



## AGENDA

### VILLAGE OF LITTLE CHUTE PLAN COMMISSION MEETING

PLACE: Little Chute Village Hall – Village Board Room

DATE: Monday, March 11<sup>th</sup>, 2024

TIME: 6:00 p.m.

**Virtually attend the March 11<sup>th</sup>, Plan Commission meeting at 6 PM by following the link here:**

Join Zoom Meeting: <https://us06web.zoom.us/j/88160719841>

Meeting ID: 881 6071 9841

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 February 12, 2024
2. Discussion/Action – Driveway Width 911 Evergreen Drive
3. Discussion/Recommendation – Eliminating Micro Loan Program
4. Discussion – Section 8 Updates Continued
5. Items for Future Agenda
6. 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 March 7, 2024

## MINUTES OF THE PLAN COMMISSION MEETING OF FEBRUARY 12, 2024

### Call to Order

The Plan Commission meeting was called to order at 6:00 PM by Mr. Moes

### Roll Call

PRESENT: President Vanden Berg (6:11 PM)  
Jim Moes  
Bill Van Berkel  
Larry Van Lankvelt  
Todd Verboomen  
Tom Lonsway  
Kent Taylor

STAFF PRESENT: Dave Kittel, Beau Bernhoft

### Public Appearance for Items Not on the Agenda

None

### Approval of Minutes from the Plan Commission Meeting of January 8, 2024

*Moved by Commissioner Van Lankvelt, seconded by Commissioner Van Berkel to approve the Plan Commission Meeting Minutes of January 8, 2024.*

All Ayes – Motion Carried

### Discussion/Recommendation – CSM 1600 E Evergreen Dr

Director Kittel presented a request at 1600 E Evergreen Dr, two parcels would be combined for potential growth. Staff have reviewed the CSM, no comments and recommends approval.

*Moved by Commissioner Taylor, seconded by Commissioner Van Lankvelt to Recommend approval to the Village Board for CSM as presented.*

All Ayes – Motion Carried

### Discussion/Action – Driveway Width W2750 Evergreen Dr

Director Kittel presented a request to keep the existing western driveway width at W2750 Evergreen Drive. Staff have reviewed the request and have no issues and recommend approval by Plan Commission.

*Moved by Commissioner Lonsway, Seconded by Commissioner L. Van Lankvelt to approve the request as presented.*

All Ayes – Motion Carried

### Discussion – Section 8 Update

Director Kittel presented the second portion of section 8 for review. Changes are included in the packet for review. Many of the changes simplify the ordinance.

### Discussion/Recommendation – CSM 411 Vandenbroek St

Director Kittel presented a CSM for St Johns at 411 Vandenbroek St. This will combine several parcels owned by St. Johns into one lot. The duplex property will remain on its own lot. This will simplify the property and future use. A few items need to be verified before being presented to the board.

*Moved by Commissioner Moes, seconded by Commissioner Van Berkel to Recommend approval to the Village Board for CSM subject to staff review.*

All Ayes – Motion Carried

## Items for Future Agenda

### Adjournment

*Moved by Commissioner Van Lankvelt seconded by Commissioner Lonsway to Adjourn Plan Commission Meeting at 6:13 PM*

