain electrical wiring on premises that they own and occupy as a residence without a license if all of the following apply:

- (1) The premises is a one-family dwelling;
- (2) The homeowner signs the permit and accepts all responsibility for work performed; and
- (3) The homeowner does not perform any work on service entrance equipment.

Sec. 8-405. Proof of credentials.

The City of Green Bay has the right to verify the licensure of all persons performing electrical work.

Secs. 8-406—8-423. Reserved.

DIVISION 3. ELECTRICAL CODE REGULATIONS

Sec. 8-424. Adoption by reference.

Wis. Admin. Code SPS Ch. 316, as it may be amended from time to time, is hereby adopted and incorporated by reference as though fully set forth herein.

Sec. 8-425. Existing services.

If any component of the electrical service, from the service point to the load side of the service disconnect, is repaired or replaced grounding and bonding is required by the City to the same extent required by Wis. Admin. Code SPS § 316.250, as amended from time to time.

Secs. 8-426—8-449. Reserved.

DIVISION 4. CODE ENFORCEMENT

Sec. 8-450. Electrical Inspectors.

- (a) *Jurisdiction.* Electrical Inspectors shall exercise jurisdiction over inspection of the installation, alteration, repair, servicing, or maintenance of electrical wiring in all public or private buildings, including places of employment, within the City of Green Bay city limits.
- (b) *Authority.* Electrical Inspectors shall ensure all work performed within their jurisdiction complies with this article.
- (c) *Duties.* Electrical Inspectors may issue permits and shall maintain records of permits issued to contractors and homeowners, along with any fees received for such permits.

Sec. 8-451. Permits.

- (a) *Permit required.* No person may install, repair, alter, service, or maintain electrical wiring without first obtaining a permit under this article.
- (b) *Application.* An application for an electrical permit shall be filed with the Director on a blank form to be furnished for that purpose. The application shall include the name, phone number, and email address of the property owner and contractor and shall state that the property owner and contractor will be bound by and subject to the rules and regulations of this article.

- (c) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Electrical Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection.
- (d) *Permit fees.*
- (1) Fees for building permits issued under this section shall be provided in the City Fee Schedule.
 - (2) If an application for a building permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.
- (e) *Issuance of electrical permit.*
- (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp the plans and specifications as "approved."
 - (2) *Who shall have plans and specifications.* One approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
 - (3) *Evidence of permit.* With every permit, the Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
 - (4) *Lapse.* A permit issued under this section shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further work is necessary after one year, the permit holder shall make written application to the Director stating the reasons for the request for an extension at least 90 days prior to the expiration of the permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.
 - (5) *Revocation.*
 - a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the Director may revoke the permit by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.
 - b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.
 - c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.
 - (6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If,

subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.

- (f) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Sec. 8-452. Inspection stages.

During the process of performing electrical work, the person performing such work shall ensure the following inspections occur when required by the Electrical Inspector:

- (1) *Rough.* An inspection before any electrical wiring is hidden from view.
- (2) *Service.* An inspection of the service equipment and grounding electrode system prior to energizing.
- (3) *Final.* An inspection after all work has been completed and wiring concealed.

Sec. 8-453. Compliance with article.

Electrical Inspectors may utilize any lawful means to gain compliance with this article, including, but not limited to:

- (1) Inspecting electrical wiring.
- (2) Withholding electrical permits.
- (3) Issuing orders to correct violations.
- (4) Assessing re-inspection fees.
- (5) Denying/removing the connection of power to equipment.
- (6) Issuing citations or complaints for violations.
- (7) Condemning a building that is not safe for human habitation.

Secs. 8-454—8-476. Reserved.

ARTICLE V. HEATING AND AIR CONDITIONING CODE

Sec. 8-477. Wisconsin State Heating, Ventilating, and Air Conditioning Code adopted.

The Wisconsin State Heating, Ventilating, and Air Conditioning Code, Wis. Admin. Code SPS Chs. 323 and 364, and the National Fuel Gas Code, NFPA 54, as amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein.

Sec. 8-478. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Director means the Director of the Department of Community and Economic Development or their designee.

HVAC means heating, ventilating, and air conditioning.

HVAC equipment means materials, piping, fittings, devices, appliances, apparatus, controls, and control wiring used as part of or in connection with permanent heating, ventilating, air conditioning, or exhausting systems serving buildings.

Licensed heating contractor means a person, entity, or business is a registered HVAC contractor under Wis. Admin. Code SPS § 305.70 or holds an HVAC qualifier certification under Wis. Admin. Code SPS § 305.71.

Sec. 8-479. License Required.

No person, entity, or business may engage or offer to engage in installing or servicing heating, ventilating, or air conditioning (HVAC) equipment unless the person, entity, or business is a registered HVAC contractor under Wis. Admin. Code SPS § 305.70 or holds an HVAC qualifier certification under Wis. Admin. Code SPS § 305.71.

Sec. 8-480. Permits.

- (a) *Permit required.* No person shall install or repair within the City any furnace, boiler, air conditioner, fireplace, or woodburning stove, or commence any other HVAC work in any structure subject to this article and/or any applicable provisions of the Wisconsin Administrative Code incorporated into this article, without first obtaining a permit for said work from the Director. In addition to any plans and specifications otherwise required under this article, the Director may require additional information consistent with their duty to review such plans prior to issuing permits under this section.
- (b) *To whom issued.* No permit shall be issued except to the owner of a residence to personally perform work on the owner's home or to a licensed heating contractor. Such permits shall be nontransferable.
- (c) *Application.* An application for an HVAC permit shall be filed with the Director on a blank form to be furnished for that purpose. The application shall include the name, phone number, and email address of the property owner and contractor and shall state that the property owner and contractor will be bound by and subject to the rules and regulations of this article.
- (d) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the HVAC Code" or "to the satisfaction of the Director" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the applicable section or subsection.
 - (e) *Fees.*
 - (1) Fees for permits issued under this section shall be as provided in the City Fee Schedule.
 - (2) If an application for a permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.
- (f) *Issuance of HVAC permit.*
 - (1) *When issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Director shall, upon receipt of the required fee, issue a permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp the plans and specifications as "approved."
 - (2) *Who shall have plans and specifications.* One approved set of plans and specifications shall be retained by the Department and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Director.
 - (3) *Evidence of permit.* With every permit, the Director shall also issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.
 - (4) *Lapse.* A permit issued under this section shall lapse and be void unless the work authorized thereby is commenced within six months of the date thereof and completed or resumed within one year from the date thereof. If further work is necessary after one year, the permit holder shall make written application to the Director stating the reasons for the request for an extension at least 90 days prior to

the expiration of the permit, and the Director shall approve or reject the renewal permit application. The applicant may appeal the denial of a renewal permit application to the Board of Appeals.

(5) *Revocation.*

- a. If the Director finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the Director may revoke the permit by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of the permit holder and by posting a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work until a new permit is issued, excepting such work as the Director may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property, and/or the public.
- b. The permit holder may request a hearing on the revocation of said permit within 15 business days of receipt of notice of the City's intent to revoke the permit.
- c. The hearing on the revocation shall be held before the Board of Appeals. If the Board of Appeals revokes the permit, the permit holder may seek judicial review of the Board's decision by petition for writ of certiorari to the Brown County Circuit Court.

(6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Director may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or any other City ordinances.

- (g) *Hearing when permit is denied.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Appeals.

Sec. 8-481. Inspection.

- (a) The Director shall examine and approve or disapprove all plans and specifications for the performance of any work governed by this article. The Inspector shall inspect all work as required by this article and shall order work stopped which is in violation of this article.
- (b) In any new building or addition, immediately upon completion of those portions of the installation which are to be concealed or covered, the licensed heating contractor shall notify the Director, who shall make an inspection within two working days after notice for inspection, excepting weekends and holidays. If no inspection is made within the specified time period, work may proceed. All other inspections shall be scheduled immediately upon notification of the completion of such work.
- (c) Wherever work for which a permit has been issued has been ordered stopped by the Inspector, the Inspector shall post a stop-work notice. After such notice has been posted, no further work shall be done until the violations have been corrected and such corrections approved by the Inspector.

Secs. 8-482—8-516. Reserved.

ARTICLE VI. MINIMUM HOUSING STANDARDS

DIVISION 1. GENERALLY

Sec. 8-517. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Approved means approved by or in accordance with regulations established by the Director of Community and Economic Development or their designee.

Basement means that portion of a building the floor of which is below the outside ground grade level.

Bath means a bathtub or shower stall.

Bedroom means a habitable room within a dwelling unit or part thereof which is used or intended to be used primarily for the purpose of sleeping, but not including any kitchen or dining room.

Boarding house or lodging house means a building or structure other than a hotel licensed by the State where lodging is furnished and meals for three (3) or more persons are served for compensation. A boarding house or lodging house may be considered a dormitory as defined and regulated within this Code.

