



AGENDA

VILLAGE OF LITTLE CHUTE PLAN COMMISSION MEETING

PLACE: Little Chute Village Hall – Village Board Room

DATE: Monday, February 13, 2023

TIME: 6:00 p.m.

Virtually attend the January 9th Plan Commission meeting at 6 PM by following the link here:

Join Zoom Meeting: <https://us06web.zoom.us/j/85293318243>

Meeting ID: 852 9331 8243

Dial by your location: +1 312 626 6799 US (Chicago)

A. Call to Order

B. Roll Call

C. Public Appearance for Items Not on the Agenda

1. Approval of Minutes from the Plan Commission Meeting of January 9th 2023
2. Recommendation – CSM Freedom Rd
3. Recommendation – CSM Spirit Investments
4. Recommendation – Rezoning Freedom Road
5. Discussion – Section 8 Updates
6. Items for Future Agenda
7. Adjournment

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made with as much advance notice as possible to the Clerk's Office at 108 West Main Street, (920) 423-3852 February 9, 2023

MINUTES OF THE PLAN COMMISSION MEETING JANUARY 9, 2023

Call to Order

The Plan Commission meeting was called to order at 6:00 p.m. by President Vanden Berg

Roll Call

PRESENT: President Vanden Berg
Jim Moes
Todd Verboomen
Bill Van Berkel
Kent Taylor
Larry Van Lankvelt

STAFF PRESENT: Administrator Bernhoft

Public Appearance for Items Not on the Agenda

None

Approval of Minutes from the Plan Commission Meeting of December 12, 2022

Moved by Commissioner Van Lankvelt, seconded by Commissioner Van Berkel to approve the Plan Commission Meeting Minutes of December 12, 2022.

All Ayes—Motion Carried

Public Hearing – 1008 Sheridan Ct Variance

Moved by Commissioner Van Lankvelt, seconded by Commissioner Moes to enter Public Hearing at 6:00pm.

All Ayes—Motion Carried

Administrator Bernhoft presented a variance request for a detached garage at 1008 Sheridan Ct.

Moved by Commissioner Van Lankvelt, seconded by Commissioner Van Berkel to exit Public Hearing at 6:09 pm

All Ayes—Motion Carried

Action – 1008 Sheridan Ct Variance

None

Moved by Commissioner Moes, seconded by Commissioner Verboomen to Approve with condition of grade beams and height conditions included and no exterior storage.

5 Ayes, 1 Nay(Moes) - Motion Carried

Items for Future Agenda

None

Adjournment

Moved by Commissioner Van Lankvelt seconded by Commissioner Verboomen to Adjourn the Plan Commission Meeting at 6:20 p.m.

All Ayes—Motion Carried

VILLAGE OF LITTLE CHUTE

By: Michael Vanden Berg, Village President

Attest: Laurie Decker, Village Clerk

CERTIFIED SURVEY MAP NO. _____

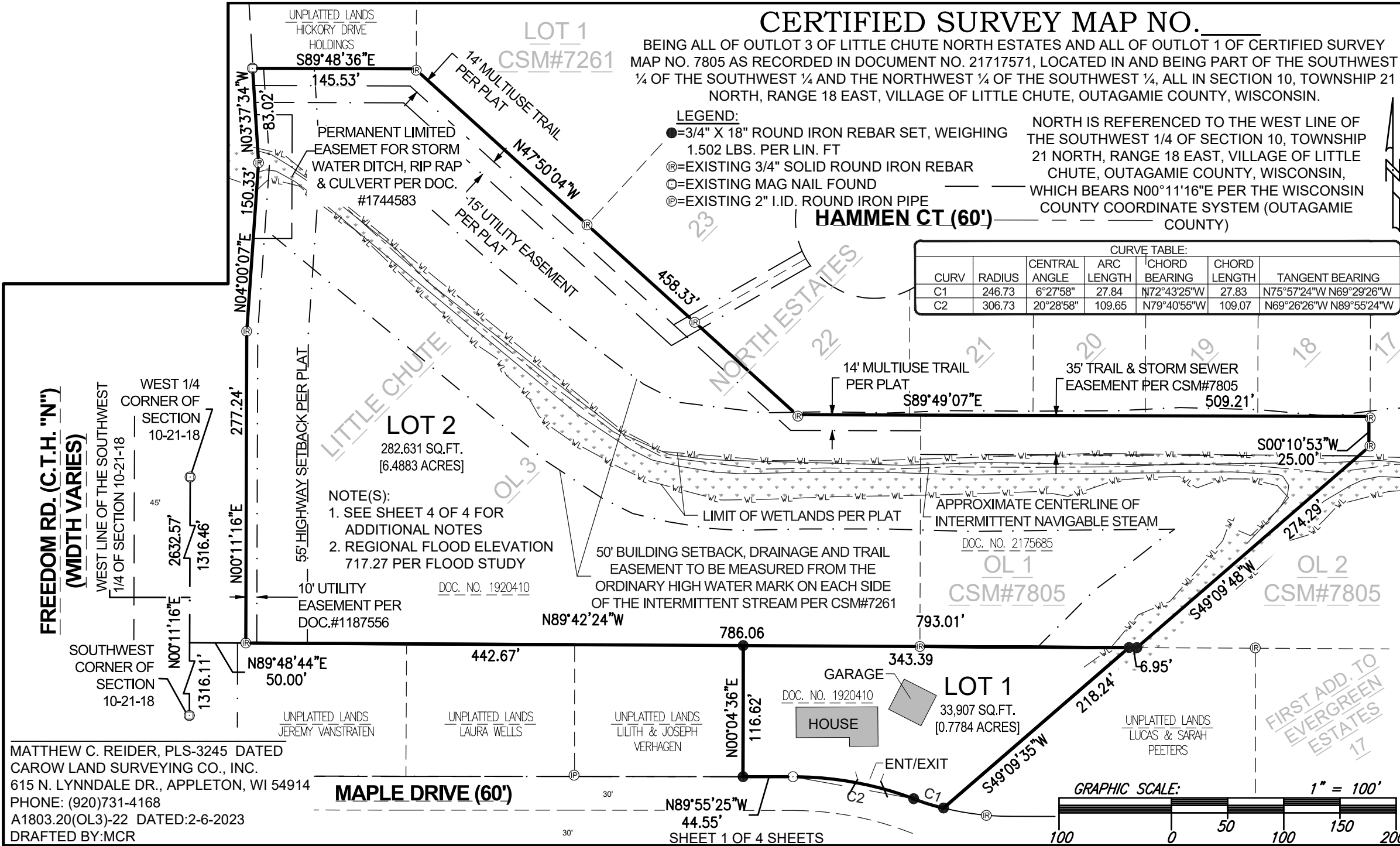
BEING ALL OF OUTLOT 3 OF LITTLE CHUTE NORTH ESTATES AND ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 7805 AS RECORDED IN DOCUMENT NO. 21717571, LOCATED IN AND BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL IN SECTION 10, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF LITTLE CHUTE, OUTAGAMIE COUNTY, WISCONSIN.

NORTH IS REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF LITTLE CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH BEARS N00°11'16"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM (OUTAGAMIE COUNTY)

- LEGEND:
- =3/4" X 18" ROUND IRON REBAR SET, WEIGHING 1.502 LBS. PER LIN. FT
 - Ⓡ=EXISTING 3/4" SOLID ROUND IRON REBAR
 - Ⓢ=EXISTING MAG NAIL FOUND
 - Ⓟ=EXISTING 2" I.D. ROUND IRON PIPE

HAMMEN CT (60')

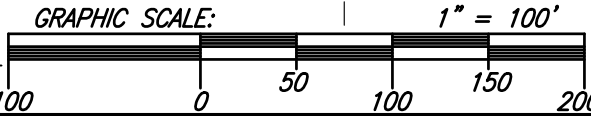
CURVE TABLE:						
CURV	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH	TANGENT BEARING
C1	246.73	6°27'58"	27.84	N72°43'25"W	27.83	N75°57'24"W N69°29'26"W
C2	306.73	20°28'58"	109.65	N79°40'55"W	109.07	N69°26'26"W N89°55'24"W



MATTHEW C. REIDER, PLS-3245 DATED
CAROW LAND SURVEYING CO., INC.
615 N. LYNNDAL DR., APPLETON, WI 54914
PHONE: (920)731-4168
A1803.20(OL3)-22 DATED:2-6-2023
DRAFTED BY:MCR

MAPLE DRIVE (60')

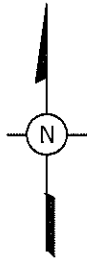
SHEET 1 OF 4 SHEETS



OUTAGAMIE COUNTY CERTIFIED SURVEY MAP

Lots 2 and 3 of Certified Survey Map No. 7979, recorded as Document No. 2208321, and the North 40.00 feet of Lot 2 of Certified Survey Map No. 6221, recorded as Document No. 1891171, being part of the Northwest 1/4 of the Northeast 1/4 of Section 16, T21N, R18E, Village of Little Chute, Outagamie County, Wisconsin.

FOR: Spirit Investments, LLC
502 Maple Drive
Appleton, WI 54913

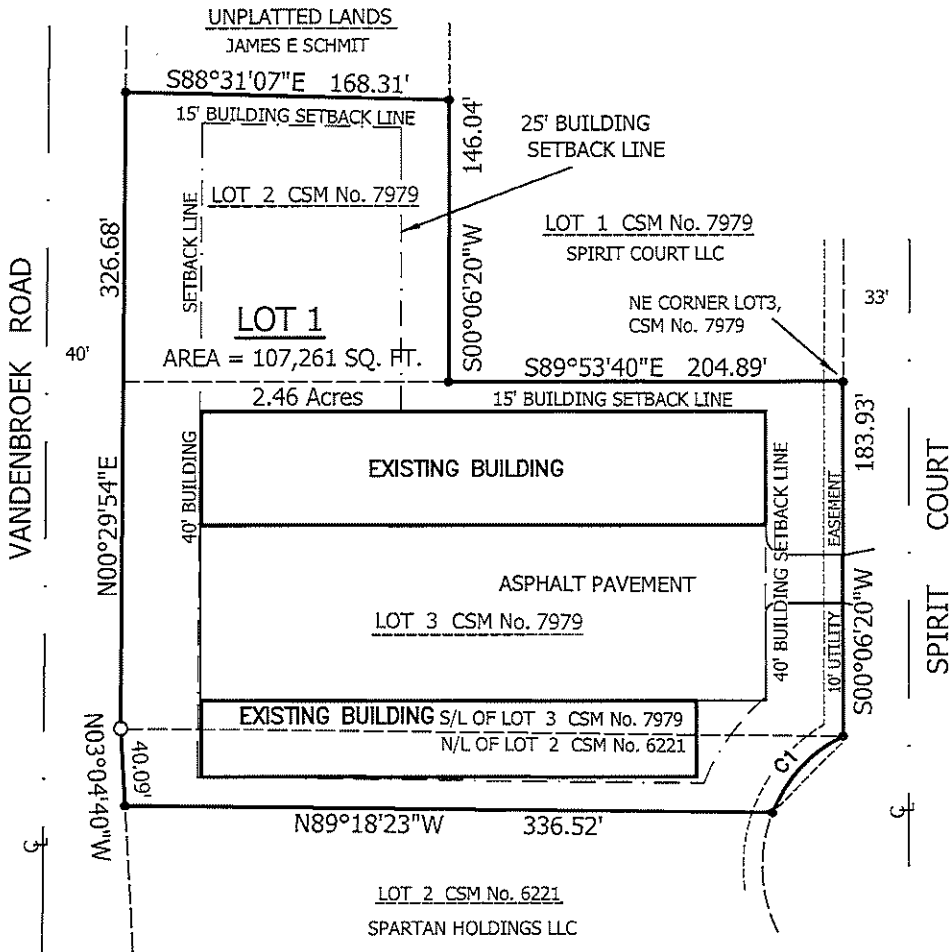


Bearings are referenced to
the recorded CSM No. 7979.

LEGEND

• = 3/4" REBAR FOUND

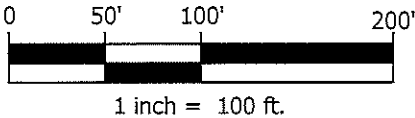
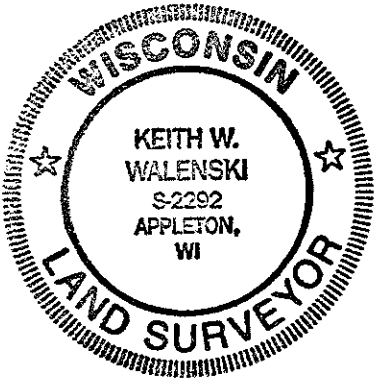
○ = 1" IRON PIPE FOUND



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	75.00'	55.24'	54.00'	S42°53'52"W	42°11'58"

GENERAL NOTES:

1. This CSM is all of tax parcel Nos. 260400522 & 260400523.
2. This CSM is contained wholly within the property described in Document Nos. 2212550, 2212511 & 2230791.
3. The Land contained within this CSM is zoned CH-Commercial Highway District.



HARRIS
& ASSOCIATES, INC.

CONSULTING ENGINEERS
AND LAND SURVEYORS

2718 NORTH MEADE ST.
APPLETON, WI 54911
TEL: (920) 733-8377
FAX: (920) 733-4731
WWW.HARRISING.NET

Keith W Walenski 1-20-2022
KEITH W. WALENSKI P.L.S.-2292 Date

OUTAGAMIE COUNTY CERTIFIED SURVEY MAP

SURVEYOR'S CERTIFICATE

I, Keith W. Walenski, Professional Wisconsin Land Surveyor, certify that I have surveyed, combined and mapped Lots 2 and 3 of Certified Survey Map No. 7979, recorded as Document No. 2208321, and the North 40.00 feet of Lot 2 of Certified Survey Map No. 6221, recorded as Document No. 1891171, being part of the Northwest 1/4 of the Northeast 1/4 of Section 16, T21N, R18E, Village of Little Chute, Outagamie County, Wisconsin.

That I have made such survey, map and land combination as shown hereon, under the direction of Spirit Investments, LLC.

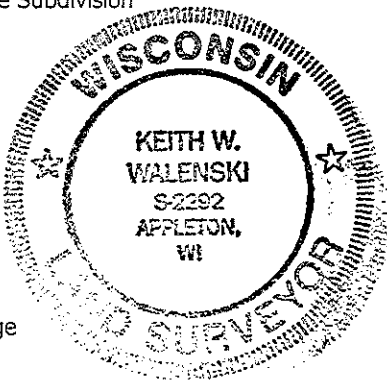
That this map is a correct representation of the exterior boundary lines of the land surveyed and the combination of that land.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Subdivision Ordinances of the Village of Little Chute in surveying, combining and mapping the same.

Keith W. Walenski
Keith W. Walensk PLS - 2292

1-20-2022

Date



VILLAGE BOARD APPROVAL

This Certified Survey Map as surveyed and mapped has been reviewed and approved by the Village Board of Little Chute, Outagamie County, Wisconsin

on this _____ day of _____, 2023.

Village Representative

Village Clerk

TREASURER'S CERTIFICATE

I do hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in this Certified Survey Map.