All Ayes – Motion Carried

### VILLAGE OF LITTLE CHUTE

By: \_\_\_\_\_  
Michael Vanden Berg, Village President

Attest: \_\_\_\_\_

Laurie Decker, Village Clerk



## Item For Consideration

For Plan Commission Review On: 3/11/2024

Prepared On: 2/27/2024

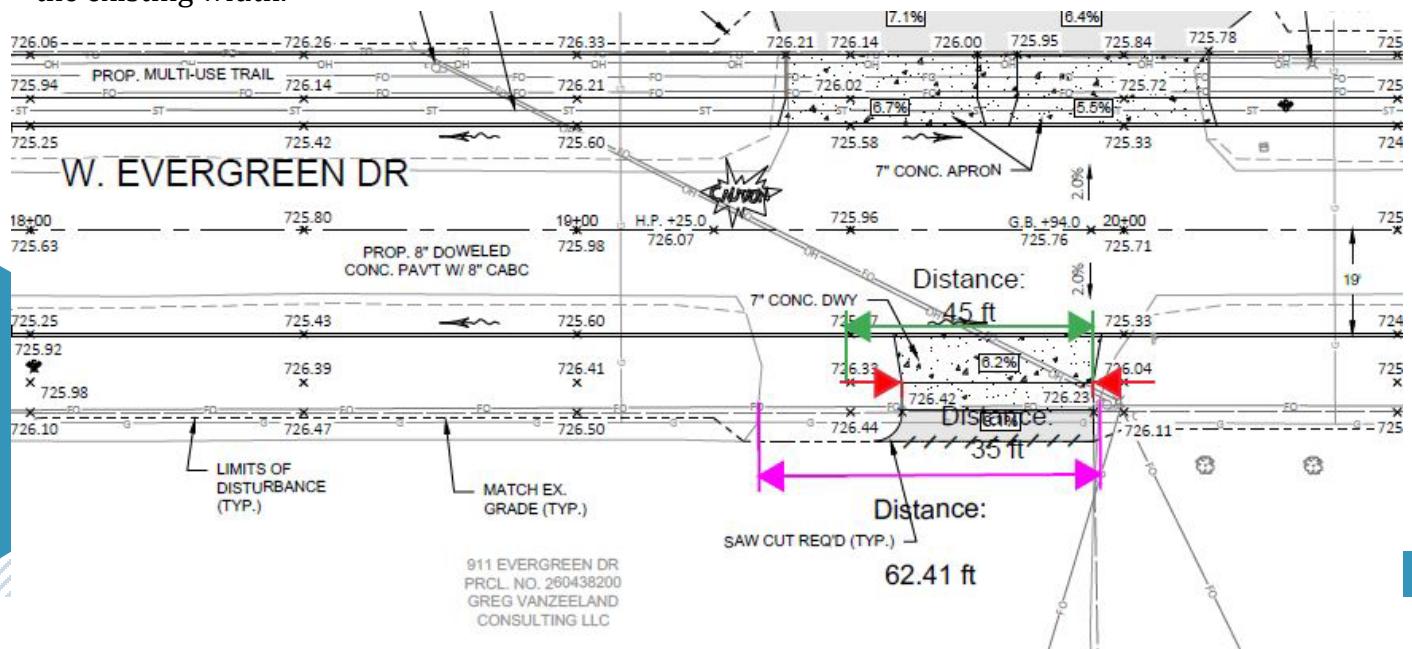
Agenda Item Topic: Driveway width for 911 Evergreen Dr Prepared By: Dave Kittel CDD

### Report:

A request to maintain a wider driveway apron at 911 Evergreen Dr has recently been submitted. This is due to a portion of Evergreen being reconstructed in 2024 between Holland Rd and Vandenbroek Rd. Driveways that are currently not in compliance with Village ordinance are being redesigned to meet existing standards. Property owners that are affected have been notified and may request to keep existing or wider driveway widths if they go through the proper process. The existing Driveways at 911 Evergreen Dr (parcel #260438200) exceed the 35 feet provision in Sec. 40-124 (b)(1):

(1) *Width of drive.* No part of a private driveway located within the dedicated area of a public street, except as hereinafter provided, have a **width greater than 35 feet** measured at right angles to the centerline of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the director of public works may permit a driveway of additional width upon recommendation of the plan commission.

Currently the driveway is approximately 62 feet wide at the property line and about 75 feet wide at the road. For the reconstruction of the road the driveway is proposed to be reduced to 35 feet at the property line. See diagram below for greater details, the measurement in **Green** is the requested width, **Red** is the proposed width as part of the street reconstruction and **Pink** is the existing width.





## Item For Consideration

The Property owners would like to maintain the driveway at the same location and reduce the width to 45 feet instead of 35 feet to be able to use the property in the same manner they have been. The Driveway is far enough away from any other intersections and driveways to not cause any traffic concerns and no safety issues have currently been identified.

**Fiscal Impact:** None

**Recommendation/Board Action:** This Item is up for discussion and Action of the Plan Commission

Respectfully Submitted,

Dave Kittel, Community Development Director

## Asking for a Variance 3-5-24

When we black topped our gravel property for S & S Storage at 911 W Evergreen Drive we told Peshtigo Asphalt to cover the existing gravel which turned out to be a costly mistake. We were told that we had to rip up 3 feet of frontage asphalt which we did. We were allowed to keep the driveway until the road urbanization project would start.

We are asking for a variance to let our driveway be 60'. S & S Storage has 120<sup>170</sup> feet of frontage and only one driveway, instead of having two 35 foot driveways. One of the reasons that we are asking for the variance is that some of our customers drive in or back in with trailers holding cars, boats, or other large items to be stored in our rental units.

As a business we try to comply with what the village wants. When we received a letter from the village asking for a signed permission to install a storm sewer inlet on our property Greg went in and talked with Matt Wozek. After talking with Matt, Greg signed the paper work and left it with Matt.