City Building Code means Article II of this chapter.

City Electrical Code means Article IV of this chapter.

City Heating and Air Conditioning Code means Article V of this chapter.

City Plumbing Code means Article III of this chapter.

Director means the Director of the Department of Community and Economic Development or their designee.

Dormitory means a communal-type living arrangement of four or more persons not related by blood, adoption, or marriage who share common sleeping areas, kitchen, bath, and/or restroom facilities. The term "dormitory" includes, but is not limited to, shelter facilities, educational facility housing, rooming houses, boarding houses or lodging houses, community living arrangements, community based residential facilities, and migrant housing.

Dwelling means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit means any habitable room or group of adjoining habitable rooms located within a dwelling or part thereof and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

Extermination means the control and elimination of infestation of insects, rodents, or other pests by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, and poisoning, spraying, fumigating, trapping, or utilizing any other approved pest elimination methods.

Family means one or more individuals living on a premises as a single housekeeping unit.

Garbage broadly refers to both "garbage" and "refuse," as defined in Section 32-1 of this Code.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, stairways, and rooms used for play or recreational purposes.

Homeless family means a group of one or more related individuals who are homeless individuals.

Homeless individual means an individual who lacks a fixed, regular, and adequate nighttime residence (without regard to whether the individual is a member of a family) or an individual whose primary nighttime residence is a supervised public or privately operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, dormitories, and transitional housing.

Infestation means the presence of any insects, rodents, or other pests within a dwelling or part thereof or on the dwelling premises or part thereof.

Kitchen means a habitable room used or intended to be used for cooking or the preparation of meals.

Living room means a habitable room within a dwelling unit which is used or intended to be used primarily for general living purposes.

Meaning of certain terms. Whenever the terms "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Non-dwelling structure means a garage, shed, or other similar storage or convenience building attached to or detached from a dwelling and used primarily for recreation and the storage of vehicles, lawn and garden appliances, and other household tools or equipment. A non-dwelling structure shall not be used for living or sleeping by human occupants.

Occupant means any person, including an owner or operator, living, sleeping, or cooking in or having actual possession of a dwelling or rooming unit or part thereof.

Operator means any person who has charge, care, or control of a building or part thereof in which dwelling or rooming units or part thereof are let.

Owner means any person who, individually or jointly or as tenant in common with other(s), has legal title or equitable title to any dwelling or dwelling unit or rooming unit or part thereof or who has charge, care, or control of any dwelling or dwelling unit or rooming unit or part thereof as executor, administrator, trustee, or guardian of the estate of the owner.

Plumbing includes, but is not limited to, all of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, vent pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, domestic hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

Portable heater means a UL-listed portable appliance used for heating a relatively small area, typically electrical in nature.

Premises means a platted lot or part thereof, an unplatted lot, or a parcel or a plot of land, either occupied or unoccupied by any dwelling or structure.

Recyclables means "recyclable waste," as defined in § 32-1 of this Code.

Roomer means an occupant of a rooming house or part thereof who is not a member of the family of the operator of that rooming house, or an occupant of a dwelling unit or part thereof who is not a member of the family occupying the dwelling unit or part thereof.

Rooming house means a building or structure, other than a hotel licensed by the State of Wisconsin, where three or more persons are lodged for compensation. A rooming house may be considered a dormitory as defined and regulated within this article. The term "rooming house" does not include short term rentals as defined in Wis. Stats. § 66.0615(1)(dk).

Rooming unit means any room or group of rooms forming a single habitable unit in a rooming house or part thereof used or intended to be used for living and sleeping but not for cooking or eating meals.

Shelter facility means a temporary place of lodging for homeless individuals or homeless families. A shelter facility may be considered a dormitory as defined and regulated within this Code.

Sleeping room means a habitable room in a dwelling or dwelling unit of an area and volume as required by this code intended for or used primarily for sleeping purposes.

State Building Code means Wis. Admin. Code SPS Chs. 320 through 325 and 361 through 366.

State Heating, Ventilating, and Air Conditioning Code means Wis. Admin. Code SPS Chs. 323 and 364.

State Plumbing Code means Wis. Admin. Code SPS Chs. 381 through 387.

Supplied means paid for, furnished by, or provided by or under the control of the owner or operator.

Unit heater means a self-contained, automatically controlled, vented, fuel-gas burning, space-heating appliance intended for installation in the space to be heated without the use of ducts, having integral means for circulation of air.

Sec. 8-518. Residential rental practices.

- (a) *State law adopted.* Wis. Admin. Code ATCP Ch. 134 and Wis. Stats. § 704.95, as they may be amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein.
- (b) *Enforcement.* The Director may sign and issue citations for violations of this section and may delegate that authority to employees.
- (c) *Penalties.* Any person who violates this section shall forfeit not less than \$25.00 nor more than \$5,000.00 for each offense.

Secs. 8-519—8-542. Reserved.

DIVISION 2. PURPOSE AND SCOPE

Sec. 8-543. Purpose.

Buildings that are or are becoming dilapidated, neglected, overcrowded with occupants, or unsanitary jeopardize and are detrimental to the health, safety, morals, and welfare of the people of the City. Such buildings are rendered detrimental to the public through faulty design or construction, failure to be kept in a proper state of repair, lack of proper sanitary facilities or adequate lighting or ventilation, inability to properly heat, improper management, or any combination of these factors. The City finds that elimination of such buildings or structures and the prevention of the occurrence of such conditions in the future is in the best interest of the citizens of the City, and this article is enacted to foster and encourage such elimination.

Sec. 8-544. Compliance with other codes.

The provisions of this article shall not abrogate the responsibility of every person to comply with the provisions of the State Building Code and the building, zoning, plumbing, heating and air conditioning, and electrical codes of the City.

Secs. 8-545—8-568. Reserved.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 8-569. Inspections.

- (a) *To be made by Director.* The Director of Community and Economic Development shall make inspections to determine the condition of dwelling units, rooming units, premises, and parts thereof located within the City and may enter any building during reasonable hours in the discharge of the duties. Any person who

interferes with the Director in the discharge of the duties shall be in violation of this article. The Director shall have proper identification and shall show same when making such inspections.

- (b) *Access of owner or operator.* Every occupant of a dwelling, dwelling unit, rooming unit shall give the owner or operator thereof, or an agent or employee of the owner, access to any part of such dwelling, dwelling unit, rooming unit or its premises or part thereof at all reasonable times for the purpose of maintenance or making such repairs or alterations as are necessary to effect compliance with this article or with any lawful rule or regulation adopted, or any lawful notice or order issued, pursuant to the provisions of this article.

Sec. 8-570. Emergency orders.

Whenever the Director finds that an emergency exists which requires immediate action to protect the public health, the Director may, without notice of hearing and in accordance with the provisions of Wis. Stats. § 66.1337(4)(a), issue an order reciting the existence of such an emergency and requiring that such action be taken as the Director deems necessary to meet the emergency. Such order shall be effective immediately. Notwithstanding any other provision of this article, every notice served by the Director in accordance with the provisions of Sections 8-593(8), 8-596(a)(11), (b)(2) and (b)(3), and 8-632(j) shall be regarded as an order.

Sec. 8-571. Condemnation of dwellings and dwelling units or parts thereof as unfit for human habitation.

- (a) *When condemnation required.* Any dwelling unit or part thereof which the Director finds to have any of the following defects shall be condemned as unfit for human habitation, occupancy, or use:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin-infested that it creates a hazard to the health or welfare of the occupants or the public.
 - (2) One which lacks illumination, ventilation, or sanitary facilities adequate to protect the health or welfare of the occupants or the general public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or welfare of the occupants or the general public.
- (b) Any dwelling or dwelling unit or part thereof may be condemned by the Director as unfit for human habitation if the owner or occupant fails to comply with any order based on the provisions of this article or any rule or regulation adopted pursuant hereto, provided such dwelling or dwelling unit or part thereof is, in the opinion of the Director, unfit for human habitation by reason of such failure to comply.
- (c) *Procedure for condemnation.* The condemnation of dwellings and dwelling units as unfit for human habitation, occupancy, or use shall be carried out in accordance with Wis. Stats. § 66.0413. Where such condemnation occurs, the Director shall post at the main entrance to such dwelling or dwelling unit a notice stating that the dwelling or dwelling unit is unfit for human habitation, occupancy, or use and has been condemned. It shall be further unlawful for any person to occupy, use, or enter such dwelling or dwelling unit thereafter, except for the purpose of making required repairs or alterations.
 - (1) *Removal of notice prohibited.* The notice of condemnation shall remain posted until the required repairs or alterations are made. It shall be unlawful for any person to remove such notice without written permission from the Director.
 - (2) *Condemnation by police and fire departments.* The Director may temporarily grant authority under this section to the Chief of Police, Fire Chief, or their designees when circumstances so require.