Outagamie County Treasurer Date _____
Village Treasurer Date

LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

Spirit Investments LLC., a limited liability company duly organized and existing under and by the virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described to be surveyed, combined and mapped as shown and represented hereon. Spirit Investments LLC., does further certify that this Certified Survey Map is required by S.236.10 or S.236.12 of the Wisconsin Statutes be submitted to the Village of Little Chute for approval or objection.

Dated this _____ day of _____, 2023.

Representative Date

State of Wisconsin)
Outagamie County) ss

Personally came before me this _____ day of _____, 2023, the above named person to me known to be a Spirit Investments LLC. representative who executed the foregoing instrument and acknowledged the same.

Notary Public My commission expires _____



Little Chute

ESTABLISHED 1848

Date Received: _____
Receipt No. _____
Fee \$175

APPLICATION: ZONING CHANGE REQUEST FORM

To: Board of Trustees, Village of Little Chute, Outagamie County, WI

Applicant: Matthew Reider - Carow Land Surveying

on behalf of Larry Thiel of Thiel Investments

Applicant named above, files herewith this Request for a change in Zoning of the following described property:

BEING ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 7805, RECORDED AS

DOCUMENT NO. 2171757, LOCATED IN SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 21 NORTH,

RANGE 18 EAST, VILLAGE OF LITTLE CHUTE, OUTAGAMIE COUNTY, WISCONSIN.

Applicant herewith requests the Village Board to change zoning of the above-described property

from: Residential District

to: Commercial District

Signed:  **Dated:** 2/6/2023

Attach a Scale Map (1" = 100') showing the area requested to be rezoned including all areas within 300 feet of the area requested. Attach a list of owners' names and addresses of all properties lying within 100 feet of the area proposed to be rezoned. Attach any documents the applicant may wish to include which may be of guidance or interest to the Village Board and Plan Commission.

(See reverse)

Rezoning



2/9/2023, 1:31:13 PM

Parcels

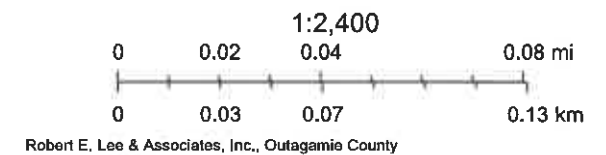
Zoning

CH: Commercial Highway District

ID: Industrial District

RC: Residential Single-Family

RT: Residential Two-Family



Robert E. Lee & Associates, Inc., Outagamie County

Village of Little Chute
Robert E. Lee & Associates, Inc., Outagamie County



Item For Consideration

For Plan Commission Review On: 2/13/2023
Agenda Item Topic: Updates to Sec 8

Prepared On: 2/9/2023
Prepared By: Dave Kittel CDD

Report:

Section 8 of the Village of Little Chute code of Ordinances covers Buildings and Building Regulations. Over the years there has been some minor updates but, upon recent review there are some needed updates. Currently this section refers to the Department of Commerce and applicable state statues relating to that Department. This State Department was changed a number of years ago and the statues that cover building regulation have gone to the Department of Safety and Professional Services (DSPS). Staff has reviewed and updated these references and attached for review. The Inspections Department as well as Community Development would like to look into further updates to not just update this portion of our ordinance but, to do a lager overhaul for simplicity and allowing for updates more simply in the future. An example would be like the building regulations in the Village of Greenville's ordinance use link below to see the general structure. There are certain areas of Sec 8 that would remain that are Village of Little Chute specific, but all Uniform Dwelling and Commercial building code specific items would only refer to the state adopted code instead of going into details on each trade as our current structure of section 8 dose. This will prevent rewriting of the current ordinance every time there is a code update, simplify the ordinance and provide flexibility in the future. This idea is presented for discussion with examples attached.

Link to Village of Greenville ode: <https://ecode360.com/27318856>

Fiscal Impact: None

Recommendation/Board Action: Discussion on updates to Sec 8
Respectfully Submitted,

Dave Kittel, Community Development Director

Chapter 8 BUILDINGS AND BUILDING REGULATIONS¹

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. BUILDING CODE

Sec. 8-19. Established.

- (a) *Title.* This article shall be known as the "Building Code of the Village of Little Chute" and will be referred to as the building code or this article.
- (b) *Purpose.* This article provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such building and the general public.
- (c) *Scope.* New buildings hereafter erected in, or any building hereafter moved within the village, shall conform to all the requirements of this article except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a new building to the extent of such change. Any existing building shall be considered a "new building" to the extent of such change. Any existing building shall be considered a new building for the purposes of this article whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this article was enacted. The provisions of this article supplement the laws of the state pertaining to construction and use and chapter 44, pertaining to the zoning of the village and amendments thereto to the date the ordinance from which this article is derived was adopted and in no way supersede or nullify such laws and the said chapter 44.
- (d) *Exclusions.* This article does not pertain to all construction relating to agricultural outbuildings such as, but not limited to, barns, sheds and corn cribs, with the exception that outdoor privies are governed by this article.

(Code 2006, § 15-1-1)

¹State law reference(s)—One- and two-family dwelling code, Wis. Stats. § 101.60 et seq.; multifamily dwelling code, Wis. Stats. § 101.971 et seq.; electrical regulations, Wis. Stats. § 101.80 et seq.; municipal authority relative to electricity, Wis. Stats. § 101.86; plumbing generally, Wis. Stats. § 145.01 et seq.; unfit and dilapidated buildings may be declared nuisances and proceeded against by municipality, Wis. Stats. §§ 60.413, 823.21.

Sec. 8-20. Building permits and inspection.

(a) *Permit required.*

- (1) *General permit requirement.* No building of any kind shall be moved, erected, or ground broken or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the village, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the community development director.
- (2) *Alterations and repairs.* The following provisions shall apply to buildings altered or repaired:
 - a. *Alterations.* When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the alterations stated in this subsection, then such existing construction shall be made to conform to the minimum requirements of this article applicable to such occupancy and use and given type of construction.
 - b. *Repairs.* Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure, (which include but are not limited to, roofing, siding, windows or doors if and when altered in size or location, plumbing systems, electrical systems, HVAC systems) or which do not affect room arrangement, light and ventilation, access to or efficiency of the existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. *Alterations when not permitted.* When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this article, has deteriorated from any cause whatsoever to an extent greater than 50 percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and the process for abatement of a public nuisance, as set out in section 28-55, shall be followed to remove the same.
 - d. *Alterations and repairs required.* When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength. If the owner shall fail to complete such restoration, then the building or structure shall be considered a menace to public safety and shall be vacated according to the abatement of public nuisances procedure set out in section 28-55. No further occupancy or use of the building or structure shall be permitted until the regulations of this article are complied with.
 - e. *Materials and methods.* All construction including maintenance, replacements, additions, alterations and repairs shall use materials and methods approved by the State Department of Commerce for the such approved use.
 - f. *Temporary roofing materials.* For all roofs over all structures, temporary roofing materials including but not limited to paper, plastic, vinyl, cloth, polyethylene, nylon, HDPE fabric, canvas, house wrap, roofing underlayment, saturated or unsaturated roofing felt, or any other material not designed to be a final exposed roof covering material while and when used to protect structures while under repair or construction shall not be allowed to be left in place for more

than 28 days in any year without final installation of proper and approved roof covering materials as regulated under Wis. Admin. Code ch. SPS 321.28.

(b) *Application.*

- (1) Application for a building permit shall be made in writing upon a form furnished by the community development director or his designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the contractor, the use to which said building is to be put and such other information as the community development director may require.
- (2) A plat of survey, in duplicate, drawn to scale showing the lot, existing structures, the proposed location and elevation of any structures on the lot, accurate dimensions of building and lot, the location of the centerline or lines of adjoining street, the existing lines of adjoining street, the existing and intended use of each structure or part of a structure, the number of families the building is intended to accommodate, and such other information as may be necessary to provide for the enforcement of this article. The survey plat shall also show the existing property corner and structure corner elevations, plus all elevations of buildings on the lot or adjoining lots and all elevations to be based on village datum. Except when accompanying an application for interior remodeling, an accessory structure, siding, roofing, windows, doorways, decks, patios, or porches, the plat of survey shall be certified by a registered surveyor or registered civil engineer. The lot corners and proposed structure corners shall be staked on the ground before construction is begun. Like information shall be presented on said drawing showing the location and use of structures, if on any adjoining lots, within 40 feet of adjoining lot line.

(c) *Design review and site plan approval.* All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residentially zoned districts, shall require design review and approval in accordance with the requirements of chapter 44. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the village officials or expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this article.

(d) *Dedicated street and approved subdivision required.* No building permit shall be issued unless the property on which the building is proposed to be built abuts an existing street.

(e) *Utilities required.*

- (1) *Residential buildings.* No building permit shall be issued for the construction of any residential building until public sewer and water are installed in the streets necessary to service the property for which the permit is required.
- (2) *Nonresidential building.* No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
- (3) *Occupancy.* No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

(f) *Plans.* With such application, there shall be submitted three complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or information and

procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans and specifications shall be drawn to a minimum scale of one-quarter-inch to one foot. One set of plans shall be returned after approval as provided in this article. The second set shall be filed in the offices of the community development director. Plans for buildings involving the state building code shall bear the stamp of approval of the state department of commerce. One plan shall be submitted which shall remain on file in the office of the community development director. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wis. Admin. Code § COMM 20.09(4).

(g) *Approval of plans.*

- (1) If the community development director determines that the building will comply in every respect with all ordinances and orders of the village and all applicable laws and orders of the state, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the community development director.
- (2) In case adequate plans are presented for part of the building only, the community development director, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. No work is to be started unless a proper grade has been established by the village engineer, this would include sidewalks, curb and gutter, driveways and general construction.

(h) *Inspection of work.*

- (1) The owner or his agent shall have all lot corners and bends visibly staked prior to requesting the initial footings inspection.
- (2) The builder shall notify the community development director, and he or his designee shall inspect all buildings upon the completion of the foundation forms or before the foundation is laid and before backfilling. The builder shall notify the community development director and he or his designee shall inspect again when the structure is ready for insulating and again after insulating and draft stopping has been completed.
- (3) After completion, the community development director or his designee shall make a final inspection of all new buildings; alterations and existing buildings put to new uses. If he finds that the work conforms to the provisions of this article, he shall issue a certificate of compliance which shall contain the date and outline of the result of such inspection and a statement of the use contemplated, a duplicate of which shall be filed by location in the offices of the community development director. The issuance of a certificate of compliance shall not authorize a use of the building different from that stated therein unless the building is adaptable to such use under the provisions of the article.

(i) *Permit lapses.* A building permit shall lapse and be void unless building operations are commenced within six months or if construction has not been completed within 24 months from the date of issuance thereof.

(j) *Issuance of occupancy permit.*

- (1) No structure (except signs exempt from the provisions of this article) and no building shall be erected, constructed, reconstructed, altered, moved or enlarged until a building permit has been obtained from the community development director. No vacant land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used, and no change in use may be permitted, until an occupancy permit shall have been issued by the zoning administrator.

-
- (2) Under such rules and regulations as may be established by the village board, the zoning administrator may issue a temporary occupancy permit for part of a building.
- (k) *Revocation of permits.*
- (1) The community development director or his designee may revoke any building, plumbing, HVAC or electrical permit, certificate of occupancy, or approval issued under the regulations of this article and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- a. Whenever the director or his designee shall find at any time that applicable ordinances, laws, order, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the director or his designee, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, date specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the director or his designee for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing, HVAC or electrical permit shall be in writing and may be served upon the applicant of the permit, owner of the premises or his agent, if any, or on the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the director or his designee.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this article, shall be procured and fees paid thereof, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this article. However, such work as the director or his designee may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (l) *Report of violations.* Village officers shall report at once to the community development director any building which is being carried on without a permit as required by this article.
- (m) *Display of permit.* Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- (n) *Payment of claims and taxes.* The village shall not issue or renew any building permit:
- (1) For any purposes for which taxes, assessments or other claims of the village are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:
 - a. Of any taxes, assessment or other claims owed the village; or

b. Of any forfeiture resulting from a violation of any village ordinance.

(3) This denial may be appealed to the board of appeals.

(Code 2006, § 15-1-2; Ord. No. 6(Ser. of 2009), § 1, 5-6-2009)

Sec. 8-21. State uniform dwelling code adopted.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. The definitions set forth in Wis. Admin. Code § SPS 320 ("Administration and Enforcement, Definitions") shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this article, shall have the respective meanings ascribed to them in Wis. Admin. Code §SPS 320, and shall have the same scope and effect that the same words, terms and phrases have where used in Wis. Admin. Code § SPS 320.

Minor repair means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling or replacements in any existing building or structure which do not involve the structural portions of the building or structure, (which include but are not limited to, roofing, siding, windows or doors if and when altered in size or location, plumbing systems, electrical systems, HVAC systems) which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

One- or two-family dwelling means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

(b) *State code adopted.* The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Wis. Admin. Code chs. SPS320-325 are hereby adopted by reference, incorporated and made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this article. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this article to secure uniform statewide regulation of one- and two-family dwellings in this village. A copy of these administrative code provisions and any future amendments shall be kept on file in the community development director's office.

(c) *Existing buildings.* The state uniform dwelling code shall also apply to buildings and conditions where:

- (1) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied.
- (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50 percent of the equalized value of the structure, said value to be determined by the village assessor.
- (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the community development director or his designee shall comply with the requirements of this article for new buildings. The provisions of section 8-20 shall also apply.
- (4) *Roof coverings.* Whenever more than 25 percent of the roof covering of a building is replaced in any 12-month period, all roof covering shall be in conformity with applicable sections of this article.
- (5) *Additions and alterations.* Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable sections of this article.

(d) *Method of enforcement.*

- (1) Certified community development director to enforce. The community development director and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the uniform dwelling code. The community development director shall be certified under Wis. Admin. Code ch. SPS 305.
- (2) *Subordinates.* The community development director may appoint, as necessary, subordinates as authorized by the village board.
- (3) *Duties.* The community development director shall administer and enforce all provisions of this article and the uniform dwelling code.
- (4) *Inspection powers.* The community development director or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the community development director or his agent while in performance of his duties.
- (5) *Records.* The community development director or his designee shall perform all administrative tasks required by the department under the uniform dwelling code. In addition, the community development director or his designee shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept.

(Code 2006, § 15-1-3; Ord. No. 6(Ser. of 2009), § 1, 5-6-2009)

Sec. 8-22. Construction standards; codes adopted.

- (a) *State building code adopted.* Wis. Admin. Code chs. SPS 361-360(Wisconsin Commercial Building Code) are hereby adopted and made a part of this article with respect to those classes of buildings to which this building code specifically applies. Any future amendments, revisions and modifications of said chapters incorporated herein are intended to be made a part of this Code. A copy of said chapters and amendments thereto shall be kept on file in the office of the community development director.
- (b) *Terms.* The building terms used in this article shall have the meaning given them in the state building code.
- (c) *Dwellings.* The term "dwelling" includes every building occupied exclusively as a residence by not more than two families.
- (d) *Workmanship.* Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice.
- (e) *Conflicts.* If, in the opinion of the community development director and the village board, the provisions of the state building code adopted by subsection (a) of this section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the community development director and/or the village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this section.

