

## TITLE 15

### Building Code

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### CHAPTER 1

#### Building, Plumbing, Electrical and Heating and Ventilation Code

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#### SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Marshall" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health,

safety and well-being of persons occupying or using such buildings and the general public.

- (c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safe of the users thereof or any other persons is a "new building" to the extent o such change. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

## **SEC. 15-1-2 BUILDING PERMITS AND INSPECTION; CERTIFICATES OF OCCUPANCY.**

(a) **Permit Required.**

- (1) General Permit Requirement. No building of any kind shall be moved within or into the Village of Marshall and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner,, or his authorized agent, from the Building Inspector.
- (2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:
- a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. Alterations When Not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any

cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

- d. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector 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 designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- (c) **Site Plan Approval.**
- (1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section, unless site plan review is required under the Village Zoning Code. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
  - (2) Administration. The Building Inspector shall make a preliminary review of the application and plans requiring site plan review and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and determine whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.
  - (3) Requirements. In acting on any site plan, the Plan Commission shall consider the following:
    - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
    - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent

- with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
- c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - d. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
- (4) Effect on Municipal Services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.
- (5) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Clerk-Treasurer within seven (7) days of the denial.
- (d) **Dedicated Street and Approved Subdivision Required.** Unless a waiver is granted by the Village Board, following a recommendation from the Building Inspector, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey and required improvements are accepted by the Village Board.
- (e) **Utilities Required.** (rev. 6-14-94, Ord. 1994-13)
- (1) Residential and Non-Residential Buildings. Unless other arrangements have been entered into with the Village, no building permit shall be issued for the construction of any residential or non-residential building until sewer, water, curb and gutter, sidewalks, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
  - (2) Occupancy. (rev. 7-12-94, Ord. 1994-18) Unless other arrangements have been entered into with the Village, no person shall occupy any building until sewer, water, curb and gutter, sidewalks, grading and graveling and first lift of asphalt 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 applications for new detached structures or additions, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface

- water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.
- (g) **Waiver of Plans.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).
- (h) **Building Permit Requirement Exemptions.**
- (1) Minor Repairs. The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed which are valued at less than One Thousand Dollars (\$1,000.00) (materials plus cost of professional or self labor) as determined by the Building Inspector which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light, ventilation or energy conservation of the building or structure without issuance of a building permit.
  - (2) Re-roofing; Re-painting. No building permit shall be required for re-roofing or re-painting.
- (i) **Approval of Plans.**
- (1) If the Building Inspector determines that the building will comply with this Building Code and with other applicable ordinances and orders of the Village, 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 Building Inspector.
  - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (j) **Inspection of Work.** (rev. 4-11-94, Ord. 1995-4) The applicant/ contractor or property owner shall notify the Building Inspector forty-eight (48) hours in advance when ready for inspections and the Building Inspector may inspect after notification all buildings at the following stages of construction:
- (1) Footings and foundation. Prior to pouring the foundation, the builder shall supply an adequate site plan.
  - (2) Rough carpentry, HVAC, electrical and plumbing.
  - (3) Drain tile /basement floor.
  - (4) Under floor plumbing/electrical.
  - (5) Insulation.
  - (6) Final carpentry, HVAC, electrical and plumbing; and
  - (7) Erosion control.
- (k) **Inspection Warrants.** If the Building Inspector is denied access to inspect a property, he may request the Village Attorney to seek an inspection warrant pursuant to Sec. 66.122, Wis. Stats.
- (l) **Certificate of Occupancy.**

- (1) Inspections.
  - a. The Building Inspector shall make a final inspection of all new buildings, additions, and alterations. If no violations of this or any other ordinance be found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used.
  - b. No building nor part thereof shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. Persons who occupy a building before the -issuance of an occupancy permit shall be subject to double occupancy permit fees, along with other penalties provided in this Chapter. It shall be the responsibility of the owner or his agent to inform building tenants of the occupancy permit requirement.
- (2) Use Discontinued.
  - a. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Inspector shall order such use or occupancy discontinued, and the building or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice, or make the building or portion thereof comply with the requirements of this Chapter.
  - b. Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same until an application has been filed and a new certificate of occupancy issued.
- (3) Change. It shall be unlawful to change the use of any building, structure, premises, or part thereof without first obtaining from the Building Inspector an approval of such change in the occupancy or use, and a certificate of occupancy thereof.
- (4) Hardship. The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the Village, prior to issuance of an occupancy certificate, in all such cases of hardship as, in his judgment and discretion, warrant occupancy before the final stage of completion as set forth in this Chapter. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary.
- (5) When a Use or Occupancy Shall be Discontinued and a Building or Portion Thereof Vacated. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of this Chapter on use and occupancy.
- (6) Certificate of Occupancy by Fire Chief. The Fire Chief shall have dual authority with the Building Inspector in the issuance of certificates of occupancy for multi-family and commercial structures, places of public assembly, and schools. All authority and power granted therein to the

Building Inspector equally is herein granted to the Fire Chief for fire inspections of such buildings.