Sec. 8-572. General penalty.

Any person who violates any provision of this article or any rule, regulation, or order made hereunder shall be subject to forfeiture of not less than \$25.00 nor more than \$5,000.00 for each offense.

Secs. 8-573—8-592. Reserved.

DIVISION 4. HOUSING STANDARDS

Sec. 8-593. Minimum standards for basic equipment and facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit or part thereof for the purpose of living, sleeping, cooking, or eating meals therein which does not comply with the following requirements:

- (1) *Kitchen sink and lavatory.* Every dwelling unit shall contain an approved kitchen sink. Every dwelling unit shall contain a lavatory or wash basin in or adjacent to the toilet room.
- (2) *Toilet.* Every dwelling unit shall contain a toilet which shall be placed in a separate room enclosed with partitions which extend to the ceiling.
- (3) *Bath.* Every dwelling unit shall contain a bath which shall be contained within a toilet room or within a separate room which affords privacy to a person using such facility.
- (4) *Hot and cold water supply to bath and sinks.* Every bath, kitchen sink, and lavatory required under this article shall be properly connected with both hot and cold water lines.
- (5) *Water heating facilities.* Every dwelling shall have supplied water heating facilities which are properly installed and maintained in reasonably good working condition, properly connected with the hot water lines required under subsection (4) of this section, and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.
- (6) *Connection to water and sewer system.* Every kitchen sink, toilet, lavatory basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.
- (7) *Plumbing.* All plumbing, plumbing equipment, and plumbing fixtures and the installation thereof shall comply with the Plumbing Codes of the City and of the State.
- (8) *Garbage and recyclables.* Every dwelling and dwelling unit shall be provided with adequate facilities for the storing of recyclables and garbage. Such facilities shall comply with the provisions of Chapter 32.
- (9) *Exits.* Every dwelling unit shall have exits which conform to the exit requirements of the City Building Code or the State Building Code, as applicable. Every exit and passageway shall also comply with the following requirements:
 - a. It shall be kept in good repair.
 - b. It shall be unobstructed at all times.

Sec. 8-594. Minimum standards for light, heating, and ventilation.

- (a) *Window area.* Every habitable room, toilet room, and bathroom shall have at least one window facing directly to the outdoors. The minimum window area shall be at least ten percent of the floor area of the room, but not less than 12 square feet. The top of at least one such window shall be not less than six and one-half (6½) feet above the floor. At least one half of the window shall be made so as to open the full width unless other means of adequately ventilating such rooms are installed and operating. The outside window in every toilet or bathroom shall have a total area of at least ten percent of the floor area, but not less than four square feet, provided no window or sky light shall be required in adequately ventilated bathrooms or toilet rooms equipped with a ventilation system which is kept in continuous operation.

- (b) *Electric equipment.* In accordance with Wis. Admin. Code SPS §§ 316.020 and 316.021, all electrical power and communication equipment shall be properly constructed, installed, operated, and maintained. Any of this equipment known to be defective shall be promptly repaired or isolated until repairs can be made.
- (c) *Heating facilities.*
- (1) Every dwelling unit shall have supplied heating facilities; and such facilities shall be properly installed, maintained in good working condition, and capable of adequately heating all habitable rooms, bathrooms, and toilet rooms contained therein or intended for use by the occupants thereof to a temperature of at least 68 degrees Fahrenheit, measured three feet above the floor level, when the outside temperature is at or above negative fifteen (-15) degrees Fahrenheit. A dwelling unit shall contain a sufficient number of chimney outlets to permit the occupants, through the use of unit heaters furnished by the owner, to adequately heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 68 degrees Fahrenheit, measured at least three feet above the floor level, when the outdoor temperature is at or above negative fifteen (-15) degrees Fahrenheit. This provision shall not be interpreted to permit the use of portable heaters where such use is prohibited by either the City Building or Heating and Air Conditioning Code or the State Building or Heating, Ventilating and Air Conditioning Codes, as applicable. Every central heating system shall comply with the City Building and Heating and Air Conditioning Codes and the State Building and Heating, Ventilating and Air Conditioning Codes, as applicable. Such central heating systems shall also comply with the following requirements:
 - a. The central heating unit shall be in good operating condition.
 - b. Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.
 - c. Every seal between the sections of a warm air furnace shall be tight, so noxious gases will not escape into heat ducts.
 - d. If the temperature of all dwelling units in a multi-unit dwelling is regulated by a single heating zone controlled by a single device, and the temperature standards articulated in this section cannot be maintained in any of the dwelling units included in that zone, the Director may issue orders to remedy the deficiency, including but not limited to requiring additional heating zones in the dwelling.
 - (2) Every unit heater shall comply with the City Building and Heating and Air Conditioning Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes, as applicable, and with all of the following requirements:
 - a. No unit heater burning solid, liquid, or gaseous fuels shall be a portable type.
 - b. Every unit heater burning solid, liquid, or gaseous fuels shall be properly vented.
 - c. Every coal-burning or oil-burning unit heater shall have a fire-resistant panel beneath it.
 - d. The location of unit heaters, the insulation of walls and ceilings close to such heaters, and the construction, installation, and guarding of smoke pipes and walls or ceilings through which they go shall be in accordance with the Heating and Air Conditioning Code of the City in Article V of this chapter.
- (d) *Lighting of public halls and stairways.* Every public hall and public stairway in every dwelling containing four or more dwelling units or accommodating more than 20 persons shall be adequately lighted at all times. Such lighting shall include lights at all intersections of stairways. Instead of continuous lighting, every public hall and public stairway in dwellings containing fewer than four dwelling units or rooming houses accommodating more than three roomers but less than 20 persons shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed.

- (e) *Screens.* At least one window in each habitable room, toilet room, and bathroom where windows are required shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16, and all installed screens must be in a state of good repair.
- (1) *Exception.* During the cold weather period from November 1 to March 31 of each calendar year, having screens installed is optional. Any screens installed must be in a state of good repair.(f) *Basement window screens.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

Sec. 8-595. Minimum space, use, and location requirements.

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:

- (1) *Dwelling unit to be occupied by one family.* No dwelling unit or part thereof shall be occupied by more than one family.
- (2) *Minimum floor area for dwelling unit or part thereof.* Every dwelling unit or part thereof shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- (3) *Minimum floor area for sleeping purposes.* Every room occupied by one person for sleeping purposes shall contain at least 70 square feet of floor space and 490 cubic feet of air space, and every room occupied by more than one person for sleeping purposes shall contain at least 60 square feet of floor space and 400 cubic feet of air space for each occupant thereof, provided these requirements shall be reduced by one-half for children under 12 years of age.
- (4) *Arrangement of sleeping, bath, and toilet rooms.* No dwelling or dwelling unit containing two or more sleeping rooms shall be so arranged that access to a bathroom or toilet room intended for use by the occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.
- (5) *When basement space may be habitable.* No basement space shall be used as a sleeping room or dwelling unit unless such sleeping room or dwelling unit is in conformity with existing City or State Building Codes and complies with the following requirements:
 - a. The total window area in each room shall be at least equal to the minimum window area required in Section 8-594(a).
 - b. Such required minimum window area shall be located entirely above the grade of the adjoining ground.
 - c. The total openable window area in each room shall be at least equal to the minimum required under Section 8-594(a), unless there is supplied some other approved ventilating device.
 - d. Every habitable room in a basement shall be at least seven feet, six inches high from the floor to the ceiling; and the ceiling shall be at least four feet above the outside ground grade level. The walls and floors shall be damp-proof and waterproof.
- (6) *Occupants to have access to sanitary facilities.* Every occupant of every dwelling or dwelling unit shall have unrestricted access to a toilet and bath and to a kitchen sink or lavatory located within that dwelling or dwelling unit.
- (7) *Ceiling height with respect to floor area.* At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the

ceiling height is less than five feet shall not be considered in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

- (a) *Exemption.* Any one- or two-family dwelling unit built prior to the State of Wisconsin's adoption of the Uniform Dwelling Code on June 1, 1980 is exempt from the basement room height requirement in Wis. Admin. Code SPS Ch. 321.

Sec. 8-596. Maintenance of dwellings, dwelling units, and rooming units.