(Code 2006, § 15-1-4)

Sec. 8-23. New methods and materials.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this section and not specifically mentioned in or permitted by this section shall not be so used until approved in writing by the state department of commerce for use in buildings or structures covered by the state building code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the state department of commerce. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the state department of commerce.

(Code 2006, § 15-1-5)

Sec. 8-24. Minimum standards for sanitation and heating, ventilating and electrical service.

- (a) *Toilet rooms and washing facilities.*
 - (1) In every single-family or two-family dwelling, each dwelling unit shall be provided with a separate kitchen sink. A complete bath with lavatory, water closet and tub or shower shall be provided for each dwelling unit. All sinks, lavatories, washtubs, bathtubs and showers shall be provided with hot water from a heater capable of supplying adequate hot water.
 - (2) Rooms with private water closets shall not be considered in counting either the number of rooms or the number of fixtures.
 - (3) All concealed water pipes, storage or flushing tanks and all exposed pipes or tanks subject to freezing temperatures shall be satisfactorily protected against freezing. All piping and appliances shall be so installed as to drain by gravity or by approved bleeds.
- (b) *Repairs.* Every building shall be kept in good repair, and the roof shall be maintained to prevent leakage. All rainwater shall be so drained and conveyed therefrom as to prevent dampness in the walls and ceilings. All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Plumbing equipment shall be maintained so as to be impervious to water and heating equipment, and incinerators shall be maintained in good order and repair.
- (c) *Cleanliness.* Every residential building shall be kept clean and shall also be kept free from vermin and any accumulation of dirt, filth, rubbish, garbage or other objectionable matter in or on the same or in the yards, courts, passages, areas or alleys connected with or belonging to the same. Interior surfaces shall be as tight as is reasonably practical. Floors of toilet and bathrooms shall be impervious surfaces and made of nonabsorbent material.
- (d) *Windows.*
 - (1) The outside windows in every sleeping or living room shall have a total sash area of 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 6½ feet above the floor, and at least 50 percent of the required window area must open. The outside windows in all basement areas shall have a total sash area of at least one percent of the floor area. All attics shall have windows or louvers with a sash area of one percent of the floor area for ventilation purposes. Windows in each habitable room, bathroom windows and all door openings to the exterior of the dwelling shall be provided with screen of no less than No. 16 wire mesh which will effectively prevent the entrance of flies and mosquitoes. Every dwelling or resident building

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- shall have screens of not less than No. 16 wire mesh on all doors and windows, when open. All windows shall be so constructed and maintained to eliminate excessive draft and infiltration.
- (2) The provisions of the requirement for basement windows may be waived for single-family dwellings if provisions are made for artificial lighting and if adequate ventilation is provided. A 16-inch by 16-inch opening must be provided for fire equipment access if artificial ventilation is provided.
- (e) *Heating.*
- (1) Any dwelling or building designed or intended to be used for dwelling purposes shall be equipped, maintained and operated with a heating system maintaining a minimum temperature of 70 degrees Fahrenheit with an outside temperature of minus 20 degrees Fahrenheit.
- (2) Direct-fired space heaters may be used only in single-family dwellings if a positive supply of combustion air is maintained.
- (f) **Electrical.** Electricity shall be provided in every dwelling unit and all wiring and receptacles shall meet the minimum standards of the Wis. Admin. Code ch. SPS 316, Electrical.
- (g) *Responsibility of owner for maintenance or sanitary housing.* The owner of any residence or dwelling occupied as a place of human habitation shall be responsible for maintenance of sanitary and healthful housing as required by this section. The owner of any multiple dwelling shall furnish containers having sufficient capacity to store a normal one-week accumulation or collection of garbage and refuse of all units. The owner shall be responsible for removal of infestations when they occur in more than one dwelling in a building or when rats or mice infest any building occupied by more than one family, or when the community development director determines that the investigation is due to lack of proper vermin proofing of the building. Whenever a dwelling is vacated, it shall be the duty of the owner to determine that such dwelling is in a clean, sanitary, habitable condition and free from infestations before renting such dwelling to another occupant.
- (h) *Responsibility of occupant for maintenance of sanitary housing.* The occupant of any dwelling or building used as a place of human habitation shall not permit rooms to be tenanted which do not meet light, air or space requirements prescribed in this section nor permit occupancy of rooms in excess of those standards. It shall be the duty of the occupant to keep his dwelling and the portion of the building or premises over which he has control in a reasonably clean and sanitary condition, including plumbing fixtures, and he shall not knowingly, willfully or maliciously deposit material in any fixture which, through repeated carelessness would result in stoppage or damage to the fixture. The occupant shall eliminate infestations, except when it is the responsibility of the owner to do as hereinbefore provided. In all buildings, open basement windows and doors on ground floors or in basements shall be provided with screens and screen doors, and they shall be in place at all times when such doors and windows are open for exclusion of rats, mice and vermin. It shall be the duty of the occupant to maintain the use of screens and doors provided for this purpose.
- (i) *Exhaust ducts.* All bathrooms, lavatory and powder rooms without windows shall be provided with exhaust ducts.
- (j) *Size of dwellings.* Every dwelling shall have at least 700 square feet of living area. The total floor area of all habitable rooms in a dwelling must be such as to provide at least 150 square feet of floor area 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. Every room occupied for sleeping purposes by one or more occupant shall contain at least 70 square feet of floor space, or 50 square feet of floor space for each occupant if more than one. No greater number of occupants than the number thus established shall be permitted in any such room. Access to all sleeping rooms shall be from common hallways and not through other sleeping rooms or through bathrooms.
- (k) *Ceiling heights.* In all dwellings or dwelling units, the average ceiling height shall be seven feet six inches for the entire first floor area with a minimum ceiling height of seven feet zero inches. The minimum ceiling

height shall be seven feet six inches for all floor areas above the first floor, except under sloping roofs where the floor area, and where that portion of the floor area under the sloping roof has a ceiling height of less than five feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.

- (l) *Basement living.* No residential living or sleeping room area shall have its floor level below the adjoining yard, court, alley or street grade unless:
- (1) The exterior walls shall be properly damp-proofed and insulated.
 - (2) The ground floor is properly damp-proofed and insulated.
 - (3) Such basements shall be provided with at least two exits which comply in all respects with the provisions of Wis. Admin. Code § SPS 320-325.
 - (4) The sash area of all windows in the habitable rooms shall be at least eight percent of the floor area of the room; at least 50 percent of the required windows shall open.
 - (5) The average ceiling height shall be seven feet six inches with a minimum ceiling height of seven feet zero inches.
 - (6) Proper drainage away from the exterior walls of the structure shall be provided.
 - (7) Windows which are installed for exit purposes shall comply in all respects with the provisions of Wis. Admin. Code § SPS 320-325.
- (m) *Exits.* Each multifamily residential apartment building shall have two exits from each apartment. One exit shall lead directly to the outside of the building, and the other exit may lead through a public passageway.

(Code 2006, § 15-1-6; Ord. No. 20(Ser. of 1994), 12-21-1994; Ord. No. 8(Ser. of 2009), § 1, 6-17-2009)

Sec. 8-25. Unsafe buildings.

- (a) Whenever the community development director or his designee or the village board finds any building or part thereof within the village to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be provided in Wis. Stats. § 66.0413.
- (b) Where the public safety requires immediate action, the community development director or his designee shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the village in an action against the owner or tenant.

(Code 2006, § 15-1-7)

Sec. 8-26. Disclaimer on inspections.

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

"These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a

detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

(Code 2006, § 15-1-8)

Sec. 8-27. Private garages.

- (a) *Classification.* The following are classifications for private garages:
- (1) An attached private garage is a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or private garage so constructed as to form an integral part of the principal building.
 - (2) A detached private garage is a private garage entirely separated from the principal building.
 - (3) Definition of "fire protected" shall mean as follows:
 - a. Four-inch brick or stone.
 - b. Metal lath or perforated lath and three-quarter-inch plaster for one vertical side or the under side of the ceiling.
 - c. Five-eighths-inch fire-rated sheetrock for one vertical side or the under side of the ceiling.
- (b) *Footings and foundations.* Footings and foundations shall be provided for all garages as follows:
- (1) Detached garages of 400 square feet or less may be erected on a free floating concrete slab not less than four inches in thickness.
 - (2) Detached garages greater in area than 400 square feet shall be provided with a grade beam foundation. Such foundation grade beams shall extend a minimum of eight inches below the garage slab and the adjoining grade and shall be of a minimum width of eight inches. This grade beam shall contain a minimum of two number four reinforcement rods to be located in bottom one third of the grade beam.
 - (3) All attached garages shall be provided with foundation walls of concrete or masonry extending not less than four feet below the adjoining grade, including door openings.
- (c) *Floor surface.* The floor in all private garages shall be of approved noncombustible material. No openings or pits in the floor shall be permitted, except for drainage. Floor drains shall be of an approved type with sediment basket and shall be connected to the building sanitary sewer.
- (d) *Construction.* Private garages shall be constructed as follows:
- (1) Load-bearing foundation walls, masonry walls and partitions shall be constructed as regulated herein, except as stated above.
 - (2) Detached private garages of wood frame construction shall be constructed as regulated in this article, with the following exceptions:
 - a. Studs may have a maximum spacing of 24 inches on centers. Doubling of studs shall not be required at jambs of openings less than 40 inches.
 - b. Where rigid sheathing is not used diagonal bracing shall be provided. This bracing may be either an inlited minimum one by four or an approved preformed metal brace.
 - c. Corner posts may consist of two two-inch by four-inch studs.

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- d. Top plates may be single; provided the rafters are placed over the studs and plates are lapped to provide ties.
 - e. Horizontal bracing and collar beams may be two-by-fours with a maximum spacing of six foot on centers.
 - f. All framing walls shall be securely anchored to the foundation by one-half-inch by six-inch bolts placed four feet on center.
 - g. All roof systems shall be designated to support 30 pounds per square foot snow load and a ten pound per square foot dead load.
- (e) *Attached private garages.* Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:
- (1) Attached private garages shall be of the same type of construction as that of the principal building as established by the state uniform dwelling code.
 - (2) The wall in common with a principal building and attached private garage shall be of fire-protected construction. This construction shall extend from the floor of the garage to the bottom of the rafters and ridge of the roof or to the bottom of a fire-protected ceiling.
 - (3) Where a private garage is part of a building having habitable rooms over such garage, there shall be provided a horizontal and vertical separation between the two occupancies of fire-protected construction and insulation having a minimum thermal performance of R-8 for walls and R-11 for floors.
 - (4) An attached private garage may have a door connecting directly to the principal building, provided that the floor of such garage is pitched 1½ inches below the floor of the principal building and a 1¾-inch solid core door is used.
 - (5) Boilers, furnaces or other flame-burning equipment used in connection with the principal building shall not be installed in private garages. There shall be no openings from a private garage which shall lead directly to a boiler or furnace room.

(Code 2006, § 15-1-9)

Sec. 8-28. Awnings over streets or sidewalks.

- (a) No person shall erect, repair or maintain any awning over any sidewalk or street within the village contrary to any of the provisions of this section.
- (b) No person shall erect or repair any awning over a sidewalk or street without first obtaining from the community development director a permit therefor, provided, however, that where the repair relates to canvas covering no permit shall be required if less than 25 percent of the roof area of the awning is replaced.
- (c) Any awning hereafter erected over any sidewalk or street within the village shall be constructed of adjustable iron frame, firmly secured in place, and covered with canvas or other suitable material, and the frame shall be at least 7½ feet in height above the highest point of the walk; and the lowest point of flap or fringe of such awning shall at no point be less than 6½ feet above the sidewalk immediately beneath it.
- (d) Wood or metal awnings when installed must be so placed that no accumulation of snow, ice or any other loose material can fall upon public property or would hamper the fire department in the erecting of ladders.

(Code 2006, § 15-1-10)

Sec. 8-29. Regulation and permit for razing buildings.

- (a) No building within the village shall be razed without a permit from the community development director or his designee. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the community development director.
- (b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

(Code 2006, § 15-1-11)

Sec. 8-30. Abandoned premises and protection of property; fill dirt.

- (a) *Abandoned excavations.* Subflooring shall be constructed over basements within 30 days of the start of basement construction. Any excavation which exists for 30 days or more where construction has not been commenced therein shall be considered abandoned and shall be refilled and leveled to grade by the owner of such lot or parcel of land within ten days after receiving a written notice from the community development director or his designee of such requirement; upon the failure of such owner to comply with such requirement within the stated period, the work may be done by the village or its agent and the expense thereof shall be assessed against such lot or parcel of land as a special tax pursuant to Wis. Stats. § 66.0703 to be collected in the same manner as are other real estate taxes.
- (b) *Vacant buildings.* Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed dangerous, unsafe and a menace to public safety. The community development director or his designee shall give the owner thereof written notice to secure said building or structure and comply with this Code's requirements within 30 days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the community development director to condemn and raze said building or structure in accordance with the applicable provisions of Wis. Stats. § 66.0413.
- (c) *Protection of adjoining property.* When the owner of any lot or plot of land, or the village, in making improvements, is about to excavate or cause an excavation to be made, which excavation in any way affects any building or structure on any adjoining lot, a notice shall be given to all owners of adjoining lots at least ten days prior to commencing the excavation in order to give the adjoining owners a reasonable opportunity to protect their property at their own expense according to law. Such notice shall describe the extent and character of the excavation work about to be done.

(Code 2006, § 15-1-12)

Sec. 8-31. Regulations for moving buildings.

(a) *General requirements.*

- (1) *Permits.* No building or structure shall be moved without first obtaining a permit from the community development director or his designee. The application for a permit shall conform to the regulations of section 8-20(b) and shall show the type of construction of the building or structure, its occupancy and use, its location, and the intended occupancy and use in the new location.
- (2) *Buildings or structures—Which can be moved.* Buildings or structures which can be moved, are subject to village board approval under subsection (b) of this section. A permit may be granted for the moving of any building or structure which is structurally sound and safe from one location to another location on the same premises, or from one premises to another premises; provided such building or structure conforms to this article and other applicable laws and regulations.
- (3) *Same—Which cannot be moved.* No permit shall be granted for the moving of any building or structure, or portion thereof, which has deteriorated or been damaged to an extent greater than 50 percent of the assessed value of the building or structure as determined by the community development director or his designee. Any such structures shall be razed in accordance with section 8-20(a)(2)c.
- (4) *Tree damage report.* A report shall be made by village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the village, shall be paid to the village clerk prior to issuance of the moving permit.
- (5) *Conditions.* Issuance of moving permit shall further be conditioned on approval of the moving route by the chief of police.

(b) *Village board approval.*

- (1) No permit to move a building or structure shall be issued by the community development director until the village board, after due hearing and by a majority vote, has determined that the building or structure may be moved.
- (2) The community development director shall determine before the hearing whether the building or structure is structurally sound, will be located in compliance with section 8-22 and will be of a type of construction required under this article.
- (3) The application for a moving permit shall be accompanied with photographs of exteriors of the building or structure, and, if the exterior of the building is to be altered or additions made thereto, plans must be provided.
- (4) If the village board determines, after viewing the photographs of the building or structure, that the exterior of the proposed building or structure will be in harmony with the neighborhood into which it is relocated, a permit may be issued.
- (5) Further regulations may be imposed by the village board.