- (m) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof, except for buildings under Ch. ILHR 20, Wis. Adm. Code.
- (n) **Revocation of Permits.**
  - (1) The Building Inspector or other authorized inspectors may revoke any building, plumbing, HVAC or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
    - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
    - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
    - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
  - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (o) **Report of Violations.** Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (p) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

**SEC. 15-1-3 STATE UNIFORM DWELLING CODE ADOPTED.**

- (a) **State Code Adopted.** (rev. 4-11-95, Ord. 1995-4) The Administrative Code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters ILHR 20 through 26, Wis. Adm. Code, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made art of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in the Village of Marshall. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Building Inspector.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings -- Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Section of this Chapter.
  - (5) Additions and alterations -- Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.**
- (1) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
  - (3) Department. "Department" means the Department of Industry, Labor and Human Relations.
  - (4) Dwelling. "Dwelling" means:
    - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
    - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
  - (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior



made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64, 66, 69, 70 and 160 to 164, incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64, 66, 69, 70 and 160 to 164, and amendments thereto shall be kept on file in the office of the Building Inspector.

- (b) **State Plumbing Code Adopted.** *(Rev. 4-11-95, Ord. 1995-4)* The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. 81 to 86, and ILHR 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.** *(Rev., 4-11-95, Ord. 1995-4) (Rev. 12-7-93, Ord. 1993-17)*
  - (1) Wis. Adm. Code ILHR Chapters 16, 17, 24 and all amendments thereto are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings, commercial structures and additions or modifications to existing one (1) and two (2) family dwellings and commercial structures.
  - (2) The Village shall employ a state certified Commercial Electrical Inspector, either by employing or by contracting with a firm providing such service.
  - (3) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Condominium Law.** The Village of Marshall hereby adopts all provisions of the Wisconsin Statutes pertaining to Condominium Law, namely Ch. 703, Wis. Stats., and any additions, corrections or amendments thereto.
- (e) **Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

#### **SEC. 15-1-5 ELECTRICAL PERMITS.**

- (a) **Code Compliance.** Except as otherwise provided by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Wisconsin Statutes, this Chapter and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this Chapter or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.
- (b) **Permit Required.**

- (1) Before any electrical wires or electrical apparatus shall be installed for lighting or power purposes, or any electrical construction work done, except minor repair work, a permit therefor shall be obtained from the Electrical Inspector by a licensed electrician. No permit shall be issued unless satisfactory proof is furnished to the Electrical Inspector upon his request that the applicant has been employed to perform the work or installation and will be responsible for the performance thereof in the manner required by ordinance and by law; nor unless proof be submitted that the applicant has paid to the Village the fees herein required. The application for such permit shall be on a form furnished by the Electrical Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector.
  - (2) "Minor repair work" shall be construed to mean the replacement of broken or defective sockets, snap, push or toggle switches, convenience outlets and portable electrical appliances.
  - (3) Permits for the erection of, or electrical work on, electrically illuminated signs will be granted only to Class A licensed electricians.
  - (4) In cases of emergency, work may be started before the permit is issued provided the Electrical Inspector's office is notified the same day such work is started.
  - (5) A permit shall be required for the installation of any outlet and any electrical wiring for use on any circuit including wiring for so-called low voltage wiring for control of heating, ventilating, cooling, lighting, signal and communication equipment, excepting signal systems operated by, and/or in conjunction with, communication systems installed and maintained by a public utility.
- (c) **Electrical Inspections.**
- (1) It shall be unlawful to connect up the electrical wirings 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 the Electrical Inspector, and it shall be the duty of the electrical utility supplying service to any building to secure a copy of the certificate of inspection from the Electrical inspector before supplying service to such building.
  - (2) Upon the 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 the same to notify the Electrical Inspector who shall inspect the installation within twenty-four (24) hours of the time such notice is given. If the installation is found to be in compliance with the provisions of this Chapter, the Inspector shall issue a certificate of inspection authorizing connection to the electrical service and the turning on of the current. All wires which are to be concealed shall be inspected before the concealment, and no other craft shall cover up or conceal such wires until the installation has been inspected and approved and officially tagged to this effect by the Electrical Inspector.
  - (3) All notifications for inspections must be made at the office of the Electrical Inspector not later than 4:00 p.m. of the day before inspection is desired.
  - (4) No certificate of inspection shall be issued by the Electrical Inspector unless the electrical wiring and equipment for light, power, heat or other similar purposes is safe both with respect to life and fire hazard, and is in strict conformity with the ordinances of the Village, the statutes of the state and the general or special orders of the State of Wisconsin adopted under authority of the statutes.