- (a) *Owner's responsibility.* No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, or rooming unit for the purpose of living therein which does not comply with the following requirements:
 - (1) *Maintenance of foundations, exterior walls, roofs.* Every foundation, exterior wall, and roof shall be weather-tight, water-tight, and insect-proof, shall be rodent-proof in accordance with the terms of Section 6-7 (Rat Prevention), and shall be well-maintained and kept in a state of good repair. The exterior walls of dwellings, dwelling units, and rooming houses shall be either prefinished material, brick, stone, stucco, exterior plaster, stained or painted wood, water-proof shingles, or other material designed and advertised to be used as permanent exterior siding and capable of being painted, stained, or weatherproofed if not prefinished. Materials designed and advertised for insulation, sub-siding, or structural uses other than exterior walls shall not be allowed as exterior siding. Roofing materials shall be kept in a state of good repair and shall have no significant signs of wear, weathering, or other forms of deterioration.
 - (2) *Maintenance of interior walls, doors, floors, ceilings, countertops, cabinets.* Every interior partition, wall, door, floor, ceiling, countertop, and cabinet shall be capable of affording privacy, kept in a state of good repair, and so maintained as to permit it to be kept clean and sanitary.
 - (3) *Rainwater drains.* Rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the basement, walls, ceilings, or floors of any room. Drains shall be kept clean and free of debris, and shall allow for the proper flow of water. No downspout located within six feet of adjoining property shall be pointed toward such property.
 - (4) *Windows, doors, hatchways.* Every window, exterior door, and basement hatchway shall be weather-tight and shall be kept in a good working condition, well-maintained, and repaired. All windows and exterior doors shall open and close properly with all hardware in-tact and operational.
 - (5) *Protection of exterior surfaces.* All exterior surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Painted surfaces must be properly maintained and repaired, including, but not limited to, scraping, priming, and applying finishing coats to said surfaces.
 - (6) *Stairways and porches.* Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and maintained in a state of good repair.
 - (7) *Supplied plumbing fixtures.* Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition and in accordance with the Plumbing Codes of the City and the State.
 - (8) *Chimney and supplied smoke pipes.* Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a state of good repair and in accordance with the City Building and Heating and Air Conditioning Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes, as applicable.
 - (9) *Bathroom and toilet room floors.* Every bathroom and toilet room floor shall be so maintained as to be reasonably impervious to water and as to permit such floor to be kept in a clean and sanitary condition.

- (10) *Supplied facilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function properly and shall be maintained in good working condition.
 - (11) *Discontinuance of required services, facilities, equipment, or utilities.* No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this article to be removed from, shut off from, or discontinued from any occupied dwelling or dwelling unit let or occupied by said owner or operator, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are being made.
 - (12) *Pest extermination.* Whenever infestation exists in any dwelling or dwelling unit or part thereof, or in the shared or public parts of any dwelling or part thereof containing two or more dwelling units, or whenever infestation is caused by failure of the owner to maintain the dwelling or part thereof in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner. The owner shall hire a pest management professional to inspect and treat, as necessary, all dwelling units sharing a common wall, floor, or ceiling with the dwelling unit containing the infestation. The pest management professional must provide documentation that the affected dwelling unit and surrounding units are clear and free of infestation and live activity.
 - (13) *Cleanliness of public areas of dwellings.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition in all communal, shared, or public areas of the dwelling and premises or parts thereof which are used or shared by the occupants of two or more dwelling units.
 - (14) *Vacant dwelling units to be clean and sanitary before being let for occupancy.* No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit or part thereof unless it is clean, sanitary, free of infestation, and complies with all provisions of this article and all rules and regulations adopted pursuant thereto.
 - (15) *Hanging screens.* The owner of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant hereto. Screens shall be hung at all times except as otherwise provided in this article. If windows are designed to have screens installed, one must be installed and in a state of good repair as required by Section 8-594.
- (b) *Responsibility of occupants.*
- (1) *Cleanliness.* Every occupant of a dwelling or dwelling unit or part thereof shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which is occupied or controlled.
 - (2) *Disposal of garbage and recyclables.* Every occupant of a dwelling or dwelling unit or part thereof shall dispose of all garbage and recyclables in a clean and sanitary manner by placing it in the garbage or recyclables containers as required by Chapter 32.
 - (3) *Extermination of pests.* Every occupant of a dwelling or part thereof or dwelling unit or part thereof shall assist the owner of the dwelling with the extermination of any pests, including, but not limited to, maintaining unit cleanliness, notifying the owner of any infestation, cooperating with extermination efforts, and preparing the unit for treatment.
 - (4) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 8-597. Maintenance of non-dwelling structures, fences, and premises.

No owner shall permit any non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:

- (1) *Maintenance of non-dwelling structures.* Every foundation, retaining wall, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every non-dwelling structure shall be weather-tight, water-tight, and insect-proof; shall be rodent-proof in accordance with the terms of Section 6-7; shall be well maintained and kept in a state of good repair; and shall have no significant signs of wear, weathering, or other forms of deterioration.
- (2) *Protection of exterior surfaces.* All exterior wood and other surfaces of all non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Painted surfaces must be properly maintained and repaired, including, but not limited to, scraping, priming, and applying finishing coats to said surfaces. Exterior walls of structures shall be prefinished material, brick, stone, stucco, exterior plaster, stained or painted wood, water-proof shingles, or a similar material designed and advertised to be used as permanent exterior siding and capable of being painted, stained, or weatherproofed if not prefinished. Materials designed and advertised for insulation, sub-siding, or structural uses other than exterior walls shall not be allowed as exterior siding.
- (3) *Maintenance of fences.* Every fence either shall be reasonably maintained and kept in a state of good repair or shall be removed. All components of fencing material shall be installed as designed or completely removed. Fences shall consist only of materials approved in Chapter 44. Nothing in this subsection shall permit fence removal where the fence is otherwise required by this Code.
- (4) *Grading and drainage of premises.* All premises or part thereof shall be so graded and maintained that no stagnant water will accumulate or stand on the premises or part thereof or within any building or structure located on the premises or part thereof.

Secs. 8-598—8-627. Reserved.

DIVISION 5. ROOMING HOUSE/SHELTER FACILITY REGULATIONS

Sec. 8-628. Compliance required.

No person shall operate a rooming house or shelter facility or occupy or let to another for occupancy any rooming unit in any rooming house or shelter facility except in compliance with the requirements of this division and any other applicable section within this Code.

Sec. 8-629. Permits.

- (a) *Required.* No person shall operate a rooming house or shelter facility without a valid rooming house/shelter facility permit issued by the Director in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house or shelter facility is contained, provided the provisions of this subsection shall not apply to dormitories associated with and run in connection with licensed educational institutions, hotels, motels, bed and breakfast establishments, and community living arrangements which are licensed by an agency of the State of Wisconsin.
- (b) *Application.* The operator shall file the application for a rooming house/shelter facility permit and a site plan according to Sections 44-83 and 44-1581 in the office of the Director on forms prepared by the Director.
- (c) *Issuance of permit and fees.* When all applicable provisions of this division and any rules and regulations adopted pursuant hereto have been complied with by the operator, the Director shall issue a rooming house/shelter facility permit upon the payment of the fee, which shall be as provided in the City Fee Schedule. Shelter facilities shall be exempt from the fees. All rooming house/shelter facility permits so issued shall expire on July 1 following the date of issuance unless sooner suspended or revoked as herein provided. Occupancy shall not exceed the capacity specified in Section 8-632(d) or in Wis. Admin. Code SPS § 362.0400 or sections referenced therein.

- (d) *Posting of permit.* Every rooming house/shelter facility permit issued by the Director shall be conspicuously posted by the operator in the rooming house or shelter facility for which it is issued and shall remain so posted at all times unless removed by the order of the Director.
- (e) *Nontransferability of permit.* No rooming house/shelter facility permit issued under this division shall be transferable as to person or place. Every operator shall notify the Director in writing within 24 hours after having relinquished the operation of a rooming house or shelter facility and shall file in writing with the Director the name and address of the operator assuming the operation of the rooming house or shelter facility. Any operator so assuming operation must have obtained a valid rooming house/shelter facility permit in accordance with this section.
- (f) *Relationship of permit to other codes.* The issuance of a rooming house/shelter facility permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable laws of the City and County and applicable rules of the State Department of Health and Department of Safety and Professional Services.
- (g) *Hearing when permit is denied.* Any person whose application for a rooming house shelter facility permit has been denied may request and shall be granted a hearing on the matter before the Protection and Policy Committee under the procedure provided by Section 8-569.
- (h) *Suspension, revocation, and non-renewal of permit.*
 - (1) *Grounds.* Whenever, upon inspection of a rooming house or shelter facility, the Director finds that conditions or practices exist which are in violation of any provision of this article or any other provisions of this Code, or any rule or regulation adopted pursuant hereto, or if the operator keeps or maintains a disorderly house, the rooming house/shelter facility permit may be revoked, suspended for up to six months, or non-renewed.
 - (2) *Notice.* No permit issued under this section shall be revoked, suspended, or non-renewed except upon due notice and hearing to determine whether grounds for such action exist. The Director shall give written notice of the grounds for revocation, suspension, or nonrenewal to the operator of such rooming house or shelter facility, which shall constitute the complaint. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof.
 - (2) *Hearing.* The hearing on a complaint for suspension, revocation, or nonrenewal shall be held before the Protection and Policy Committee. The operator of the rooming house or shelter facility shall be entitled to be heard, to be represented by counsel, and to present and cross-examine witnesses. The operator may be provided a transcript of the hearing at their own expense.
 - (3) *Recommendation by Committee.* Following the hearing, the Protection and Policy Committee shall issue Findings of Fact and Conclusions of Law and shall make a recommendation to the Common Council whether the operator's rooming house/shelter facility permit should be suspended, revoked, or nonrenewed. The City Clerk shall provide the operator with a copy of the Committee's report.
 - (4) *Council action.* The Common Council shall consider the report and recommendation of the Protection and Policy Committee no later than the second regularly scheduled meeting following its receipt of the Committee's report. The Director or the operator may file an objection to the recommendation and have the opportunity to present arguments supporting their objection to the Common Council. Council shall determine whether arguments shall be presented orally, in writing, or both. Following arguments and deliberation, the Common Council shall adopt, modify, or reject the Findings of Fact, Conclusions of Law, and Recommendation of the Protection and Policy Committee. Notice of Council's decision shall be provided to the operator within 20 days.
 - (5) *Appeal.* An operator of a rooming house or shelter facility shall appeal the suspension, revocation, or nonrenewal of their rooming house/shelter facility permit to the Brown County Circuit Court within 30 days of receipt of notice of Common Council's action.