- (c) *Conformance with building code.* No permit shall be issued to move a building within or into the village and to establish it upon a location within the said village until the community development director has made an investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this article in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the community development director, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this article and that, when the same are completed, the building as such will so comply with said building code. In the event a building is to be moved from the village to some point

outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(d) *Bond.*

- (1) Before a permit to move any building is granted by the community development director, the party applying therefor shall give a bond in the sum of \$10,000.00 with good and sufficient sureties to be approved by the village attorney conditioned, among other things, that said party will save and indemnify judgments, costs and expenses which may, in any way, accrue against the village and will save the village harmless against all liabilities, judgments, costs and expense in consequence of granting of such permit.
- (2) Unless the community development director, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by subsection (e)(1) of this section shall be further conditioned upon the permittee erecting adequate barriers and within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the community development director and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (e) *Insurance.* The community development director shall require public liability insurance covering injury to one person in the sum of not less than \$100,000.00 and for one accident in a sum not less than \$200,000.00, together with property damage insurance in a sum not less than \$50,000.00, or such other coverage as deemed necessary.

(Code 2006, § 15-1-13; Ord. No. 10(Ser. of 1994), 6-1-1994)

Sec. 8-32. Fees.

Before issuing a building permit, the owner or his agent shall pay to the community development director a fee. The amount of the fee shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code.

(Code 2006, § 15-1-14; Ord. No. 4(Ser. of 1995), 2-1-1995; Ord. No. 3(Ser. of 1999), 2-3-1999; Ord. No. 7(Ser. of 2002), 5-15-2002)

Sec. 8-33. Penalties and enforcement.

(a) *Penalties.*

- (1) *Scope of penalty provision.* Any building or structure hereafter erected, enlarge, altered or repaired or any use hereafter established in violation of the provisions of articles II through V of this chapter (the village building code, electrical code, plumbing code and heating, ventilating and air conditioning code, all included within the definition of "this chapter" for purposes of this section), shall be deemed an unlawful building, structure or use.
- (2) *Penalties.* The community development director shall promptly report all such violations to the village board and village attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this article or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions in section 1-12. Any person who fails to obtain a

building permit before starting construction shall be charged double the regular rate for this late filing violation. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the community development director or other village officials constitute a defense. Compliance with the provisions of this article may also be enforced by injunctive order at the suit of the owner of any real estate within the jurisdiction of this article.

(b) *Enforcement.*

- (1) *Notice to correct.* If an inspection reveals a noncompliance with this article or the uniform dwelling code, the community development director shall notify the applicant or the owner of the violation to be corrected. All cited violations shall be corrected prior to continuing unless an extension of time is granted pursuant to Wis. Admin. Code §SPS 320.21(3).
- (2) *Stop work order.* If, after notification, the violation is not corrected, a stop work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the community development director after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) *Separate violations; other remedies.* Each day each violation continues after the notice shall constitute a separate offense. Nothing in this article shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this article or the uniform dwelling code.
- (4) *Double fees.* If any construction or work governed by the provisions of articles II through V of this chapter or the uniform dwelling code is commenced prior to the issuance of a permit, double fees shall be charged.

(c) *Appeal.* Any person feeling aggrieved by an order or a determination of the community development director may appeal from such order or determination to the board of appeals. Those procedures customarily used to effectuate an appeal to the board of appeals shall apply.

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

(e) *Payment of claims.* The village shall not issue or renew any building, plumbing, electrical or HVAC permit:

- (1) For any purposes for which taxes, assessments or other claims of the village are delinquent and unpaid.
- (2) For any person who is delinquent in payment:
 - a. Of any taxes, assessments or other claims owed the village; or
 - b. Of any forfeiture resulting from a violation of any village ordinance.

(Code 2006, § 15-1-16)

Secs. 8-34—8-54. Reserved.

ARTICLE III. PLUMBING CODE

Sec. 8-55. Title.

This article shall be known as the "Plumbing Code of the Village of Little Chute," and will be referred to as the plumbing code or this article.

(Code 2006, § 15-2-1)

Sec. 8-56. Purpose.

- (a) The purpose of this article is to provide minimum regulations, provisions and requirements in the village to ensure safety and adequacy to persons and property whenever plumbing is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to plumbing.
- (b) The provisions of this article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

(Code 2006, § 15-2-2)

Sec. 8-57. State regulations adopted.

- (a) *Adopted by reference.* Wis. Stats. ch. 145; the state plumbing code, Wis. Admin. Code ch.SPS 381; and Wis. Admin. Code chs. SPS 382 and 384, are hereby adopted by reference, incorporated herein and made a part of this article with the same force and effect as though set out in full.
- (b) *To be on file.* A copy of the state plumbing code shall be on file in the offices of the community development director.

(Code 2006, § 15-2-3)

Sec. 8-58. 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:

Plumbing means and includes:

- (1) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.
- (2) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within the bounds of or beneath an area subject to easement for highway purposes, including private domestic sewerage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.
- (3) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within the bounds of or beneath an area subject to easement for highway purposes and its connections.
- (4) The water pressure systems other than municipal systems as provided in Wis. Stats. ch. 144.
- (5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of

such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly service, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(Code 2006, § 15-2-4)

Sec. 8-59. Plumbing permits.

- (a) *Required.* No work contemplated by this article shall be started until a permit therefor has been obtained from the community development director or his authorized agent, provided no permit shall be required for minor repairs to faucets or the removal of stoppages in soil and waste pipes.
- (b) *Application.* The application shall be, in writing, upon forms which the community development director shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the community development director may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this article.
- (c) *Issuance, term, suspension and revocation.* When the community development director is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this article and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of 60 days without good and reasonable cause for same as may be approved by the community development director and shall automatically expire on completion of the work for which it is used; provided the community development director may, upon notice, suspend or revoke such permit for violation of the provisions of this article.
- (d) *Restriction on issuance.*
 - (1) No plumbing permit shall be issued to any person who is in violation of this article until such violation has been corrected.
 - (2) No plumbing permit shall be issued to any person against whom an order issued by the community development director is pending, provided this restriction may be waived by the community development director.
- (e) *Appeals for failure to issue, suspend and revoke.* Any person directly interested who is aggrieved by the decision of the community development director to refuse to issue a permit or to suspend or revoke such permit or to order work stopped under subsection (c) of this section may obtain review of such determination pursuant to section 8-33(c).

(Code 2006, § 15-2-5)

Sec. 8-60. Plumbers to be licensed.

All plumbing work shall be done only by a plumber licensed by the state for such work, provided a property owner may make repairs or installations in a single-family building owned and occupied by him as his home if a permit therefor is issued and the work is done in compliance with the provisions of this article.

(Code 2006, § 15-2-6)

Sec. 8-61. Water conserving plumbing fixtures.

- (a) The following plumbing fixtures may not be installed in any new or remodeled building by any person:
 - (1) Water closets which use more than four gallons of water per flush.
 - (2) Showerheads which allow more than three gallons of water per minute to flow through the showerhead.
 - (3) Urinals which use more than 1½ gallons of water per flush.
 - (4) Lavatory faucets in toilet rooms which allow more than three gallons of water per flush.
 - (5) Kitchen sink faucets in residential dwellings which allow more than three gallons per minute of water to flow through the faucet.
- (b) Enforcement of this section shall be by the community development director, who shall certify that the plumbing fixtures in each new building meet the water conserving requirements before final approval of the plumbing system or allowing the community development director to issue a certificate of occupancy.

(Code 2006, § 15-2-8)

Sec. 8-62. Inspection of vacant properties and relocated buildings.

- (a) All rentable properties upon becoming vacant may be inspected by the community development director or his designee and their sanitary condition determined. If the plumbing or any work covered by this article is in an unsanitary condition or a menace to health or safety, the community development director shall report to health authorities and the premises shall be repaired and put in a sanitary condition before a new occupant takes possession.
- (b) The plumbing in buildings moved from one lot or location to another shall be inspected by the community development director or his designee and, when found necessary, tested in a manner satisfactory to said community development director at the expense of the owner. If plumbing is found unsafe or unsanitary, the same shall be repaired or remodeled and made to reasonably comply with this article.

(Code 2006, § 15-2-9)

Sec. 8-63. Drainage and infiltration into sewer system restrictions.

- (a) No person shall discharge or allow to be discharged into any sanitary sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters. All stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers wherever available, further provided that if no storm sewer is available, in no event shall any of such waters be discharged into any sanitary sewer.
- (b) Sump pump discharge regulations. All sump pumps installed for the purpose of discharging clear waters from foundation drains, basement drains, and ground infiltration:
 - (1) Shall discharge into a storm sewer wherever available, and if no storm sewer is available, shall discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or onto the ground at a point which is not less than one foot from the building and is above permanent grade. No sump pump discharge shall be allowed to flow on or across a public sidewalk. No sump pump discharge shall be allowed to flow on or across a public street or public right-of-way within the village and all such

sump pump discharge shall be directed to flow to the back yard of the property, in all cases, commencing November 15, and continuing through April 15 each and every year.

- (2) In plats having storms sewers available herein and storm sewer laterals available herein to buildable lots shall require, for all building purposes, the connection of the sump pump drainage, underground, from the building proper to the storm sewer lateral.
- (c) In carrying out the provisions of this section, the community development director and his agents shall have the authority to enter upon private premises at reasonable times to determine whether any of the water drainage hereinabove described exists thereon and whether such drainage complies with the provisions of this section. No person shall refuse to permit the community development director or his agents to enter upon any premises at reasonable times to exercise their duties under this section.

(Code 2006, § 15-2-10)

Sec. 8-64. Plumbing permit fees.

- (a) *Required.* There shall be a fee for a plumbing permit plus an additional fee for each fixture installed. The amount of the fee shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code. The additional per fixture fee shall apply to the following fixtures:
 - (1) Dishwasher.
 - (2) Garbage disposer.
 - (3) Garbage grinder.
 - (4) Water closet.
 - (5) Wash basin.
 - (6) Bath tub.
 - (7) Shower stall.
 - (8) Urinal.
 - (9) Laundry tub.
 - (10) Bubbler.
 - (11) Water heater.
 - (12) Water softener.
 - (13) Water filter.
 - (14) Floor drain.
 - (15) Roof drain.
 - (16) Drain tile receiver.
 - (17) Catchbasin.
 - (18) Yard drain.
 - (19) Kitchen sink.
 - (20) Grease trap.

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- (21) Sump pump.
 - (22) Other pumps.
 - (23) Ejectors.
 - (24) Soda fountain.
 - (25) Bar connections.
 - (26) Refrigerators.
 - (27) Ice cube machine.
 - (28) Dental cuspidor.
 - (29) Ice box.
 - (30) Acid tank.
 - (31) Oil separators.
 - (32) Connections to appliances (commercial).
 - (33) Fire protection installations.
 - (34) Water-cooled air conditioner.
 - (35) Storm sewer.
 - (36) Inground pool.
 - (37) Clothes washer.
 - (38) Water lateral.
 - (39) Sanitary lateral.
- (b) *Exceptions to plumbing permit fee.* A plumbing permit is required to install a sump pump in an existing home; however, no fee will be charged for such permit.
- (Code 2006, § 15-2-11)

Secs. 8-65—8-86. Reserved.

ARTICLE IV. HEATING, VENTILATING AND AIR CONDITIONING CODE

Sec. 8-87. Title.

This article shall be known as the "Heating, Ventilating and Air Conditioning Code of the Village of Little Chute," and will be referred to as the heating, ventilating and air conditioning code or this article.

(Code 2006, § 15-3-1)

Sec. 8-88. Purpose and scope.

- (a) *Purpose.* The purpose of this article is to provide minimum regulations, provisions and requirements in the village to ensure safety and adequacy to persons and property wherever heating, ventilating and air

conditioning is installed and to all alterations or improvements, including replacement of any apparatus or device, pertaining to heating, ventilating and air conditioning.

- (b) *Scope.* The provisions of this article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

(Code 2006, § 15-3-2)

Sec. 8-89. State regulations adopted.

- (a) *Adopted by reference.* Wis. Admin. Code ch. SPS 323 and Wis. Admin. Code ch. SPS 364 are adopted and by reference made a part of this article with the same force and effect as though set out in full.
- (b) *To be on file.* A copy of the heating, ventilating and air conditioning code shall be on file in the offices of the community development director and/or the director of public works.

(Code 2006, § 15-3-3)

Sec. 8-90. 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:

Air conditioning means the process of treating air control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirements of the conditioned space.

Furnace means a completely self-contained direct-fired automatically controlled, vented appliance for heating air by transfer of heat of combustion through metal to air and designed to supply heated air through ducts to spaces remote from the appliance location.

Heating system means any combination of building construction, machines, devices or equipment, so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating service.

Ventilating means the process of supplying or removing air by natural or mechanical means, to or from any space.

(Code 2006, § 15-3-4)

Sec. 8-91. Permit procedure.

- (a) *Required.* It shall be unlawful for a person, firm or corporation to construct, install, alter or repair any heating, ventilating or exhaust system (and appurtenance), replace a boiler, furnace, install stoke and conversion units in or for any building before securing a permit, except that in cases of emergency the contractor may proceed with the work and file the application for a permit within 24 hours thereafter (Sundays and holidays excepted). A heating permit will not be required for the installation of electric baseboard or bathroom heaters when installed as auxiliary heat; that is, to supplement the existing heating system designed and installed to satisfy the load requirements of the space to be heated. The reference to appurtenances shall include direct heaters, cooling coils, central residential air conditioning (cooling) and similar devices affecting the safety or operation of the heating system.
- (b) *Application.* The application shall be in writing upon forms which the community development director shall provide and shall include the name of the owner and the description of the property on which the work is to

be done, along with such pertinent information as the community development director may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this article.

- (c) *Issuance, term, suspension and revocation.* When the community development director is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this article and after appropriate fees have been paid to him, he shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of 60 days without good reasonable cause for the same as may be approved by the community development director and shall automatically expire on completion of the work for which it is issued, provided the community development director may, upon notice, suspend or revoke such permit for violation of the provisions of this article.
- (d) *Restrictions on issuance.*
 - (1) No HVAC permit shall be issued to any person who is in violation of this article until such violation has been corrected.
 - (2) No HVAC permit shall be issued to any person against whom an order issued by the community development director is pending, provided this restriction may be waived by the community development director.
- (e) *Appeals for failure to issue, suspension or revocation.* Any person directly interested who is aggrieved by the decision of the community development director to refuse to issue a permit or to suspend or revoke such permit or to order work stopped may obtain a review of such determination pursuant to section 8-20(c).
- (f) *Date required as part of the permit application.* All drawings submitted for approval shall be accompanied by sufficient data and information for the community development director to determine if the capacity of the equipment and the performance of the equipment shall satisfy the requirements of this section. The following data shall be submitted:
 - (1) Submit heat loss calculation in BTU per hour for each room to be heated.
 - (2) Include calculations for ventilation requirement.
 - (3) Submit one or more copies of complete drawings. When the heating and ventilation drawings require approval of the state department of commerce, one or more approved copies shall be submitted with the application.
 - (4) Summation of heating and ventilating load requirement.
 - (5) Installations shall be made to conform to approved drawings.
 - (6) Plot plan showing the location of the condensing unit for air conditioning.
 - (7) For solar systems, furnish an estimate of the amount of energy in BTUs to be delivered by the system on an annual basis, which estimate shall be based on the "F" chart analysis or another method appropriate to the system considered, and collector performance data as is determined by a recognized testing lab.
 - (8) For solar systems, furnish the collector tilt and azimuth angle and a solar path shading diagram for the proposed collector location indicating the shading between the hours of 9:00 a.m. and 3:00 p.m. CST for the entire year.
 - (9) For solar systems, furnish a plot plan showing the proposed location of the solar collector and any tree and/or structure that presently casts a shadow within 20 feet of the proposed collector location.
 - (10) For solar systems, furnish a detailed drawing showing anchorage and bearing of collector supports.