**SEC. 15-1-6 PLUMBING PERMITS.**

**(a) All Plumbing Installations to Be Inspected.**

(1) All Plumbing to Be Inspected. All plumbing systems or installations within the boundaries of the Village and those connecting with the Village water or sewerage system beyond the boundaries are subject to inspection as required in this Chapter.

(2) System of Inspection. Whenever any work is ready for inspection, the Plumbing Inspector shall be notified by the plumber in charge of persons receiving permit, as directed by the Plumbing Inspector specifying the street and number when possible, and the permit number under which the work is being done. Unless otherwise especially permitted by the Inspector, all work, either plumbing, water supply piping, house sewers or drains, shall be left uncovered for examination until examined and approved by the Inspector. When necessary, the Inspector shall notify the plumber in charge or the owner of the property at what time the inspection will be made. The plumber in charge shall make such arrangements as will enable the Inspector to reach all parts of the building readily, and shall have present the proper apparatus and appliances for making the test and performance of plumbing work. Failure to respond promptly to official communications shall be deemed a sufficient reason for withholding permits and the plumber shall be held responsible for the violation of these regulations by himself or any of his employees.

(3) Responsibility of Property Owners for Repairs. Repairs of any drainage or waste pipe carrying domestic sewage from outside the foundation walls of any building or structure to and including the connection with the "Y" in the sewer main, including private domestic sewage treatment and disposal systems, such as stoppage of leaks in supply or waste pipes, clearing stoppages in waste pipes and repairing valves or faucets in the drainage or waste pipe, shall be the sole responsibility of the property owner except that in the event such leak or stoppage or defective valve or faucet is located between the "Y" (including its connection with the "Y") in the sewer main and the end of the sewer service lateral to the curb or other disposal terminal, then the Village shall be responsible for such repairs but shall charge the cost of such repairs to the property owner.

**(b) Utility Superintendent to Have Supervision of Sewers.** All sewers will be under the supervision of the Utility Superintendent, and no sewer service lateral shall be laid and no opening into or connection with a sewer service lateral shall be made, except under his direction and supervision.

**(c) Permit to Connect With Public Sewer System.**

(1) Permit Required. No person, firm or corporation shall open any street, alley or public place for the purpose of connecting to a sewer lateral or other terminal, lay any house sewer or drain pipe or make any attachment or extension to any old drain or house sewer, or do any kind of work whatsoever in connection with any public or private sewer inside or outside of any building, except repairs, without first obtaining from the Plumbing Inspector a written permit to connect with the public sewer system.

(2) Application for Permit. Such permit shall be granted only upon written application by a licensed master plumber, authorized by the owner or agent of the premises desiring to make such connection, extension or

- alteration, stating the name of the owner and that he and such master plumber will be bound by and be subject to all the rules and regulations prescribed by the Plumbing Inspector and Village Board, and giving the exact location of the premises, stating the purpose for which the connection, extension or alteration is to be used and the time when the work is to be done, and all other particulars in respect thereto.
- (3) Permit Required Before Laying Drains. No work of laying house sewers or storm drains that are on the premises and in the hands of a master plumber or one (1) employed by him shall be commenced or continued without the required permit to connect with the public sewer, which shall be issued by the Plumbing Inspector.
- (d) **Plumbers to Be Licensed.** All plumbing work shall be done only by a plumber licensed by the state for such work, provided a property owner may make repairs or installations in a single-family building owned and occupied by him as his home if a permit therefor is issued and the work is done in compliance with the provisions of this Chapter.
- (e) **Registration of Plumbers.**
- (1) To Be on File. All master plumbers engaged in the business of plumbing in the Village and all journeymen plumbers and apprentice plumbers and apprentice plumbers working at the plumbing trade in the Village shall register with the Plumbing Inspector, who shall keep such registration on file in his office.
- (2) Information to Be Supplied. Such registration shall consist of the full name and address, license number and current receipt number of each master or journeyman licensee. For an apprentice, the year of apprenticeship and the shop to which he is indentured shall be indicated.
- (3) Registration Requirements Limited. The purpose of this Section is solely to provide for the administration of state licensing requirements and this Chapter. No fee shall be charged for any plumber's registration, nor shall any information other than that specified in Subsection (2) be required.
- (f) **Duplex Housing.** (rev. 4-12-94, Ord. 1994-6) Each unit of a two-family dwelling shall have a meter, a shutoff valve, and a curb box.