Sec. 8-630. Operator to control occupancy.

No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this division.

Sec. 8-631. Applicability of other parts of this article.

No person shall operate a rooming house or shelter facility unless all of the requirements of Sections 8-594, 8-595, and 8-596 are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this division, the term "dwelling" shall be interpreted to mean rooming house or shelter facility and the term "dwelling unit" shall be interpreted to mean rooming unit. Every dwelling unit located within a rooming house or shelter facility shall comply with all of the requirements for dwelling units as established in this article.

Sec. 8-632. Arrangement, equipping, maintenance, and use of facilities.

- (a) *Toilets and lavatory basins.* At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten persons or fraction thereof residing within a rooming house or shelter facility, including members of the operator's family wherever they share the use of such facilities.
- (b) *Baths.* At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house or shelter facility, including members of the operator's family wherever they share the use of such facilities.
- (c) *Location of sanitary facilities.* Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within. All such facilities shall be so located within the rooming house or shelter facility as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling or part thereof and without going through another dwelling unit or part thereof or through a rooming unit or part thereof of another occupant.
- (d) *Minimum area for sleeping purposes.*
 - (1) The capacity of any room occupied for sleeping purposes shall be as follows:
 - a. 400 cubic feet for each occupant over 12 years of age; and
 - b. 200 cubic feet for each occupant 12 years of age or under.
 - (2) The operator of a shelter facility may allow homeless families on an emergency basis to occupy a sleeping room which does not meet the above minimum sleeping area requirements if the operator makes all reasonable attempts to place the family in another shelter which meets those requirements and so long as the family is placed in a room which complies with these regulations within 72 hours.
- (e) *Number of sleeping rooms.* Every sleeping room in every rooming house or shelter facility shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such sleeping room. No two doors shall bear the same number. No number on any door of any sleeping room shall be changed to any other number without first securing the written approval of the Director.
- (f) *Preparation or eating of meals in rooming units prohibited.* No occupant of a sleeping room shall prepare meals or store perishable foods therein. The operator shall post in every sleeping room a sign on which shall be written or printed in letters not less than three-eighths-inch in height the following words: "NO COOKING OR STORING PERISHABLE FOODS PERMITTED IN THIS ROOM." Such sign shall remain posted at all times.
- (g) *Bed linens and towels.* The operator of every rooming house or shelter facility shall effect the change of supplied bed linens and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall maintain all supplied bedding in a reasonably clean and sanitary manner.

- (h) *Shades and drapes.* Every window of every sleeping room shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room.
- (i) *Sanitary maintenance.* The operator of every rooming house or shelter facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the rooming house or shelter facility, and the entire premises, where the entire structure or building within which the rooming house or shelter facility is contained is leased or occupied by the operator.
- (j) *Storage and disposal of garbage and recyclables.* Adequate garbage and recyclable storage containers, whose type and location are approved under Chapter 32, shall be supplied by the rooming house or shelter facility operator. The operator shall dispose of all garbage and recyclables in a clean and sanitary manner by placing them in the required containers.
- (k) *Hanging screens, storm doors, and storm windows.* The operator of a rooming house or shelter facility shall hang all screen and double storm doors and windows whenever the same are required under this article or any rule or regulation adopted pursuant hereto except where the owner has agreed to supply such service.
 - (1) *Exception.* During the cold weather period from November 1 to March 31 of each calendar year, having screens installed is optional. Any screens installed must be in a state of good repair.
- (l) *Pest extermination.* Whenever infestation exists in any dwelling or dwelling unit or part thereof, or in the shared or public parts of any dwelling or part thereof containing two or more dwelling units, or whenever infestation is caused by failure of the owner to maintain the dwelling or part thereof in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner. The owner shall hire a pest management professional to inspect and treat, as necessary, all dwelling units sharing a common wall, floor, or ceiling with the dwelling unit containing the infestation. The pest management professional must provide documentation that the affected dwelling unit and surrounding units are clear and free of infestation and live activity.
- (m) *Exits.* Every sleeping room in every rooming house or shelter facility shall have exits which conform to the exit requirements of the City and State Building Codes, as applicable. In addition, every exit and passageway shall comply with the following:
 - (1) It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.
 - (2) It shall be kept in a reasonably good state of repair.
 - (3) It shall be unobstructed at all times.

Sec. 8-633. Reporting of communicable disease by operator.

The operator of a rooming house or shelter facility shall report to the Brown County Health Commissioner or any State of Wisconsin health care professional licensed under Wis. Stats. Ch. 441 (nurses) or Ch. 448 (medical practitioners) immediately upon discovery the name of any person living in the rooming house or shelter facility who is suffering from any communicable disease, as listed in Appendix A to Wis. Admin. Code DHS Ch. 145; and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house or shelter facility may be afflicted with any communicable disease.

Secs. 8-634—8-646. Reserved.

DIVISION 6. DORMITORY FACILITY REGULATIONS

Sec. 8-647. Compliance required.

No person shall operate a dormitory facility or occupy or let to another for occupancy any rooming unit in any dormitory facility except in compliance with the requirements of this division and any other applicable section of this Code.

Sec. 8-648. Permits.

- (a) *Required.* No person shall operate a dormitory facility without a valid dormitory facility conditional use permit issued by the City of Green Bay in the name of the operator and for the specific dwelling or dwelling unit or part thereof within which the dormitory facility is contained, provided the provisions of this section shall not apply to dormitories associated with and run in connection with hotels, motels, and bed and breakfast establishments which are licensed by an agency of the State of Wisconsin.
- (b) *Application.* The operator shall file the application for a dormitory facility conditional use permit and a site plan in accordance with Section 44-83.
- (c) *Issuance of permit.* When the operator has complied with all applicable provisions of this division and any rules and regulations adopted pursuant hereto, the Director shall process the conditional use permit request in accordance with Section 44-83.
- (d) *Nontransferability of permit.* No dormitory facility conditional use permit issued under this division shall be transferable as to person or place. Every operator shall notify the Director of Planning in writing within 24 hours after having relinquished the operation of a dormitory facility and shall file in writing with the Director the name and address of the operator assuming the operation of the dormitory facility. Any operator so assuming operation must have obtained a valid dormitory facility conditional use permit in accordance with this section.
- (e) *Relationship of permit to other codes.* The issuance of a dormitory facility conditional use permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable laws of the City and County and applicable rules of the State of Wisconsin.
- (f) *Revocation of permit.* Any dormitory facility conditional use permit that has been issued may be revoked in accordance with the provisions of Chapter 44.

Sec. 8-649. Operator to control occupancy.

No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this division.

Sec. 8-650. Applicability of other parts of this article.

No person shall operate a dormitory facility unless all of the requirements of Sections 8-594, 8-595, and 8-596 are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this division, the term "dwelling" shall be interpreted to mean dormitory facility and the term "dwelling unit" shall be interpreted to mean rooming unit or part thereof. Every dwelling unit located within a dormitory facility shall comply with all of the requirements for dwelling units as established in this article.

Sec. 8-651. Arrangement, equipping, maintenance, and use of facilities.

- (a) *Toilets and lavatory basins.* At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory facility, including members of the operator's family wherever they share the use of such facilities.