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- (11) For solar systems, furnish detailed drawings of all piping, pumps, blowers, wiring, storage vessels, ductwork, dampers, valves, insulation and all other material that will be required to install the system.
- (g) *Design standards.*
- (1) The heating and ventilating design shall conform to methods and standards approved by the community development director when not in conflict with the state department of commerce.
 - (2) Minimum design standards for all rooms in living quarters shall be 70 degrees Fahrenheit except bathrooms, which shall be 75 degrees Fahrenheit. The minimum outside design temperature shall be minus 20 degrees Fahrenheit.
 - (3) The total heat loss of a building, including the basement, shall be used in sizing heating units or electrical service for electrical space heating.
 - (4) The proper "U" factors shall be selected and shall reflect the additional heat loss in areas located over unheated areas.
- (h) *Supplemental permits.* The license holder responsible for the work shall complete any application for a supplemental permit mailed to him and return it to the community development director within seven days of the postmark date of the application for a supplemental permit. Failure to return the application for a supplemental permit prior to commencing work shall be deemed to be working without a permit.

(Code 2006, § 15-3-5)

Sec. 8-92. Heating, ventilating and air conditioning (HVAC) inspections.

- (a) In any new building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the community development director that said portions of the installations are ready for inspection; and it shall be unlawful for any person, firm or corporation to lath over, plaster or cover up any heating work before such work has been inspected and a rough inspection card posted. The community development director shall have the right and authority to order the removal of all such lath, plaster or other covering which may have been placed over such work as has not been inspected. The community development director shall make inspections within two working days after notice. Final inspection on new installations is to be made upon completion of such work. Inspection of repairs, replacement or conversion work is to be made upon completion of such work. The heating contractor shall notify the community development director as soon as the installation is complete and ready for inspection.
- (b) Whenever any work or project governed by provisions of this article and for which a permit has been issued, as provided herein, is being performed or carried on in violation of any of the provisions of this article, it shall be the duty of the community development director to post a printed notice to stop work signed by the community development director on the premises where such work is in progress and to notify anyone in charge of such work on the premises of such stop work order. After the posting of such notice, it shall be unlawful for any person, firm or corporation to do any further work on such project until such time as the defects or violations of this article have been eliminated to the approval of the community development director.
- (c) When the community development director finds any installation in which there are violations of the Code, he shall issue a written order specifying the violation and stating the date by which these corrections shall be made. Any licensee failing or neglecting to comply with written orders at the discretion of the community development director shall not be issued any further permits until such violations have been corrected and penalty fee paid. Failure or neglect to comply with the provisions of the HVAC Code and of the permit issued under this article shall be considered a violation of this article.

Sec. 8-93. Minimum requirements for the installation of gas-fired heating equipment and piping.

In addition to the standard referred to in section 8-89, which shall be classed as minimum standards of this article, the installation of gas heating equipment shall conform to the requirements set forth in this section:

(1) *Scope.*

- a. *Applicability.* The provisions of this article, unless otherwise indicated herein, shall apply only to utilization pressure (not in excess of one-half pound per square inch) gas pumping systems extending from the gas meter outlet connection to the inlet connections of appliances. They are intended to cover the design fabrication, installation and test of gas piping systems for fuel gases such as natural gas, liquefied petroleum gas, liquefied petroleum air, gas or mixtures thereof. They are not intended to cover systems or portions of systems supplying equipment engineering, designed and installed for specific manufacturing, production processing, large power generating application, melting and treating furnaces, production ovens and similar applications.
- b. *Exception.* Gas piping and control equipment requirements for systems using gas pressures in excess of one-half pound per square inch:
 1. Generally, the valving arrangement shall conform to the American Standards Association (ASA Z21.33—1950). The community development director will recognize as approved valving, arrangements and designs approved by any other nationally recognized approved agency.
 2. A safety relief valve shall be placed downstream from a gas pressure regulator where gas is supplied at pressures in excess of one-half pound per square inch. The discharge from the relief valve shall be piped to a safe location outside the building. (Valve setting not to exceed four pounds.)
 3. Provide a suitable pressure gauge in the gas line located downstream from the pressure regulator.
 4. Where a gas supply pressure is higher than that at which the burners are designed to operate, a gas pressure regulator shall be provided to reduce pressure to satisfy design conditions.
 5. Where the gas supply pressure is in excess of one-half pound per square inch, the piping system shall be identified indicating the maximum line pressure. It is recommended that the legend "Gas ____ psi." (pressure per square inch to be inserted in the blank) be applied on gas piping near and downstream from pressure regulator at intervals of 50 feet in every room or area which is less than 50 feet.
 6. Submit two copies of drawings (schematic is acceptable) and specifications to the community development director for review and approval.

- (2) *Work on gas piping containing unmeasured gas.* Disconnecting inlet of gas meter, changing meter location or making connection to gas service pipe shall be done only by gas company employees or others authorized by the gas company to do such work. A pipe fitter shall connect or disconnect the building piping from outlet meter connections when necessary. No person, unless in the employ of the gas company or having permission from the gas company, shall turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered. It shall further be unlawful to turn on or supply gas on or at any premises unless at least one gas appliance is connected

to the gas piping system and all outlets are properly and securely connected to appliances or capped or plugged with screw joint fittings.

- (3) *Authority to disconnect.* The community development director or the gas utility is hereby authorized to disconnect or have disconnected any gas space heating equipment or gas piping which shall be found not to conform to the requirements of this article or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such equipment or gas piping be reconnected until authorized by the community development director to do so. Cost of such disconnect by the community development director shall be paid for by the owner of the premises.
- (4) *General precautions.*
- a. *Installation of gas piping.* Installation of gas piping shall be performed with the gas turned to off to eliminate hazards from leakage of gas. Connection of the new piping system to the existing system shall be done, if practical, with the gas turned off.
 - b. *Burner and pilot valves.* Before turning off the gas at the meter, except in cases of emergency, all burner and pilot valves on the premises supplied with gas through the meter shall be turned off and the meter test hand observed for a sufficient length of time to ascertain that there is not gas passing through the meter. When there is more than one meter on the premises, precaution shall be exercised to ensure that the proper meter is turned off.
 - c. *Checking for gas leakage.* No matches, candles, flame or other source of ignition shall be employed to check for gas leakage from meters, piping or appliances. Check for gas leakage with a soap and water solution.
 - d. *Artificial illumination.* Artificial illumination used in connection with a search for gas leakage shall be restricted to electric hand flashlights, fixed electric lights controlled only by explosion-proof safety switches or switches remote from the area of the leakage or approved safety lamps.
 - e. *Smoking not permitted.* When connecting or disconnecting pipe which contains gas, smoking shall not be permitted.
 - f. *Electric circuits grounded to gas piping.* Except for appliance controls requiring a ground electrical system, including low voltage, circuits shall not be grounded to gas piping.
- (5) *Piping to meter location.*
- a. *Piping extended to meter location.* Gas building piping shall be extended to the meter location specified by the gas company. The meter location and gas piping connection shall be such that the meter connections are easily accessible in order that the meter be read or changed.
 - b. *Piping marked.* Piping from multiple meter installations (four or more meters) shall be plainly marked near outlet connection with a permanent tag by the installer so that the piping systems supplied through them can be readily identified.
 - c. *Meters supplied by single service pipe.* Unless otherwise approved in writing by the gas company, all meters supplied by a single service pipe shall be at the same location.
 - d. *Piping systems not interconnected.* Unless otherwise approved, where two or more meters are installed on the same premises but supply separate consumers, the piping systems shall not be interconnected on the outlet side of the meters.
 - e. *Pipe capacity.* Gas building pipe capacities shall be as established by state law and state administrative code standards.
- (6) *Size of piping to gas appliances.*

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- a. *Sufficient size.* Piping shall be of such size and so installed as to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure between the meter and the appliance. The minimum gas pipe shall be not less than three-fourths-inch. This does not apply to water heaters, space heaters and unit heaters with inputs of less than 50,000 input. The size of the gas pipe to be used depends upon the following factors:
1. Allowable loss in pressure to be provided for.
 2. Maximum gas consumption to be provided for.
 3. Length of pipe and number of fittings.
 4. Specific gravity of the gas.
 5. Diversity factor.
- b. *Pressure loss.* The pressure loss in any gas piping system from the gas meter to any appliance for the maximum demand shall not exceed 0.3-inch water column. The minimum size of piping required to comply with the 0.3-inch pressure loss limitation shall be determined by the procedure given in subsection (6)c of this section or by standard engineering methods, including use of gas flow computers.
- c. *Size of piping.* To determine the size of any section of gas pipe in a system, proceed as follows:
1. Measure the length of pipe from the gas meter to the most remote outlet of the building on that piping system. When separate or individual fuel lines are extended from the meter to one or more appliances, such as an individual gas line to heating plant, each separate fuel line from the meter shall be considered as a separate system.
 2. In Table No. 1, select the horizontal line showing the distance or the next longer distance if the table does not give the exact length.
 3. Use this horizontal line so selected to locate all gas demand figures for this particular system of gas piping.
 4. Starting at the most remote outlet, find in the horizontal line just selected the gas demand for that outlet. If the exact figure of demand is not shown, choose the next larger figure in the same horizontal line.
 5. Above this demand figure in the first line at the top of Table No. 1 will be found the correct size of pipe required to serve such an outlet.
 6. Proceed in a similar manner for each outlet and each section of pipe. For each section of pipe, determine the total gas demand supplied by that section and use the length indicated by subsection (e)(5) of this section, which length is at all times taken as the total distance from the meter to the most remote outlet.
 7. The hourly volume of gas required at each outlet shall be taken as not less than the maximum hourly rating specified by the manufacturer of the appliance to be connected to each such outlet. Where the manufacturer's rating of an appliance is given in British Thermal Units (BTU) per hour, this rating shall be divided by 970 to obtain the corresponding gas demand in cubic feet per hour for natural gas. Where BTU rating of gas appliances to be installed has not been definitely specified, estimate of approximate requirements may be based on current typical appliances.
- d. *Extensions to existing piping.* Extensions to existing piping shall conform to subsection (6)a of this section. Existing piping, if extended, shall be converted to the proper size of pipe where

necessary. In no case shall extensions be made to existing pipe which is smaller than permitted by subsection (6)a of this section.

(7) *Materials for pipe and fittings.*



a. *Rigid pipe and fittings.*

1. Gas pipe shall be black wrought iron or steel pipe complying with the American Standard for Wrought Iron and Wrought Steel Pipe ASA B36 D—1939. All pipe fittings (except shutoff cocks or valves) shall be malleable iron or steel when with wrought iron or steel pipe. In sizes three inches or larger, all piping must be welded. (See subsection (7)a.2 of this section.) Exception: plastic pipe may be used outside of a building only and when it is buried at a minimum depth of 12 inches and when it is used in the sizes of three-eighths-inch outside diameter for gaslights and five-eighths-inch outside diameter for gas grills. The plastic pipe must be an approved type.
2. The use of welded steel fittings, either shop or field fabricated, and jointing of pipe by welding is permissible.
3. Plain end pipe with gland-type couplings shall not be used within or under any building or structure but may be used for exterior or underground installations.
4. Ground joint unions or gasket-type unions with leather gaskets shall be used in gas building piping.
5. Copper or brass pipe in iron pipe sizes when assembled with threaded fittings of the same material may be used. Copper tubing with seat, flared or compression fittings shall not be used for building piping.
6. Aluminum piping in iron pipe sizes may be used provided that no aluminum pipe may be used for underground installations, nor in contact with masonry or concealed in walls or partitions constructed of masonry materials, nor exposed to alkaline chemicals, fumes or materials. Aluminum pipe shall not be extended through walls or ceilings.

- b. *Semi-rigid tubings and flexible metal connectors.* Copper or aluminum semi-rigid tubing, flexible metal connectors and fittings may be used in place of rigid pipe for connection of individual appliances, other than gas space heating equipment and gas water heaters, to building piping. Flexible metal connections or fittings shall bear the seal or listing symbol of a nationally recognized testing agency acceptable to the community development director or be fabricated and assembled from material using a flared-type connection. The length of tubing shall not exceed six feet.

(8) *Concealed pipe.*

- a. *Pressure.* The requirements of this section shall apply to concealed gas piping utilizing gas pressures up to and including four pounds per square inch. Concealed or embedded pipe or tubing shall be tested before being covered to a hydrostatic or compressed air pressure of not less than 50 pounds gauge for a period of not less than ten minutes.
- b. *Minimum size.* No pipe smaller than three-fourths-inch pipe size shall be used in any concealed location.
- c. *Gas piping embedded in concrete.*
 1. When gas pipe is to be embedded in concrete or cement, it shall be coated with a corrosion-resisting material or laid in a conduit of iron pipe or glazed tile with tightly sealed joints. Tile joints shall be packed with jute or hemp at the base and remaining joint space filled with cement mortar or hot pour compound suitable for clay pipe. The coating or

conduit shall be extended at least two inches beyond the point where the pipe emerges from its concrete embedment. Where the encasing conduit terminates underground, it shall be tightly sealed around the gas pipe with bituminous or asphaltic material to prevent the entrance of moisture. Where pipe is to be embedded directly in a concrete floor, necessary precautions shall be observed to prevent the pipe from being damaged prior to and during the pouring of the concrete floor. The piping shall be installed and supported above the underlying fill so that there will be a minimum thickness of three-fourths-inch of concrete both under and over the pipe in the finished installation. Gas pipe shall not be embedded in a cinder fill or in a cinder concrete fill unless the pipe is laid in glazed tile pipe with tightly sealed joints as specified in this subsection.