Thank you  
Pat & Greg Van Geelander  
Greg Van Geelander Consulting LLC  
S & OSS Storage



## Item For Consideration

For Plan Commission Review On: 03/11/2024  
Agenda Item Topic: Micro Loan

Prepared On: 03/1/2024  
Prepared By: Dave Kittel CDD

### Report:

The Village of Little Chute has a handful of programs designed to help businesses in the Village to grow and update their operations. The most used program the Village offers is the Facade loan and the Sign Grant opportunities for our Central Business District. It is good practice to review our programs from time to time, update, refresh or eliminate underutilized programs to make way for new opportunities. One of our programs, called the small business micro loan program, is one of our most underutilized programs. This program specifically is one of the hardest to apply for, be approved for and the most burdensome for staff to monitor. Only one group has applied for this loan program since 2020 and unfortunately, that group did not qualify for the program at the end of the day. Since the program was created in the early 2000's with only a few Businesses having utilized it. Due to this low usage staff feels the money that is set aside for this program can be better utilized to serve the community.

**Fiscal Impact:** The monies set aside for this program will be available for other economic development usage.

**Recommendation/Board Action:** Recommend to the Village Board to eliminate the Small Business Micro Loan program and utilize the funding for other economic development usage.

Respectfully Submitted,

Dave Kittel, Community Development Director



## 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 statutes relating to that Department. This State Department was changed a number of years ago and the statutes 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 larger 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 does. 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 code: <https://ecode360.com/27318856>

Fiscal Impact: None

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

Dave Kittel, Community Development Director

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## Chapter 8 BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

### 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)

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<sup>1</sup>State 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.

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## 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 Safety and Professional Services 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

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than 28 days in any year without final installation of proper and approved roof covering materials as regulated under 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 a complete set of digital 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

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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 safety and professional services. One plan shall be submitted which shall remain on file in the office of the community development director.

(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.
- (4) 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.
- (5) 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

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conceal such wires until the installation has been inspected and approved by the community development director or designee.

- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.

- (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.*

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- (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 therefor, 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.

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**(Code 2006, § 15-1-2; Ord. No. 6(Ser. of 2009), § 1, 5-6-2009Sec. 8-21. State uniform dwelling code adopted.**

(a) The Wisconsin State Building Codes, Wisconsin Administrative Code Chapters SPS 301 to 399, are adopted by reference as a part of this chapter and shall be referred to in this chapter as "Building Code." Any future amendments, revisions or modifications of these codes are intended to be made part of this chapter. A violation of any provision thereof shall be a violation of this chapter. This shall apply to all new and existing buildings and structures

(b) *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.

(c) *Method of enforcement.*

- (1) Certified community development director or designee 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 or designee shall be certified under 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)

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## **Sec. 8-23. 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 eight 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 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 to maintain an indoor temperature as delineated in SPS 322.40.
  - (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 SPS 316.

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- (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 habitable 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 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.

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- (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 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. 8-24. 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. 8-25. 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. 8-26. 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.

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(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 inleted minimum one by four or an approved preformed metal brace.
  - c. Corner posts may consist of two two-inch by four-inch studs.
  - 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:

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- (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 1¼-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. 8-27. 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. 8-28. 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.

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- (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.
- (c) Water and Sewer must be disconnected at the Main or by an approved alternate method as determined by the Director of Public Works or their assigned designee.

(Code 2006, § 15-1-11)

### **Sec. 8-29. 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)

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## **Sec. 8-30. 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

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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. 8-31. 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. 8-32. 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

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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 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 I through II 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)

**Sec. 8-33. 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

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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. 8-34. 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 storm 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)

(Code 2006, § 15-4-10)

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### **Sec. 8-36. Number of inspections allowed on permit.**

Each permit shall entitle the holder to inspections necessary to ensure all work is done according to applicable codes and ordinances. If a reinspection is required a reinspection fee may be charged at the discretion of the building inspector.

### **Sec. 8-37. 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. 8-38. 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. 8-39. 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. 8-40—8-193. Reserved.**

## ***ARTICLE III. GRIEVANCES REGARDING ACCESS TO PUBLIC BUILDINGS, PROGRAMS, SERVICES AND EMPLOYMENT***

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## **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.

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(c) *Appeals.*

- (1) If unresolved, the complainant or ADA coordinator may ask that the complaint be forwarded to the ADA compliance committee. The committee may establish rules to review the complaint and will issue its written decision within 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 IV. FAIR HOUSING<sup>2</sup>**

**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:

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

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*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.

*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;

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- (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;
- (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;

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- (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;
- (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:

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- 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;
- 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)