- (b) *Baths.* At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory facility, including members of the operator's family wherever they share the use of such facilities.
- (c) *Location of sanitary facilities.* Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within. All such facilities shall be so located within the dormitory facility as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling or part thereof and without going through another dwelling unit or part thereof or through a rooming unit or part thereof of another occupant.
- (d) *Minimum area for sleeping purposes.* The capacity of any room occupied for sleeping purposes shall be as follows:
 - (1) Sleeping areas of at least 50 square feet per person residing in the dormitory with no more than four individuals per room, except that more than four individuals may be allowed per room if all said individuals are related by blood, marriage, or adoption.
 - (2) Rooms shall consist of enclosed places having walls that extend from the ceiling to the floor and an entry door.
- (e) *Number of kitchens/dining areas.* Every dormitory shall have one kitchen and dining area for every ten individuals residing in the dormitory facility.
- (f) *Number of laundry facilities.* Every dormitory shall have one laundry facility consisting of a minimum of one clothes washer, one clothes dryer, and one washbasin for every ten individuals residing in the dormitory facility.
- (g) *Number and size of common area/lounge.* Every dormitory shall have one common use area/lounge of at least 600 square feet in size for every ten individuals residing in the dormitory facility for relaxation and recreation of the occupants.
- (h) *Sanitary maintenance.* The operator of every dormitory facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the dormitory facility, and the entire premises, where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator.
- (i) *Storage and disposal of garbage and recyclables.* Adequate garbage and recyclable storage containers, whose type and location are approved under Chapter 32, shall be supplied by the dormitory facility operator. The operator shall dispose of all garbage and recyclables in a clean and sanitary manner by placing them in the required containers.
- (j) *Extermination of pests.* The operator of a dormitory facility shall cause the extermination of any insects, rodents, or other pests therein and on the entire premises where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator, except that whenever infestation of a dormitory facility is caused by a failure of the owner to maintain the dwelling within which the dormitory facility is contained in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.
- (k) *Exits.* Every sleeping room in every dormitory facility shall have exits which conform to the exit requirements of the City and State Building Codes, as applicable. In addition, every exit and passageway shall comply with the following:
 - (1) It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.
 - (2) It shall be kept in a reasonably good state of repair.
 - (3) It shall be unobstructed at all times.

Secs. 8-652—8-668. Reserved.

ARTICLE VII. MANUFACTURED AND MOBILE HOMES

Sec. 8-669. State laws adopted.

Except as otherwise provided in this article, Wis. Stats. § 66.0435, all provisions of Wis. Stats. Ch. 101, and all provisions of Wis. Admin. Code SPS Ch. 326 describing and defining regulations relative to manufactured and mobile homes that the City may adopt as ordinances are hereby adopted and by reference made part of this article as if fully set forth herein. Any future amendments, revisions, or modifications of the statutes and regulations incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of manufactured and mobile homes in the City of Green Bay. A copy of such code shall be on file in the office of the Inspection Division.

Sec. 8-670. Parking of manufactured and mobile homes restricted.

Except as provided in this article, no person shall park within the City any manufactured and mobile home on any street, alley, highway, or other public place or on any privately-owned land.

Sec. 8-671. Manufactured and mobile home park licenses.

- (a) *Required.* No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned, leased, or controlled by said person a manufactured and mobile home park within the City without first securing a license therefor from the Director of the Department of Community and Economic Development (Director) or their designee, pursuant to this article. Operation in any fiscal year requires a license. Such license shall expire on 12:00 midnight on June 30 annually but may be renewed under the provisions of this article for additional maximum two-year periods.
- (b) *Location restricted.* An application for the construction of a manufactured and mobile home park shall be considered only when its proposed location is within a district zoned to permit such use.
- (c) *Application.* The application for a license or a renewal thereof shall be made on forms furnished by the City and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the manufactured and mobile home park and make the application, and such legal description of the premises upon which the manufactured and mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised manufactured and mobile home park shall contain a park plan showing the following, either as existing or as proposed:
 - (1) The area to be used for park purposes.
 - (2) Roadways and driveways.
 - (3) The location and designation of dependent and independent manufactured and mobile home spaces.
 - (4) The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms, to be used by occupants of the manufactured and mobile home park.
 - (5) A complete layout of storm, sanitary, and water systems for the service building and spaces.
 - (6) The method and plan of garbage removal.
 - (7) A plan for electrical lighting of spaces.
- (d) *Issuance of license.*

- (1) *Approval and fee required.* The application for such license or renewal thereof shall be approved by the Inspection Division. Before a license is issued, the applicant shall pay an annual fee in accordance with Wis. Admin. Code SPS Ch. 326. The fee shall be as provided in the City Fee Schedule. A penalty fee, as provided in the City Fee Schedule, shall apply to renewal applications postmarked after June 30.
- (2) *Municipal sanitary facilities required.* No license shall be issued for a manufactured and mobile home park where municipal sanitary facilities are not available.
- (e) *Revocation and suspension.* A license may be suspended or revoked after a hearing held pursuant to Wis. Stats. § 66.0435. Any hearing for the suspension, revocation, or non-renewal of a license shall be conducted before the Protection and Policy Committee. At the conclusion of the hearing, the Protection and Policy Committee shall recommend to the Common Council that the license be suspended, revoked, or non-renewed if it finds that the licensee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Policy Committee within 45 days after the committee adjourns the hearing. Appeal from a decision of the Common Council shall be by petition for writ of certiorari to the Brown County Circuit Court.

Sec. 8-672. Management of manufactured and mobile home parks.

- (a) *Office to be in park.* In every manufactured and mobile home park, there shall be located the office of the attendant or person in charge of such park. A copy of the park license and of this article shall be posted therein, and the park register shall at all times be kept in such office.
- (b) *Duties of attendant and licensee.* The attendant or person in charge, together with the licensee, shall:
 - (1) Keep a register of all occupants, which shall be open at all times to inspection by state, federal, and local officers and which shall show for all occupants of the manufactured and mobile home park the following information:
 - a. Names and addresses.
 - b. Number and ages of all children.
 - c. Number of public elementary school children.
 - d. Number of public secondary school children.
 - e. State of legal residence.
 - f. Dates of entrance and departure.
 - g. License numbers of all manufactured and mobile homes and towing or other vehicles, and states issuing such licenses.
 - h. Place of last location and length of stay.
 - i. Place of employment of each occupant.
 - (2) Maintain the park in a clean, orderly, and sanitary condition at all times.
 - (3) Ensure that the provisions of this article are complied with and enforced and report promptly to the proper authorities any violations of this article or any other violations of law which may come to attention.
 - (4) Collect the monthly parking permit fee and keep a record book showing the names of persons paying such fees and the amounts paid.
 - (5) Submit with the total monthly parking permit fees to the City Treasurer a monthly report showing the names of persons paying such fees and the amount paid if less than for a full month. Such report shall also indicate departure time for current tenants and arrival time for new tenants and departure time if occurring the same month as arrival.

Sec. 8-673. Applicability of plumbing, electrical, and building ordinances.

All plumbing, electrical, building, and other work on or at any park licensed under this article shall comply with City ordinances, the requirements of the State Plumbing, Electrical, and Building Codes, and the regulations of the State Department of Health. Licenses granted under this article grant no permission to erect or repair any structure or to do any plumbing or electrical work.

Sec. 8-674. Variances.

When, in the judgment of the Plan Commission or the Council, a provision of this article may not literally be applied due to unusual hardship, such provision may be altered as long as the basic intent of control herein stated is retained.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # E.14

Consideration with possible action on General Ordinance No. 14-24, Creating Section 2-187, Green Bay Municipal Code, relating to Zoning Board of Appeals.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT GO 14-24 - Create 2-187 - Zoning Board of Appeals

GENERAL ORDINANCE NO. 14-24

AN ORDINANCE
CREATING SECTION 2-187,
GREEN BAY MUNICIPAL CODE,
RELATING TO ZONING BOARD OF APPEALS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-187, Green Bay Municipal Code, is hereby created to read:

Sec. 2-187. – Zoning Board of Appeals

- (a) The Zoning Board Of Appeals shall be composed and organized in accordance with Section 44-138.
- (b) The Board of Appeals shall have jurisdiction over appeals and other matters pursuant to Sec. 8-4 and Sec. 44-139, et seq.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2024.

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

jvl

June 25, 2024



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # F.I

Informational Only: Clerk's Election Training Membership.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # F.2

Informational Only: The Report by the Clerk on alternate in-person absentee sites.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2024-06-11 Alt IPAV report for P and P

Alternative In-Person Absentee Voting Sites

Why host alternative in-person sites?

In 2022, we expanded our IPAV hours, creating one evening and one Saturday for every election. While this was a step in the right direction we need to do more to bring voting closer to the voters. We've received community concerns about the small space and poor observation opportunities offered by hosting IPAV in the clerk's office. As the third largest city in Wisconsin, our diverse population has work and family obligations that may prevent them from voting on one Tuesday. Thus, it is paramount that we offer voting options to meet the needs of all voters.

Census data reveals that, nationwide, more voters are opting to vote before Election Day. In our own city, early voting has held steady at about 30% of all ballots cast. Finally, with both major political parties now encouraging early voting, we anticipate an increase in participation, and will accommodate those new voting habits.