2. Gas pipe in solid floors, such as concrete, may be laid in channels in the floor suitably covered to permit access to pipe with minimum damage to the building. The channel may be covered with a removable cover or the channel may be filled with some noncorrosive material.
 3. No gas line shall be buried in or contact with the ground or fill under any building or structure unless suitably encased in a conduit installed as prescribed in subsection (8)c.1 of this section for embedment in concrete.
- d. *Piping in partitions.* Where concealed piping is located in hollow rather than solid partitions, the space concealing the pipe shall be ventilated to permit the escape of gas should leakage develop. Ventilation may be provided by small grills in the wall or by making the opening through which the pipe leaves the concealed space at least one-half-inch larger than the outside diameter of pipe.
 - e. *Connections in original installation.* When installing pipe which will be concealed, unions, running threads, righthand and lefthand couplings, bushings and swing joints made by combination of more than two fittings (not including nipples) shall not be used.
 - f. *Reconnections.* When necessary to insert fittings in piping which has been installed in a concealed location, the piping may be reconnected by the use of a ground joint union with a center-punched nut to prevent loosening by vibration.
- (9) *Underground gas piping.*
- a. *Corrosion-resistive material.* All wrought iron or steel gas piping installed below ground level outside of any building or structure shall be protected against corrosion with a coating or corrosion-resisting material recommended by the manufacturer for underground use and applied in accordance with manufacturer's printed instructions.
 - b. *Minimum depth.* Underground piping located exterior to any building or structure shall be installed at a depth to provide a minimum cover of 18 inches. Exception: The depth of burial of plastic gas pipe for gaslights three-eighths-inch outside diameter and grills five-eighths-inch outside diameter shall be not less than 12 inches. Where plastic gas piping passes with 12 inches of any underground electrical piping, it shall be run in a split tile or an approved asbestos product. Where it crosses underground electrical piping, it must be run in split tile or an approved cement asbestos product for a distance of two feet on each side of the electrical piping.
 - c. *Separate ditch.* Gas house piping shall not be installed in the same ditch with water, sewer, drainage or other piping.
 - d. *Dielectric insulation fittings.* When any portion of iron or steel pipe in gas house piping is buried or in contact with the ground and is to be connected directly, such as through a water heater or other appliance having water connections, to any copper piping or tubing that is at some point in

contact with the ground, the copper and iron piping shall be separated electrically by means of dielectric insulation fittings installed in the gas line.

- e. *Iron and copper piping.* Iron gas pipe buried or in contact with the ground shall be placed a minimum of two feet from all copper piping or tubing that is buried or in contact with the ground. Where iron and copper cross underground and it is impractical to maintain this spacing, the iron pipe shall have a 1/32-inch coating of corrosion-resisting material suitable for underground use and applied in accordance with manufacturer's printed instructions for a distance of two feet from the point of crossing.
- (10) *Sleeve-on building piping through masonry wall.* Where gas pipe passes through a wall below grade, the joint between the pipe and the wall shall be caulked or cemented so as to form as tight a seal as is possible. If the pipe is encased in a sleeve or conduit, both ends of the sleeve or conduit shall be tightly sealed.
- (11) *Installation of gas piping.*
- a. *Drip pipes.* Where practical, all gas piping shall be installed so that it will drain toward the meter. Horizontal piping shall be so graded approximately one-fourth-inch to 15 feet. Where it is necessary to trap the gas line, the drip pipe shall be attached to trapped piping at every point where condensation might collect. The drop pipe shall not be smaller than the diameter of pipe to which it is attached and shall be at least six inches long. The end of the drop pipe shall be capped and shall be accessible for draining.
 - b. *Supporting pipe.* Gas piping shall be securely fastened and supported with pipe straps or hangers at sufficient intervals to prevent pipe from sagging more than one-fourth-inch between supports. Gas pipe shall not be supported by or from other piping.
 - c. *Fittings.* A tee-fitting with the bottom outlet plugged or capped instead of an ell-fitting shall be used at the bottom of any riser to catch any dirt or other foreign materials.
 - d. *Avoid clothes chutes, etc.* Gas pipe inside any building shall not be run in through spaces used for air duct, clothes chutes, chimney or flue, ventilating duct, dumbwaiter or elevator shaft.
 - e. *Cap all outlets.* Each outlet, including a valve or cock outlet, shall be securely closed gastight with a threaded iron plug or cap if not used immediately after installation and shall be left closed until an appliance is connected thereto. Likewise, when an appliance is removed from an outlet and the outlet is not to be used again immediately, it shall be securely closed gastight, using a threaded iron plug or cap.
 - f. *Air or oxygen under pressure.* Where air or oxygen under pressure is used in connection with the gas supply, effective means shall be provided to prevent air or oxygen from passing back into gas piping. Where air or oxygen supply is interconnected with the gas piping system, a device used to prevent gas from passing the meter shall be approved by the community development director.
- (12) *Gas shutoff valves.*
- a. *Accessibility of gas valves.*
 - 1. Main gas shutoff cocks or gate valves controlling several piping systems shall be placed an adequate distance from each other so they will be easily accessible for operation. These valves shall be plainly marked with a metal tag wired to the valve by the installer so that the piping systems supplied through them can be readily identified.
 - 2. The main gas shutoff valves on all gas space heating equipment shall be placed as close as possible to the equipment but shall be located between four feet and six feet above floor level. No main gas shutoff valves shall be concealed in the space-heating cabinet.

Exception: On suspended units, rooftop units, space heaters and through-wall units, the gas valve shall be easily accessible and placed within three feet of the unit.

3. All gas-fired appliances shall be equipped with a main shutoff valve located between the appliance and the building piping. The shutoff valve for heating plants and water heaters shall be of the lever type.
- b. *Location of shutoff on piping for apartments on master meter.*
 1. In multiple-tenant buildings supplied through a master meter, a shutoff cock shall be installed in the apartment, to be supplied at each of the appliances. If one riser or fuel line supplies all the gas to any one apartment, only one shutoff cock need be used if installed in this riser or fuel line, but it shall be located so as to be readily accessible.
 2. In the event that shutoff cocks are to be installed on the risers or fuel lines in the basement, instead of in the piping at the appliance where the master meter is used, each riser or fuel line shall be tagged with a wired-on metal.

(Code 2006, § 15-3-7)

Sec. 8-94. Venting requirements.

- (a) *General requirements.* The venting of all boilers, furnaces or appliances shall conform to the requirements as hereinafter set forth inclusive of this section, together with their subdivisions. Conditions not specifically mentioned in this section shall be governed by the current A.S.H.R.E. guides or section V of the standards of the National Fire Protection Association for the installation of gas appliances and gas piping, NFPA 54, as listed in appendix No. 1.
- (b) *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:

Chimney.

- (1) *Factory-built chimney.* A chimney that is factory made, listed by a nationally recognized testing agency, for venting gas appliances, gas incinerators and solid or liquid fuel burning appliances.
- (2) *Masonry chimney.* A field-constructed chimney built in accordance with the village building code.
- (3) *Metal chimney.* A chimney made of metal of adequate thickness, properly galvanized or properly welded or riveted and built in accordance with nationally recognized codes or standards.

Chimney connector means the pipe which connects a solid or liquid fuel burning appliance to a chimney. (Use in place of smoke pipe or flue pipe.)

Chimney flue means the flue gas conveying passageway in a chimney.

Chimney liner means a vent pipe or flue liner inserted within a chimney for the purpose of flue products and preventing such condensation from contract with the interior of the chimney in which it is inserted.

Draft hood means a device built into an appliance or made a part of the vent connector from an appliance which is designed to:

- (1) Ensure the ready escape of the flue gases in the event of no draft, backdraft or stoppage beyond the draft hood;
- (2) Prevent a back draft from entering the appliance; and
- (3) Neutralize the effect of stack action of the chimney or gas vent upon the operation of the appliance.

Gas vents.

- (1) *Type B gas vents.* Factory-made gas vents listed by a nationally recognized testing agency for venting listed or approved appliances equipped to burn only gas.
- (2) *Type B/W gas vents.* Factory-made gas vents listed by a nationally recognized testing agency for venting listed or approved gas-fired recessed heaters.
- (3) *Type C gas vents.* Vents constructed of sheet copper not less than 24 ounces per square foot or galvanized iron of not less than No. 20 U.S. standard gauge or other approved noncombustible corrosion-resistant material.

Vent means a conduit or passageway, vertical or nearly so, for conveying vent gases to the outer air.

Vent connector means the pipe which connects a gas appliance, to a gas vent or chimney.

- (c) *Barometric dampers.* Barometric dampers shall be constructed and installed in accordance with the manufacturer's instructions.
- (d) *Acceptable types of chimneys or vents.* It shall be the duty of the owner of any building in which it is hereafter proposed to install any furnace, boiler or appliance to provide a properly constructed chimney or vent.
 - (1) *Flue gas exhaust.* Gas vents or chimney systems shall be engineered and constructed so as to develop a positive flow adequate to remove all flue gases to the outside atmosphere.
 - (2) *Chimneys.* Chimneys shall be used for venting the following types of appliances.
 - a. Incinerators, except that metal pipe not less than No. 20 U.S. standard gauge galvanized iron or other equivalent noncombustible, corrosion-resistant material may be used for venting incinerators installed in locations such as open sheds, breezeways or carports, provided the metal pipe is exposed and readily examinable for its full length and suitable clearance (18 inches from combustible) are maintained.
 - b. Appliances which may be converted readily to the use of solid or liquid fuels.
 - c. Combination gas-oil burning appliances.
 - d. Appliances listed for use with chimneys only.
 - (3) *Type B gas vents.*
 - a. Type B gas vents may be used to vent listed gas appliances, except as provided in subsections (d)(2), (d)(4) and (f)(1) of this section.
 - b. For the purpose of this section, listed gas appliances shall refer to appliances which are shown in a list published by an approved, nationally recognized testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current production of listed models and whose listing states either that the appliance complies with nationally recognized safety requirements or has been tested and found safe for use in a specific manner. Listed gas appliances are considered to be equipped with draft hoods and to produce flue gas temperatures not in excess of 550 degrees Fahrenheit at the outlet of the draft hood when operating at the manufacturer's normal input rating.
 - c. Listed Type B vents shall be installed in accordance with their listings and the manufacturer's instructions.
 - d. Type B vents installed outside a building or which pass through unheated portions of a building, except that portion above the roofline, shall be equipped that excessive condensation may be disposed of without damage to the foundation, floor, walls or footings.

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- e. Any shape-listed gas vent may be used provided its venting capacity is equal to the capacity of round pipe for which it is substituted and the minimum internal dimension of the gas vent is not less than two inches.
 - f. The gas vent or chimney should extend high enough above the building or other neighboring obstruction so that wind from any direction will not create a positive pressure in the vicinity of the gas vent or chimney termination. Gas vents shall extend at least two feet above the highest point where they pass through a roof or a building and at least two feet higher than any portion of a building of ten feet except that gas vents need not comply with this provision when equipped with an approved device and proper and effective venting is accomplished. Gas vents or chimneys shall not terminate less than four feet in vertical height above the highest connected appliance draft hood outlet or flue collar.
 - g. Gas vents and factory-built chimneys shall extend above the roof surface and through the flashing and shall terminate in a tope or listed room assembly with a venting capacity not less than that of the gas vent or chimney. The tope shall be of a design to prevent rain and debris from entering the gas vent or chimney.
 - h. All portions of gas vents and chimneys shall be adequately supported for the weight and design of the materials employed. Listed gas vents and factory-built chimneys shall be supported and spaced in accordance with their listings and the manufacturer's instructions.
 - i. The gas vent or chimney, when connected to a single appliance, shall be not less than the size of the draft hood outlet, or as provided in this section. When more than one appliance is connected to a gas vent or chimney, the area of passageway shall be not less than the area of the largest vent connector, plus 50 percent of the areas of additional vent connectors or as provided in subsection (d)(3)h of this section.
- (4) *Marking of type B vents.* Gas vent systems shall be plainly and permanently identified by a label reading:
- "This gas vent is for appliances which burn gas only. Do not connect to incinerators or solid or liquid fuel burning appliances."
- This label shall be attached to the wall or ceiling at a point where the gas vent system enters the wall, ceiling or chimney.
- (5) *Type BW gas vents.*
- a. Type BW gas vents shall be used with listed vented recessed heaters when installed with combustible two by four wall construction.
 - b. Listed Type BW gas vents shall be installed in accordance with their listings and the manufacturer's instruction.
 - c. Type BW gas vents serving a vented recessed heater shall not terminate less than 12 feet in vertical height above the bottom of the heater.
- (6) *Type C gas vents.*
- a. Type C gas vents shall be used only for runs directly from the space in which the appliance is located through the roof to the outer air. Such gas vents shall not originate in any unoccupied attic or concealed space and shall not pass through any attic, inside wall, concealed space or through any floor.
 - b. When a Type C gas vent passes through a roof constructed of combustible material, it shall be guarded at the point of passage by a method described in subsection (e)(14) of this section or by a noncombustible, nonventilating thimble not less than four inches larger in diameter than the

vent pipe and extending not less than 18 inches above and six inches below the roof with annular space open at the bottom and closed only at the top.

(e) *Vent connectors.*

- (1) *Materials.* Vent connectors used for gas appliances having draft hoods and for listed conversion burners having draft hoods shall be constructed of materials having resistance to corrosion and heat not less than that of No. 24 U.S. standard gauge galvanized steel, except that Type B vent material may be used as the connector between the draft hood and the chimney.
- (2) *Clearance.* Vent connectors shall be located in such a manner that continued operation of the appliance will not raise the temperature of surrounding combustible construction more than 90 degrees Fahrenheit above normal room temperature when measured with mercury thermometers or conventional bead-type thermocouple. Minimum clearances of vent connectors to combustible material shall be in accordance with state law and state administrative codes.
- (3) *Unnecessary bends.* The vent connector shall be installed so as to avoid excessive turns or other construction features which create unnecessary resistance to flow of vent gases.
- (4) *Joints.* Vent connectors shall be firmly attached to draft hood outlets by sheet metal screws or other approved means. Vent connectors using listed Type B gas vent material shall be securely assembled, using the method shown in the listing and the manufacturer's instructions. Joints of other than listed Type B gas vent material shall be securely fastened by sheet metal screws or other approved materials.
- (5) *Pitch.* Vent connectors attached directly to side outlet draft hoods, such as on-floor furnaces, shall be pitched upward from the appliance at least one-fourth-inch per foot. Vent connectors attached to top outlet draft hoods by means of 90 degree elbow may be horizontal or pitched upward from the appliance. No portion of any vent connector shall be run downward from the appliance nor shall there be any dips or sags.
- (6) *Length.* The horizontal run of the vent connector shall be as short as possible, and the appliance shall be located as near to the gas vent or chimney as practicable. The maximum length of an uninsulated horizontal run of vent connector shall not exceed 75 percent of the height of the gas vent or chimney.
- (7) *Clearances.* Vent connector clearances for gas appliances shall be as established by state law and state administrative code standards.
- (8) *Support.* Vent connectors shall be securely supported for the weight and design of the materials employed to maintain proper clearances to prevent physical damage and to prevent separation of the joints. Support shall be accomplished by means of metal hangers spaced not more than six feet on centers. Wire hangers will not be permitted.
- (9) *Provide vertical run.* Vent connectors shall have the greatest possible rise consistent with head room available between the draft hood outlet and the start of the horizontal run.
- (10) *Location.* When the vent connector used for an appliance having a draft hood must be located in, or pass through, a crawl space or other area difficult to access which may be cold, that portion of the vent connector shall be listed Type B gas vent material or material having equivalent insulation qualities. Type C gas vent material or material having equivalent insulation qualities. Type C gas vent material used as a vent connector shall not pass through any floor or ceiling.
- (11) *Chimney connection.* When an existing chimney wall is to be pierced for a chimney connection, approval shall be obtained from the community development director before the opening is cut. An inspection shall be made and approved before the connection is made to the opening. In entering a passageway in a masonry or metal chimney, the vent connector shall be installed above the extreme bottom to avoid stoppage. Means shall be employed which will prevent the vent connector from entering so far as to restrict the space between its end and the opposite wall of the chimney. A thimble