#### **SEC. 15-1-7 NEW METHODS AND MATERIALS.**

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

#### **SEC. 15-1-8 UNSAFE BUILDINGS.**

Whenever the Village Board, upon the inspection and report of the Building Inspector or other authorized inspector, finds any building or part thereof within the Village to be, in his 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, the Board may 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. The Board shall give specific reasons for its determination. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

#### **SEC. 15-1-9           DISCLAIMER ON INSPECTIONS.**

The purpose of the inspections under this Chapter 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 all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

#### **SEC. 15-1-10       GARAGES.**

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code and the accessory building requirements of the Village of Marshall Zoning Code.

#### **SEC. 15-1-11       REGULATION AND PERMIT FOR RAZING BUILDINGS.**

No building within the Village of Marshall shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector. All debris must be hauled away at the end of each week for the work that was done during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a

qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects there from during and after the razing operations.

#### **SEC. 15-1-12 BASEMENTS; EXCAVATIONS.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.
- (d) **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 to be dangerous, unsafe, and a menace to public safety. The Building Inspector shall give the owner thereof written notice to secure said building or structure and comply with Village Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.05(2)(a), Wis. Stats.

#### **SEC. 15-1-13 DISCHARGE OF CLEAR WATERS.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit,

sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

#### **SEC. 15-1-14 REGULATIONS FOR MOVING BUILDINGS.**

- (a) **General Requirements.**
  - (1) No person shall move any building or structure upon any of the public ways of the Village of Marshall without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
  - (2) 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 Building Inspector prior to issuance of the moving permit.
  - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight

upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (d) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (e) **Bond.**
- (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Marshall in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.
  - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars { \$100,000.00 ) and for one

(1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

#### **SEC. 15-1-15 DWELLING SIZE LIMITS.**

Minimum dwelling unit size shall be as prescribed in the Village's Zoning Code.

#### **SEC. 15-1-16 FEES.**

(a) **Fees Established By Resolution.**

- (1) The fees for permits shall be as from time to time established by resolution of the Village Board. Separate fee schedules shall be established for:
- a. Residential construction including one- and two-family dwellings;
  - b. Agricultural construction not including residential;
  - c. Industrial and commercial construction; d. Plumbing;
  - e. HVAC;
  - f. Electrical;
  - g. Miscellaneous permits.

(2) Permit fees shall include the costs of plan review, issuance of permits, inspections, report writing, travel time, travel expenses, Village administrative and legal expenses, special permit costs, and inspector miscellaneous overhead. All required fees shall be paid to the Village Clerk-Treasurer and a receipt therefor presented to the Building Inspector before a building permit may be issued, reissued or amended. Any balance owing upon completion of the authorized work shall be paid before a certificate of occupancy may be issued by the Building Inspector.

(b) **Double Fees.** If a required permit is not obtained prior to commencement of construction, the above fees shall be double.

(c) **Tree Fund.** At the time of securing a building permit for new residential construction, the applicant shall pay a tree fund fee of Fifty Dollars (\$50.00) per residential unit, such fees to be placed in a special tree fund to be used for planting street trees.

(d) **Park Impact Fee.** *(rev. 5-11-93, Ord 1993-11)* A park impact fee of Two Hundred Dollars (\$200.00) per residential dwelling unit shall be paid by the person requesting a building permit at the time of application. Such fees shall be placed in a special park and recreation fund.

#### **SEC. 15-1-17 SEVERABILITY.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

#### **SEC. 15-1-18 PENALTIES AND VIOLATIONS.**

(a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector or other

authorized inspectors shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

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