Funding

No new funds are needed for this expansion as our current budget allocation is sufficient to meet needs. I will draft a budget amendment to move funds from salaries to equipment, in accordance with our typical process.

- The staffing costs are approx. \$23,000; equipment costs are \$14,000
- Of the original staffing budget for 2024, approximately \$45,000 remains uncommitted and unspent
- Committed funds include expenditures for staffing, uncommitted funds will be partially allocated for equipment.

Staffing

- We usually recruit data entry specialists from the current poll worker pool.
- Staffing numbers:
 - 4 data entry specialists/greeter budgeted for City Hall
 - 16 data entry specialists/greeter the two alternate sites
 - 2 alt site leaders

Ballot security at two alternative sites

Ballot security at the alternative sites will follow much the same process as at polls. Generally, ballots are counted, secured, and then checked against the system.

- At the alt sites, voters may vote, register, and return mailed ballots.
- Voters will use the express vote, eliminating the need for pre-printed ballots.
- Ballots will be retained in ballot boxes, secured with security zip ties.
- Data entry specialists will use tracking sheets to record the final number ballots, separating IPAV ballots from dropped-off mailed ballots.
- At the end of the evening, ballots are transported back to city hall in security bags, with security zip ties
- A clerk's staff member will verify the security zip tie numbers and number of ballots returned
- The next day, clerk's staff will verify the ballots returned are the ballots showing in Wis Vote

Observers and Media

- Observers and media may be present at alternate sites, following the same rules as at polls.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # F.3

St. John's Ministries Emergency Season Report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. St. John's Ministries Report- June 13 2024
2. Shelter Report 23_24

June 13, 2024

To members of Green Bay's Protection and Policy Committee and the Common Council,

To satisfy a requirement of our Conditional Use Permit dated December 6, 2022 that states "Before June 30 of each year, St. John's Ministries shall provide a report to the Protection and Policy Committee," I submit to you this update as well as the attached *Emergency Shelter Season Report*.

As a seasonal shelter of last resort, we have experienced a significant increase in need for our services. As you are acutely aware, there are many housing and health-related crises gripping our nation. Green Bay has certainly seen our share of these struggles.

Our shelter season is November 1 to April 30. Our 19th season was our busiest to date and marked our second season with a Women's Shelter (700 East Walnut Street) in addition to our Men's Shelter (411-427 St. John Street). We averaged a 19 percent increase per night of guests seeking shelter as compared to the previous season.

We began the season consolidating male and female guests to the shelter at 411-427 St. John Street. This was due to challenges recruiting enough employees (particularly those able to work overnight shifts) to safely and adequately operate both facilities. Gratefully, due to community support and extremely dedicated employees, we were able to open the Women's Shelter on December 4 and never had to consolidate services to one facility again.

	Men	Women	Total
This season per night average:	84	37	121
Last season per night average:	71	31	102
Total guests sheltered this season:	662		
Total guests sheltered last season:	605		
Season high:	Season low:		
Men	117 on January 24	Men	45 on November 3
Women	53 on February 20	Women	21 on November 3

Thank you for allowing the opportunity to share this report. At St. John's Ministries, we are grateful for multiple collaborations with City of Green Bay government and all other community agencies and individuals dedicated to serving our brothers and sisters experiencing homelessness. I would be happy to answer any questions and provide tours of our facilities.

Jesse Brunette- Executive Director



Emergency Shelter

Season Report

November 1, 2023 - April 30, 2024



Increased Shelter Nights

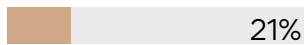
21,930

19% increase from
2022-23 shelter season

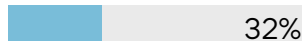
Guest Barriers



Mental Health



Substance Use
Disorder



Chronic Health
Condition



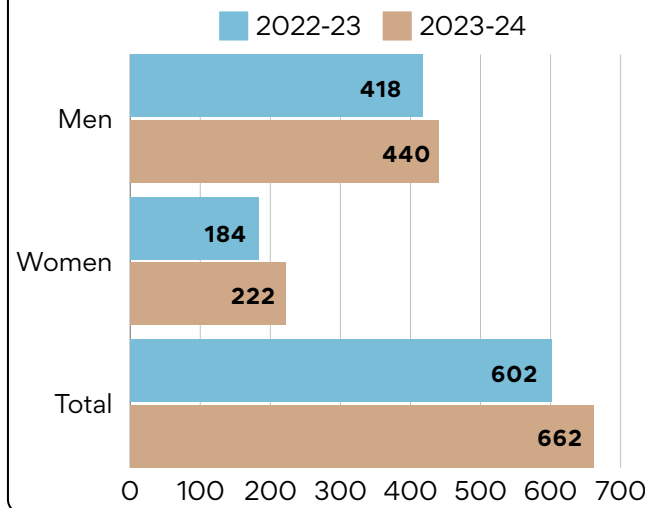
Developmental
Disability



Physical Disability

COMPASSION

Guests Sheltered



Guest Demographics

White: 45%

Black: 22%

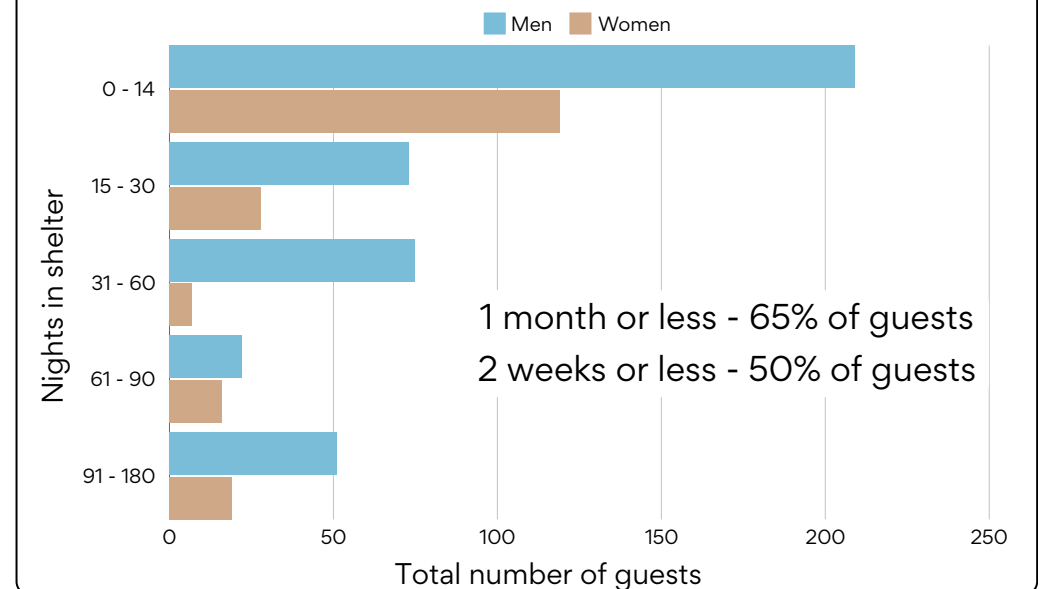
American Indian: 13%

Hispanic: 10%

Other: 9%

SERVANT
LEADERSHIP

Length of Stay



HOPE FAMILY

Guest Ages

AGE	18-24	25-34	35-44	45-54	55-64	65+
MEN	25	108	101	88	89	20
WOMEN	23	35	54	59	36	15

**HONOR THE DIGNITY,
RESTORE HOPE AND
CREATE LASTING
CHANGE FOR THOSE
EXPERIENCING
HOMELESSNESS OR
HOUSING INSTABILITY
IN THE GREATER
GREEN BAY
COMMUNITY.**

Emergency Shelter

Season Report

November 1, 2023 - April 30, 2024



Micah Center

Total Visits	7,198 visits
Weekly Visits	275 visits
Unique Visitors	640 adults



Wellspring

Total Visits	2,439 visits
Weekly Visits	94 visits
Unique Visitors	271 women



Community Partners

Community partners & organizations offering programming & workshops

HopeChats Community

Brown Co. Public Health

FoodWise - UW Madison Extension

Samaritan's Heart Mission Church

Green Bay Police Department

Vivent Health

Catholic Charities

FSET

NEW Community Clinic

United Way Brown County

Dr. Arnold

Daytime Programming

Workshops Offered	159
Participation	904 attendees
Community Partners	Micah Center - 11 Wellspring - 13

Volunteer Support

Individuals	230
Group Volunteers	99 volunteers 12 groups
Meal Teams	125 teams
Meals Served	48,246 meals
Volunteer Hours	17,889 hours

WPS Volunteer Awards



LaVon Rader

Heart of Gold Lifetime Achievement Winner



SNC Marsh, Small Group Nominee



Judy Fye, Adult Nominee



NEW Lutheran HS
Large Group Nominee



JUSTICE
HOPE
HUMILITY
LOVE
INTEGRITY



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # F.4

Liquor Violation Report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Comm Police P&P 06.12.24
2. 23-24LiqVio 6.12.24

CITY OF GREEN BAY POLICE DEPARTMENT

TO: PROTECTION AND POLICY COMMITTEE

FROM: COMMUNITY POLICING

DATE: June 12, 2024

From May 29, 2024 to June 12, 2024 there have been no liquor violations, no DA referrals, no ordinance violations, no warnings and no property referrals.