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- or slip joint may be used to facilitate removal of the vent connector. The vent connector shall be firmly attached or inserted into the thimble or slip joint to prevent it from falling out.
- (12) *Fireplace.* A vent connector shall not be connected to a chimney serving a fireplace unless the fireplace opening is permanently sealed.
- (13) *Size, height and length of interconnected vent connectors.* Two or more vent connectors may be joined through a gas vent manifold or to a gas vent provided that:
- Vent connectors carrying the gases of a single appliance shall have the greatest possible rise consistent with the head room available between the draft hood outlet and the points of its interconnection to manifold or common vent.
 - Size of vent connector shall be equal to or greater than the size shown in Table No. 3 of this section for the allowable heat input.
 - When Table No. 3 indicates that a vent connector must have a larger size than the draft hood, the size increase shall be made at the draft hood outlet.
- (14) *Allowable input to vent connectors before interconnection.* Allowable input to vent connectors before interconnection for gas appliances shall be as established by state law and state administrative code standards.
- (15) *Dampers.* Manually operated dampers shall not be placed in the vent connector from any gas appliance except an incinerator. Fixed baffles ahead of draft hoods are not classified as dampers.
- (16) *Use of thimbles.*
- When passing through combustible walls or partitions, vent connectors built of listed Type B gas vent material shall be installed so that the clearance required by the listing are maintained.
 - Vent connectors made of other than Type B vent material shall not pass through any combustible walls unless they are guarded at the point of passage by ventilated thimbles not smaller than the following:
 - For listed appliances, except incinerators; four inches larger in diameter than the vent connector, unless there is a run of not less than six feet of vent connector in the open, between the draft hood outlet and the thimble, in which case the thimble may be two inches larger in diameter than the vent connector.
 - For unlisted appliances having draft hoods; six inches larger in diameter than the vent connector.
 - For incinerators and unlisted appliances; 12 inches larger in diameter than the vent connector.
 - In lieu of thimble protection, all combustible material in the wall shall be cut away from the vent connector a sufficient distance to provide the clearance required from such vent connector to combustible material. Any material used to close up such opening shall be noncombustible.
- (17) *Size.* Vent connectors shall not be smaller than the size of the flue collar or the draft hood outlet. When the appliance has more than one draft hood outlet and in the absence of the appliance manufacturer's specific instruction, the vent connector shall equal the combined area of the draft hood outlets for which it acts as a common connector to the gas vent chimney.
- (f) *Special venting agreements.*
- (1) *Appliance with sealed combustion chamber.* The provisions of draft hoods in subsections (a) through (e) of this section do not apply to listed appliances having sealed combustion chambers and which are so

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- constructed and installed that all air for combustion is derived from outside the space being heated and all flue gases are discharged to the outside atmosphere. Such appliances, having integral venting, shall be considered as being properly vented when they are installed in accordance with their listing and the manufacturer's instructions.
- (2) *Gas vent and chimney exhausters.* Forced venting and exhaust systems and power burners usually require special engineering and shall, in all cases, be subject to the approval of the community development director. However, when used, the following regulations shall apply:
- a. When an exhauster is used with gas appliances requiring venting, provisions shall be made to prevent the flow of gas to the main burner in the event of failure of the exhaust system.
 - b. A vent connector serving a gas appliance vented by natural draft shall not be connected into the discharge side of a power exhauster.
 - c. Where an induced draft or forced draft fan is used with gas, oil or solid fuel, it shall be equipped with a control that will not allow the burner to start until proper draft has been established.
- (g) *Engineered vent systems.* The size of chimneys, gas vents or vent connectors specified in this section shall not necessarily govern where standard engineering methods have been used to design the vent system.
- (h) *Flues or vents.* This section applies only to natural draft venting. Forced venting or exhaust systems and power burners usually require special engineering and shall, in all cases, be subject to the approval of the community development director.
- (1) *Check flue or vent.* Before connecting a flue or vent connector, the flue or vent shall be examined to ascertain that it is properly constructed, clear and will freely conduct the products of combustion to the outer air.
- (2) *Size.*
- a. For conversion burners not exceeding 400,000 hourly BTU input, the internal cross sectional area of the vent connector and the vent flue shall be such as to provide not less than one square inch of flue area per 6,500 BTU combined input of all gas appliances connected to such flue pipe as set forth in subsection (h)(2)c of this section. In no case shall this flue pipe be less than five inches in diameter.
 - b. For conversion burners exceeding 400,000 hourly BTU input, where the chimney or vertical flue is of such height as to provide a high draft intensity, the area of the chimney or vertical flue may be based on an input of greater than 6,500 BTU per square inch of cross sectional area, subject to the approval of the community development director.
 - c. Minimum permissible flue sizes for gas conversion burner installations shall be as established by state law and state administrative code standards.
- (i) *Insufficient draft or down-draft to be provided against.* In the event conditions at the time of installation are such that the chimney or vertical flue has insufficient natural draft to properly carry away the products of combustion, provision shall be made to rectify existing conditions or provide mechanical means of maintaining constant updrafting during appliance operation, the draft must be proved before the burner may be operated.
- (j) *Smoke pipes.*
- (1) *Required weight of metal smoke pipes used with solid and liquid fuels.* For each and every steam or hot water boiler, warm air furnace or incinerator hereafter installed under the provisions of this article, the area of the breeching or smoke pipe shall not be less than the area of the smoke collar of the boiler or furnace to which it is connected, and each such breeching or smoke pipe shall be made of material

equal in durability to galvanized iron of thickness (U.S. standard gauge) for the various breeching or smoke pipes, not less than the following:

For areas from 13 to 113 square inches	No. 24 gauge
For areas from 114 to 177 square inches	No. 18 gauge
For areas from 178 to 314 square inches	No. 16 gauge
For areas from 315 to 616 square inches	No. 14 gauge
For areas from 617 to 1,017 square inches	No. 12 gauge
For areas from 1,018 to 2,827 square inches	No. 10 gauge

(2) *Smoke pipes, how installed.*

- a. Each such breeching or vent connector or smoke pipe shall be lock seamed or riveted, with all joints lapped not less than 1½ inches or be rigidly secured, and shall have proper construction for making tight connection to chimney flue the full thickness of masonry and shall not extend more than one-fourth-inch beyond liner.
 - b. The smoke pipe shall extend full size of the chimney flue for not less than 1½ diameter or more than two diameters so that additional appliances may be properly vented into the manifold.
 - c. Each such breeching or smoke pipe shall be short and direct to the chimney flue as possible and shall be installed with a pitch upward of not less than one-fourth-inch per running foot.
- (3) *Multiple smoke pipe connections.* Two or more smoke pipes shall not be jointed for a single flue connection unless the smoke pipe and flue are of sufficient size to serve all the appliances so connected. The manifold for multiple smoke pipe connections shall be designed and installed so that the inlet connections enter so as not to cause opposed venting.
- (4) *Clearances.* No part of any smoke pipe shall be placed nearer to any combustible ceiling than 1½ times the diameter of the pipe or nearer to any combustible wall than one diameter of the pipe, but the distances in this subsection may be reduced by one-half if the wall or ceiling is covered with one-fourth-inch asbestos paper and a metal shield so fastened so that an inch space exists between this shield and the combustible material.

(k) *Dampers.*

- (1) All smoke pipes on hand-fired coal equipment shall be provided with a check damper placed on the side of the smoke pipe or at the end of a tee. Where cast iron smoke pipe dampers are used, they must be placed between the check damper and the heating equipment and supported on both sides of the pipe. The smoke pipe on all incinerators that is not fired by auxiliary fuel shall have a cast iron damper to control the draft.
- (2) Automatically operated dampers shall be of approved type designed to maintain a safe damper opening at all times and arranged to prevent starting of the burner unless the damper is opened, at least 20 percent of the internal cross section area.

- (l) *Draft regulators.* A draft regulator or draft hood shall be provided for all fired appliances, unless the burner is listed for use without one.

(Code 2006, § 15-3-8)

Sec. 8-95. Heating, ventilating and air conditioning (HVAC) permit fees.

The schedule of HVAC permit fees to be paid shall be as adopted by the village board, and such fees shall be paid at the time the permit is issued; such fees shall be doubled if work is commenced prior to issuance of a permit.

(Code 2006, § 15-3-9)

Secs. 8-96—8-118. Reserved.***ARTICLE V. ELECTRICAL CODE*****Sec. 8-119. Title.**

This article shall be known as the "Electrical Code of the Village of Little Chute" and will be referred to as this electrical code or this article.

(Code 2006, § 15-4-1)

Sec. 8-120. Purpose.

The purpose of this article is the practical safeguarding of persons and buildings and their contents from hazards arising from the use of electricity for light, heat, power and for other purposes.

(Code 2006, § 15-4-2)

Sec. 8-121. State codes.

This article does hereby incorporate, adopt, and enforce, by reference, Wis. Admin. Code ch. SPS 316 (Wisconsin State Electrical Code), Wis. Admin. Code ch. SPS 324 (Uniform Dwelling Code, Electrical Standards), and all subsequent amendments, additions, and recodification thereto. Wis. Admin. Code ch. COMM 24, shall apply to all new one- and two-family residential buildings as well as alterations and additions to all existing one- and two-family residential buildings, to accessory buildings, and to new portions of moved buildings.

(Code 2006, § 15-4-3)

Sec. 8-122. Intent.

- (a) The intent of this article is to provide the minimum regulations for the installation of electrical systems and to provide safe and stable design, good workmanlike methods, and for the uses of materials and equipment.
- (b) To provide for licensing of qualified persons, the issuing of permits, interpretation of codes, inspection of installations, enforcement of this article, and to provide for penalties for violation thereof.
- (c) The sections contained in this article shall be binding alike upon the owner of a building or premises, every person in charge of or responsible for or who causes the construction, repair, alteration or improvement of any electrical system devices, fixtures, or equipment, and upon every person licensed under the provisions of this article.

(d) This article is not intended as a design specification nor an instruction manual for untrained persons.

(Code 2006, § 15-4-4)

Sec. 8-123. Scope.

- (a) The provisions of this article shall apply to all electrical work and installations in the village.
- (b) This article provides for the administration and enforcement, permits, and fees, licenses, approval of materials, minimum installation standards, interpretations, and the correction of defective or obsolete installations.

(Code 2006, § 15-4-5)

Sec. 8-124. License requirements.

- (a) *Contractors.* No person, either individually, as a member of a firm, or as an officer or employee of a corporation, shall conduct the business of electrical wiring, maintenance, construction (either inside or outside), contracting, either as a master electrician or maintenance electrician unless such person shall have a valid license as required by this article, and no electrical work except minor repair work as defined in section 8-125(b) shall be done by a person not having such license. The village may, however, issue a permit to the owner only for a single-family residence, which he and his immediate family solely occupy, if the person desiring such permit can prove that he is competent to do such work in conformity with all rules and regulations governing installation of electrical wiring in residences, and such person shall pay the same fee as required of electrical contractors under this article. Nothing herein provided shall apply to servicing of electrical appliances by the manufacturer.
- (b) *Renewal.* Every license shall expire on June 30 following the date of its issue and may be renewed upon payment to the community development director of the renewal fee appertaining to that class of license not later than July 1 of the year in which said license expires.
- (c) *Qualifications.*
 - (1) The village may establish examining criteria for license applicants.
 - (2) An application fee shall accompany an application for an electrician's license. The amount of the fee shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code.
- (d) *Restrictions.* If any work done by such firm, association, or corporation pursuant to permits issued by the village shall fail to meet all requirements of the village ordinances and the regulations of the state or any of its departments, the village shall cease to issue permits to such firm, association, or corporation until some member or fulltime permanent employee of such firm, association, or corporation shall have obtained a license to conduct the business of electrical wiring and contracting in accordance with the provisions of this article.

(Code 2006, § 15-4-7)

Sec. 8-125. Permit required.

- (a) It shall be unlawful for a person to enter upon the erection, construction, alteration, or change of any electrical installation, work or wiring, except minor repair work as defined in subsection (b) of this section, until a permit has been obtained from the village by a person properly licensed for the category of work to

be performed as set forth in section 8-124. The application for permit shall describe the proposed installation or work and give the location of the premises where the same is to be placed. No permit shall be issued unless satisfactory proof is furnished to the village that the applicant has been employed to perform the work or installation and will be responsible for the performance thereof in the manner required by ordinance and by law. The fees for such permit shall be paid in full at the time of submitting the permit application. An amended permit shall be used to correct any permit fees paid in full at the time of submitting the permit application. An amended permit shall be used to correct any permit fees due for work that was performed and was not listed on the original permit. All applications for permits shall be signed by the license holder.

- (b) Minor repair work shall be construed to mean the replacement of broken or defective sockets, snap, push or toggle switches, convenience outlets, lighting fixtures and portable electric appliances.
- (c) However, in the event of an emergency occurring at night or days when the village office is closed, when the immediate initiation of work is necessary for the protection of fire, health or property, such necessary work may be done without previously obtaining a permit number provided required number is obtained on the morning of the first business day following the start of such work and application and fees follow within ten days.

(Code 2006, § 15-4-8)

Sec. 8-126. Penalty for failure to take out permits.

- (a) In addition to the penalty hereinafter provided for violations of this article, a penalty equal to the permit fee will be charged for failure to notify the village and obtain a permit number before work is started, except in cases of emergency; and such penalty, together with the permit fees, shall be paid to the village before any further permits may be issued to the person doing such work.
- (b) The payment of such doubled fees shall not relieve any person from fully complying with all of the regulations of this article, nor from any other penalties prescribed in this article.

(Code 2006, § 15-5-9)

Sec. 8-127. Inspections.

- (a) It shall be unlawful to connect up the electrical wiring and equipment of any building to any electrical supply lines or to turn on the current, unless a certificate of inspection has been issued by a community development director or his designee; and it shall be the duty of the electrical utility supplying electrical service to any building to secure a copy of the certificate of inspection from the community development director or his designee before supplying service to such building.
- (b) Upon completion of the construction and installation of the electrical wiring and equipment of any building, it shall be the duty of the firm, person, or corporation doing same to notify the community development director or his designee, who shall inspect the installation; and if the installation is found to be in compliance with the provisions of this article, he shall authorize connection to the electrical service and the turning on of the electrical service and the turning on of the current. All wires which are to be concealed shall be inspected before the concealment, and no other craft shall cover up or conceal such wires until the installation has been inspected and approved by the community development director or designee.
- (c) An electrical contractor who calls for an inspection and the work is not completed may be assessed an additional charge per inspection. The amount of the additional charge shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code. It is unlawful to occupy a building or permit a building to be occupied until final inspections have been made and a certificate of occupancy has been issued.

(Code 2006, § 15-4-10)

Sec. 8-128. Number of inspections allowed on permit.

Each permit shall entitle the holder to as many inspections as are necessary to ensure all work is done according to applicable codes and ordinances.

(Code 2006, § 15-4-11)

Sec. 8-129. Fees for permits and inspections.