Sincerely,

**LT. STEVE MAHONEY & LT. ERIN YOUNG
DISTRICT POLICING**

kc

2023/2024 LIQUOR VIOLATIONS

Subject's Name	Tavern Name And Address	Date/Type Violation	Status of Case
Maxwell C. Barnowsky 23-246542 W2023-374-144	Black Saddle 201 N. Washington St.	No Licensed Operator on the Premises (Owner)	Issued Written Warning
Dylan J. Weires 23-246542 W2023-792-006	Black Saddle 201 N. Washington St.	Loitering in a Licensed Premises after Hours	Issued Written Warning
Dylan J. Weires 23-247371 2324737181401	Black Saddle 201 N. Washington St.	Disorderly Conduct	Court Date: 10/30/23; Guilty; \$376
Nathaniel D. Maas 23-248994 2324899480801	Cock and Bull 1237 Main Street	Bartending without an Operator's License	Court Date: 11/6/23; Guilty, \$187
Scott M. Opolka 23-248994 2324899480802	Cock and Bull 1237 Main Street	Bartending without an Operator's License	Court Date: 11/6/23; Guilty by Default, \$187
Kendra C. Willis 23-248994 2324899480803	Cock and Bull 1237 Main St.	Bartending without an Operator's License	Court Date: 11/6/23; Guilty, \$187
Jason E. Charles 23-253930 W2023-557-087	Getaway Bar 631 Bellevue St.	Disorderly House/Failure to Maintain Order	Issued Written Warning
Randal G. Trembl 23-262321 2326232143901	Brewski's Bar 1100 S. Broadway Street	Violation of Stipulation/Agreement	Court Date: 2/5/24



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # F.5

A report by the City Clerk's Office regarding current licensees who have failed to file a renewal application for the 2024-2025 license year.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Failed to File



Celestine Jeffreys
City of Green Bay Clerk
100 North Jefferson Street - Room 106
Green Bay, Wisconsin 54301-5026
celestine.jeffreys@greenbaywi.gov
www.greenbaywi.gov

Phone 920.448.3010
Fax 920.448.3016

Liquor License Renewal Applications Not Filed as of June 13, 2024

Company Name	Trade Name	Address	Type
JJAA777, LLC	JULIES CAFE EAST	1685 MAIN ST	"Class B" Liquor and Class "B" Beer
MJ HOSPITALITY CORPORATION	DRINK	708 BODART ST	"Class B" Liquor and Class "B" Beer
RENEE DAWN DUFFECK	R&T'S PUB	1699 E MASON ST	"Class B" Liquor and Class "B" Beer
MADRID TAPAS AND WINE BAR LLC	MADRID TAPAS	225 E WALNUT	"Class B" Liquor and Class "B" Beer
SOUTH BAY MARINE CENTER, INC	SKIPPER'S CHOICE	101 BAY BEACH RD	Class "A" Beer

The licensing year for alcohol beverage licenses runs from July 1 to June 30 regardless of when they were granted. State law requires an applicant to file a new application each license year.

For the 2024-2025 renewal period, licensees were mailed a renewal pack February 2024. They also were e-mailed and mailed information about the renewal process in April 2024. Due to changes in the state forms, the Clerk's Office extended the liquor license renewal deadline to May 1.

On May 3, an e-mail was sent to licensees who failed to file. A letter was also mailed to the mailing address of the licensed establishment and the home address of the agent on May 7.

The BID Districts and Brown County Tavern League were notified of those licensees who did not file. This update serves as an additional avenue to provide communication to those who have not filed.

A licensee must submit a complete renewal application with necessary documents to the Clerk's Office no later than Friday, June 28, 2024, at 11:30 a.m. Failure to submit a complete application will result in the expiration of their current license and the business can no longer serve/sell as of midnight on June 30.

After July 1, the legal entity must submit an original application. If that person held an available "Class B" Liquor and Class "B" beer license, that license will be released into the pool of available at the July 30 Council meeting.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 17, 2024

PREPARED BY

AGENDA ITEM # F.6

Clerk Licensing Report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 6.12.2024 CLERK'S OFFICE LIQUOR LICENSING REPORT



Clerk & Treasurer's Office
 100 North Jefferson Street - Room 106
 Green Bay, Wisconsin 54301-5026
 clerk@greenbaywi.gov
 www.greenbaywi.gov

Phone 920.448.3010
 Fax 920.448.3016

Licenses Granted by Council, not yet issued as of June 12, 2024

License Type	Company Name	Trade Name	Addresses	Approver
Class A Beer & Class A Liquor	FAMILY DOLLAR STORES OF WI LLC	FAMILY DOLLAR	1285 MAIN ST	Inspections, Payment New License approved 6.6.2023 Extension Filed anticipated opening 11/3/2023.
Class B Beer & Class B Liquor	MADRID TAPAS AND WINE BAR LLC	MADRID TAPAS	225 E WALNUT ST	Inspections, Payment, Renewal Waiver Granted until December 2023 Revocation Hearing at May 21, 2024 Council meeting. Held until the June 11 Common Council Meeting. Held until the June 25 Council Meeting.
Class "B" Beer & "Class B" Liquor	Vic Theatre Green Bay, LLC	Vic Theatre	130 E Walnut	Transfer request granted at the May 21, 2024, Common Council Meeting. Effective July 1, 2024.
Class "B" Beer & "Class B" Liquor-Reserve	The Spices of Green Bay, LLC	Spices Restaurant & Bar	1860 University	Payment, Inspections Granted 10.17.23. Waiver requested and granted until April 30, 2024. Second waiver requested and reviewed a June 3 P&P Meeting.
Class A Liquor, Class A Beer	Neo Beverages, LLC	Neo's Discount Tobacco & Liquor	1117 W. Mason	Inspections, Payment. Granted 1/17/2024. Extension granted until May 31, 2024. Extension request filed and approved at Council 6/11/2024. Extension request valid until 7/31/24.
Class A Liquor, Class A Beer	JR Smith, LLC	Main Street Mini Mart	1698 Main	Payment. Granted 3/5/2024. Extension granted until June 17 and will be reviewed at the June 17 P&P Meeting.
Class B Beer Class C Wine	GREEN BAY KOI, INC	KOI RAMEN	1593 W MASO N ST	PAYMENT, INSPECTIONS. GRANTED AT COUNCIL MAY 21, 2024
Class B Liquor, Class B beer	CRA Restaurants, LLC	First and Goal Sports Bar and Grill	2148 University Ave	Payment, Inspections. Granted at Council 5/21/2024
Class C Wine, Class B Beer	Green Bay Casuals Soccer Pub LLC	Green Bay Casuals Soccer Pub	1238-11 Main	Payment, Inspections. Granted at Council 6/10/2024.

Opening Delays? All liquor licenses are granted by Council with the intention a liquor license will be issued within 60 days. Please communicate, in writing, any opening-day delays to the Clerk's Office and provide a new anticipated opening date. Please review our [Extension Request Fact Sheet](#) for instructions. Then, fill out the [Extension Request Form](#) to file an issuance extension with the Clerk's Office.

Summary of Licenses Granted and Issued for

Class “B” Beer & “Class B” Liquor Licenses:

The City of Green Bay has a quota of 172 available “Class B” Liquor and Class “B” Beer licenses under state law.

The City granted 2 licenses that have not yet been issued (see page 1).

The City of Green Bay may only take the number of applications to the number of licenses available. Applications are considered to those who apply with a fully completed application and first in time.

The new application paperwork can be found at: <https://greenbaywi.gov/264/Liquor-Sales---New-Establishments>

Summary of Licenses Granted and Issued

for Reserve Liquor Licenses:

The City of Green Bay has a quota of 32 Class B Combination Liquor and Beer Reserve licenses under state law.

The City of Green Bay has 4 Class B Combination Liquor and Beer Reserve issued (The Daily Buzz, LLC at 130 E. Walnut, The Legacy Green Bay, LLC at 1004 Brett Favre Pass, Vast Properties Group, LLC, at 401 N. Washington St., and Fiesta Latina Restaurant Bar, LLC at 1911 University Ave).

The City of Green Bay has 1 granted “Class B” Liquor and Class “B” Beer license that has not yet been issued.

A Reserve liquor license in the City of Green Bay costs \$10,000 (one-time non-refundable issuance fee) plus the license fee prorated. The license shall not be transferred or surrendered.