Fees for permits and inspections shall be paid to the community development director at the time of permit issuance; double fees shall be charged for work commenced prior to issuance of a permit. The amounts of the fees shall be established by the village board, from time to time, and appear in the fee schedule attached as appendix C to this Code.

(Code 2006, § 15-4-12)

Secs. 8-130—8-156. Reserved.

ARTICLE VI. GAS EQUIPMENT CODE

Sec. 8-157. Purpose.

This article establishes minimum standards and requirements to promote the welfare of the public and to establish minimum standards of construction and performance and safe installation of gas equipment. All gas equipment installed on any premises shall be of substantial and durable construction and shall be designed and installed pursuant to processes and methods reasonably adequate to ensure safe and efficient operation. Gas equipment and gas piping which meets the minimum requirements for the safe installation and performance of gas equipment and gas piping by conforming to the current standards of the following nationally recognized authorities herein named shall be conclusively deemed to meet the minimum requirements of this article, to wit: American Gas Association Standards Association manual "Installation of Gas Piping and Gas Appliances in Buildings, ASA Z21.30—1954" and National Board of Fire Underwriters, except as further provided in this article.

(Code 2006, § 15-8-1)


Sec. 8-158. Requirements above minimum standards.

- (a) A boiler or furnace shall be equipped with approved safety devices installed in accordance with manufacturer's instructions and arranged to limit high steam pressures or water temperatures or high air temperatures in warm-air furnaces. Each steam boiler shall be equipped with low water cutoff. The safety devices to be used shall be such as to cut off the gas supply to the burners in case of excessively high air, water or steam temperatures or low water supply.
- (b) All chimneys shall be inspected, thoroughly cleaned, and the necessity for a chimney liner determined.
- (c) Gas vent connections on all conversion installations, including the draft hood, shall be sized according to dimensions listed in tables, as approved by the American Standards Association, as shown in manual ASA Z21.30—1954.

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- (d) If the firing door of a furnace or boiler is equipped with a positive locking device to keep the door closed, the device shall be removed or altered so that abnormal pressure on the inside of the combustion chamber will cause the door to open; however, this shall be done in such a manner that the door is closed tightly during normal operation of the furnace and burner.

(Code 2006, § 15-8-2)

Sec. 8-159. Permits required; exception; application procedure.

- (a) No person shall install, or cause to be installed, any equipment, including controls, piping, duct, and vent connections, without obtaining from the village a permit to do so, except that no permit or license shall be required for work defined as minor repairs. The term "minor repairs" means adjustments of appliances, replacement of parts, repairing leaks, and similar work. The applicant shall contact the gas utility to determine if gas in sufficient quantities is available at the location to be served before applying for the permit.
- (b) At the time of application for a permit, the following information shall be provided by the person making the application:
- (1) Maximum hourly BTU input rating of equipment.
 - (2) Type of equipment: room heater, furnace, boiler, unit heater, etc.
 - (3) Heating medium: air, steam, water, or other.
 - (4) Type of circulation: gravity, forced or other.
 - (5) Name of manufacturer of equipment.
 - (6) Whether or not the appliance to be installed is listed as accepted by a nationally recognized testing agency, such as the American Gas Association, Inc., Laboratories, or Underwriters' Laboratories, Inc.
- (c) When temporary use of gas is desired, the department having jurisdiction may grant a permit for such use for a period of not to exceed 90 days; provided that the gas piping which is desired to be used is given a test equal to that required as a final inspection. The test pressure should be at least two times the operating pressure and should show no pressure loss in a minimum time of 15 minutes.
-  (d) The permits required by this article may be issued to any person to do any construction or work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, if such person is a bona fide owner of such dwelling and accessory building and quarters, and that the same are occupied by or designed to be occupied by said owner; provided said owner shall personally purchase all material and shall personally perform all labor in connection therewith. An owner-constructed installation shall be subject to the same standards and tests as required of a dealer's or contractor's installation.
- (e) No person shall engage in or work at the installation, extension, alteration, or repair of any gas appliance or piping pertaining to or in connection with gas service on consumer's premises within the village, unless such person has first procured a license therefor, in accordance with the provisions of this article, such license to be known as a gas fitter's license and application must pass a test in order to obtain such license except that a master plumber will not have to pass the test.

(Code 2006, § 15-8-3)

Sec. 8-160. Authority to disconnect.

The community development director or his designee or the gas utility may disconnect any gas appliances or gas piping which shall be found not to conform to the requirements of this article or which may be found defective and in such condition as to endanger life and property. Where such disconnection has been made, a notice shall be attached to such appliance or gas piping which shall state that the same has been disconnected, together with the reason therefor, and the signature and official capacity of the person making the disconnection; and such notice shall not be removed nor shall the appliance or gas piping be reconnected until authorized by the department having jurisdiction to do so. The owner and/or occupant of the premises shall be immediately notified of the disconnection and the reason therefor.

(Code 2006, § 15-8-4)

Sec. 8-161. Accessibility.

Gas equipment shall be so constructed and installed in such locations as to be readily accessible for adjustment, cleaning, removal, and replacement of parts and for the performance of all maintenance and service work.

(Code 2006, § 15-8-5)

Sec. 8-162. Inspections.

- (a) Upon completion of the installation of gas space equipment and prior to the use thereof, the community development director or his designee and the gas utility shall be notified that such gas space heating equipment is ready for inspection.
- (b) The community development director or his designee shall enforce all of the provisions of this article, and the community development director or his authorized representative, upon presentation of proper credentials, may enter any building or premises for the purpose of making inspection or preventing violations of this article.
- (c) The community development director or his designee shall issue a certificate of approval at the completion of the work for which a specific permit has been issued if, after inspection it is found that such work complies with the provisions of this article and all other requirements of law or ordinance applicable thereto. A duplicate of each piping certificate shall be delivered to the gas company.

(Code 2006, § 15-8-6)

Sec. 8-163. Authority to turn on gas.

- (a) No person, excepting an authorized agent or employee of a person engaged in the business of furnishing or supplying gas and whose service pipes supply or connect with the particular premises, shall install, extend, repair, alter, or open any portion of the service piping, remove or install a gas meter, or turn on or reconnect gas service in or on any premises, provided, the gas service piping valve contained within the building may be closed for emergency reasons, or may be closed and later reopened for the purpose of altering or repairing any portion of the house-piping system where and when gas service, at the time, is being furnished and provided that the requirements listed in subsections (b) through (d) of this section are followed at the time the gas service piping valve is closed and reopened. No person shall turn on or supply gas to house piping at any premises unless at least one gas appliance is connected to the gas piping system and all outlets are properly and securely connected to gas appliances or capped or plugged with screw joint fittings.

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- (b) Prior to closing the gas service piping valve, except in an emergency to stop leaking gas, all pilot and burner valves of any gas equipment connected to the house-piping system shall be closed and the gas meter test hand shall be observed for a sufficient length of time to make sure that there is no gas passing through the meter. If the gas meter test hand shows movement, the house-piping system and all gas equipment supplied by the meter shall be inspected and the necessary steps be taken to prevent the passage of gas through the meter before the gas service valve is closed.
 - (c) At the time the gas service piping valve is reopened, the gas meter test hand shall be observed for a sufficient length of time to make sure that no gas is passing through the meter. If the gas meter test hand shows movement, the house-piping system and all gas equipment supplied by the gas meter shall be inspected immediately to locate the gas leak. The gas service piping valve shall be closed until necessary repairs have been made, after which the test specified by this section shall be repeated.
 - (d) If, after observation of a sufficient length of time, the gas meter test hand does not show movement, the house-piping system shall be purged of air and all burners of all gas equipment connected to the house-piping system shall be lighted and gas permitted to burn for a sufficient length of time to make sure that the house-piping system and gas equipment have been completely purged. Purging shall be done to the outside wherever possible and shall be done in a safe manner to prevent the accumulation of gas within the dwelling.

(Code 2006, § 15-8-7)

Sec. 8-164. Closure of piping outlets.

No person shall remove or disconnect any gas equipment without capping or plugging with a screwed joint fitting the outlet from which the gas equipment was removed. All outlets to which gas equipment is not connected shall be left capped or plugged gas tight.

(Code 2006, § 15-8-8)

Sec. 8-165. Identification of house-piping systems.

In multiple-meter installations and in installations having more than one house-piping system supplied by the same gas meter, each separate house-piping system shall be plainly identified by the installer by the attachment of a metal tag indicating the number of house-piping systems at the meter location. This should be checked for compliance at the time of the final inspection.

(Code 2006, § 15-8-9)

Sec. 8-166. Interconnection of house-piping systems.

When two or more gas meters are installed on the same premises but supply separate customers, the house-piping system shall not be interconnected.

(Code 2006, § 15-8-10)

Sec. 8-167. Leak tests.

- (a) Leaks in gas piping shall be located by applying soapy water, oil, or some suitable solution to the exterior of the piping.
- (b) Fire or acid shall not be used to locate leaks, nor shall water be introduced into the gas piping.

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- (c) It shall not be permissible to repair defects in gas piping or fittings but, after having been located, the defective pipe or fittings shall be removed and replaced with sound pipe or fittings.
 - (d) Test of final piping inspection shall be made after all piping authorized by the permit has been installed and before any fixtures or gas appliances have been attached thereto. This inspection shall include an air pressure test at which time the piping shall stand on air pressure equal to two times the anticipated operating pressure but not less than a ten pound psi gauge and the piping shall hold this air pressure for a period of at least 15 minutes without any perceptible drop. A U-gauge-type mercury column or approved type of indicating pressure gauge shall be used for the test.

(Code 2006, § 15-8-11)

Sec. 8-168. Gas meter locations.

- (a) A meter location, approved by the gas utility, shall be provided as close as practicable to the point where the gas service piping enters the building.
- (b) The location shall be such that the meter, meter connections, gas service piping tee, and gas service piping shutoff valve are exposed and readily accessible for inspection, installation, replacement, removal, locking, unlocking, and reading.
- (c) Gas meters shall not be placed where the meters would likely be subject to damage, such as in halls, coal bins, public passageways, over doors, or in locations subject to dripping water or unusual moisture conditions.

(Code 2006, § 15-8-12)

Sec. 8-169. Penalties.

Any person who shall violate any of the provisions of this article shall be subject to a penalty as provided in section 1-12.

(Code 2006, § 15-8-13)

Sec. 8-170. Nonliability of village.

This article shall not impose upon the village any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the village or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or certificate of inspection issued by the community development director.

(Code 2006, § 15-8-14)

Secs. 8-171—8-193. Reserved.

ARTICLE VII. GRIEVANCES REGARDING ACCESS TO PUBLIC BUILDINGS, PROGRAMS, SERVICES AND EMPLOYMENT

Sec. 8-194. Procedures.

(a) Purpose.

- (1) The village, in complying with the Americans with Disabilities Act (ADA), 42 USC 12101 et seq., has developed a plan by which access to all village programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the village board and is available from the village clerk. An ADA coordinator has been appointed and an ADA compliance committee established. Concerns and/or complaints can be addressed to the ADA coordinator, care of the village clerk.
- (2) The village administrator shall serve as the Americans with Disabilities Act coordinator with respect to 42 USC 12101, subchapter I (42 USC 12111—12117), regarding employment, to conduct a self-evaluation in connection therewith, and to accept all grievances filed with respect thereto and make decision thereon in consultation with the village attorney within 30 days of the filing of such grievance. Such decision may be appealed to the ADA compliance committee in accordance with the procedure established in this section.
- (3) The ADA coordinator and ADA compliance committee shall be annually appointed by the village president, subject to confirmation by the village board, at the board's organizational meeting. The ADA compliance committee shall consist of three to five members, and shall, if possible, have a representative from the following fields:
 - a. Business and/or nonprofit organization.
 - b. Education.
 - c. Disabled representative.
 - d. Elected official.
 - e. Health/medical.
- (4) Village letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
- (5) An ADA committee meeting shall be treated as any other village committee meeting and notice shall be posted a minimum of 24 hours prior to the meeting.

(b) Complaint procedure.

- (1) Complaints shall be filed with the ADA coordinator, in care of the village clerk.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within 30 days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA coordinator and a copy forwarded to the complainant no later than 20 days after its filing.
- (6) The village clerk shall maintain the files and records of the village relating to the complaints filed.

(c) Appeals.

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- (1) If unresolved, the complainant or ADA coordinator may ask that the complaint be forwarded to the ADA compliance committee. The committee may establish rules to review the complaint and will issue its written decision within 30 days. Review will be conducted in public with a minimum 24-hour notice. All proceedings will be transcribed and maintained. The committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
 - (2) If unresolved, the complainant or ADA coordinator may ask that the complaint be heard by the village board and that a determination be made within 30 days of the ADA compliance committee's hearing. The decision by the board shall be final. An open, public meeting of the village board shall precede the vote.
 - (d) *Other remedies.* The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the village believes that resolution of the complaint will be more promptly achieved if the village is able to provide a remedy before the complaint is brought to an external organization.
 - (e) *Due process.* This section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

(Code 2006, § 15-6-1)

Secs. 8-195—8-214. Reserved.

ARTICLE VIII. FAIR HOUSING²

Sec. 8-215. Policy.

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

(Code 2006, § 15-7-1)

Sec. 8-216. 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:

Discrimination/discriminatory housing practice means any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, material status, place of birth or national origin, or any act that is unlawful under this article.

²State law reference(s)—Municipal authority to enact local legislation providing for equal housing opportunities, Wis. Stats. § 66.1011.

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

Family means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

Financial institution means any person as defined in this Code, engaged in the business of lending money or guaranteeing loans.

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

Mortgage broker means an individual who is engaged in or who performs the business or services of a mortgage broker as defined by state statutes.

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

Owner means lessee, sublessee, cotenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

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

Real property means buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
(Code 2006, § 15-7-2)

Sec. 8-217. Unlawful practices.

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

- (1) To refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
- (2) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;

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- (3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation for or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
 - (4) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
 - (5) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
 - (6) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination;
 - (7) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;
 - (8) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing of any stated in this section, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
 - a. The lowering of property values in the area;
 - b. An increase in criminal or antisocial behavior in the area; or
 - c. A decline in the quality of schools serving the area;
 - (9) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any stated in this section, or the sale, purchase, rental or lease of any housing accommodation in any area in the village for the purpose of inducing or attempting to induce any such listing or any of the above transactions;
 - (10) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any stated in this section, of any housing accommodation;
 - (11) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this article;
 - (12) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this article;
 - (13) To obstruct or prevent any person from complying with the provisions of this article, or any orders issued thereunder;
 - (14) By canvassing, to commit any unlawful practices prohibited by this article;

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- (15) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;
 - (16) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise the business of which consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
 - (17) To deny any qualified person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

(Code 2006, § 15-7-3)

Sec. 8-218. Exemptions.

This article shall not apply to:

- (1) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (2) A private club not in fact open to the public, which as an incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (3) Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be expected from the application of this article only if such house is sold or rented without the following:
 - a. The use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person;

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- b. The publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 USC 3604; and
 - c. The violation of section 8-217; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (4) Rooms or units of dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(Code 2006, § 15-7-4)

Sec. 8-219. Enforcement.

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

(Code 2006, § 15-7-5)