

CHAPTER 11

BUILDING REGULATIONS

11.01 **PERMITS REQUIRED.**

(1) GENERAL PERMIT REQUIREMENT. No building, plumbing or electrical work shall be performed in the City unless a permit therefore is obtained as required by the provisions of this Chapter.

(2) FEES.(Rep. & Recreated #184)

(a) The fee for a general building permit for a new one-and-two-family home shall be a minimum of \$30.00 plus \$3.50 for each \$1000.00 or fraction thereof of estimated value, which shall include the plumbing and electrical permit.

(b) The fee for a general building permit for a manufactured home shall be a minimum of \$25.00 plus \$2.00 for each \$1000.00 or fraction thereof of estimated value, which shall include the plumbing and electrical permit.

(c) The fee for all other buildings, alterations or repairs shall be \$4.00 for each \$1,000.00 of value with a minimum fee of \$20.00, which shall include the plumbing and electrical permit. The fee for wrecking or demolishing a building shall be \$5.00. (Ord. No. 547)

(d) All additions which are 250 sq. ft. or more shall be charged fees under Section 11.01(2)(a).

(3) PERMIT LAPSES. A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within 6 months from the date of issuance thereof.

(4) REVOCATION. If the Building Inspector shall find at anytime that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work there under until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety or property.

(5) **REPORT OF VIOLATIONS.** It shall be the duty of all City officers to report at once to the Building Inspector any building, electrical or plumbing work which is being carried on without a permit as required by this Chapter.

(6) **RECORDS.** The Building Inspector shall keep a record of all permits, fees, and inspections and shall make an annual report thereon to the Common Council.

11.02 **BUILDING CODE.**

(1) **BUILDING PERMITS AND INSPECTION.**

(a) **Permit Required.** No building or any part thereof shall hereafter be erected within the City or ground broken for the same, except as hereinafter provided, until a permit therefore shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term "building" as used in this section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.

(b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land, and also of the owner of the building, if different, the legal description of the land upon which the building is to be located, and shall contain such other information as the Building Inspector may require for effective enforcement of this section.

(c) **Plans.** Plan with such application there shall be submitted 2 complete sets of plans and specifications, including a plat plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Said plans shall also include a section through, showing elevation above street level and the sanitary sewer elevation from the main to the building.

(d) **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 \$2000.00.

(e) **Approval of Plans.** If the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the City and all applicable laws and orders of the State of Wis., he shall officially approve and stamp one set of plans and return it to the owner, and shall issue a building permit therefore 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 and orders, or which involves the safety of the building or occupants, except with the written consent of the Building Inspector.

(f) **Minor Repairs.**(Rep. & Rec. #184)The Building Inspector may authorize, minor repairs or alterations valued at less than \$500.00 which do not change the occupancy, area, structural, strength, fire protection, exits, light or ventilation of the building without issuing a building permit.

(g) **Repealed. (Am. #128)**

(h) **Inspection of Work.** The builder shall notify the Building Inspector when ready, and the Building Inspector shall inspect all buildings upon completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster or before paneling is applied. After completion, he shall make a final inspection of all new building and alterations.

(2) CONSTRUCTION STANDARDS. (Repealed & Created #441)

(a) **Wisconsin Uniform Dwelling Code Adopted.** The Wisconsin Administrative Code, Chapters 20, 21, 22, 23, 24, and 25, are hereby adopted by reference as part of this Chapter with respect to all additions or remodeling of existing dwellings.

(b) **Portions of State Code Adopted.** Chapter Ind. 51 through Ind. 57 and Chapters Ind. 60 through Ind. 64, Wisconsin Administrative Code (Wisconsin State Building Code) are hereby adopted and made a part of this Section with respect to those classes of buildings to which such Code applies.

(c) **Conflicts.** If, in the opinion of the Building Inspector, the provisions of the State Building Code adopted by subsection (2)(b) of this section shall conflict with the provisions of the Federal Housing Administration standards adopted by subsection (2)(a) of this section in their application to any proposed building or structure, the Inspector shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this section.

(d) **Dwellings.** The term "dwelling" as used in this section includes every building occupied exclusively as a residence by not more than 2 families.

(e) **Design Requirements.**

(1) No one (1) family or two (2) family structure shall be erected or installed in any zoning district within the City of New Holstein unless the structure is set on a full basement or other permanent enclosed foundation which meets the standards set forth in subchapters III, IV and V of Ch. ILHR 21, Adm. Code and all site construction is in compliance with Chapters ILHR 21-25, Wis. Adm. Code, the Uniform Dwelling Code.

(2) In addition to (1) above, residential structures must conform to the following:

- i. A one (1) story structure shall have a minimum living area of at least nine hundred (900) square feet and a two (2) story structure shall have a minimum first floor living area of at least seven hundred (700) square feet;
- ii. Minimum width (i.e., the short side) of every dwelling shall be at least twenty-five (25) feet. Attached garages, carports and open decks shall not be included in the measurement of the width of the dwelling;
- iii. The structure shall have a minimum of 4/12 pitched roof on a minimum of seventy-five (75) of the structure;
- iv. All dwellings shall be placed on an enclosed permanent foundation which does not extend more than twelve (12) inches of exposed concrete foundation above the exterior finished grade of the lot. An exception is when the grade of the lot slopes, in which case only that portion of the foundation which is on the highest point of the lot must meet the requirements of this paragraph.

(3) The Board of Appeals may not grant any variance from the requirements of (1). The Board of Appeals may grant a variance from the requirements of (2) only if the Board of Appeals specifically finds that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with other dwellings in the vicinity.

(4) One (1) family and two (2) family structures which do not meet the above requirements as of August 20, 2003, are considered to be in conformity.

(3) **NEW METHODS AND MATERIALS.** All materials, methods of construction and devices designed for use in buildings or structures covered by this Chapter and not specifically mentioned in or permitted by this Chapter shall not be so used until approved in writing by the Industrial Commission of Wisconsin 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 issued by the State Board of Health. 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 Industrial Commission. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Industrial Commission.

(4) **PROPERTY MAINTENANCE**

- (a) **Intent and Purpose.** This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, and property values. It is recognized that there may

now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of property maintenance standards is necessary to preserve and promote the private and public interest.

(b) **General Maintenance.** Every property owner in the City of New Holstein shall maintain the property in compliance with the following requirements.

(1) **Exterior Surfaces.** The exterior of every structure shall be maintained generally free of broken glass, loose shingles, excessive paint peeling, crumbling stone, stucco or brick, loose boards or any other such conditions reflective of deterioration or inadequate or deferred maintenance. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative, which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

(2) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following; Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, unlicensed vehicles, or building material not used within fifteen (15) days, or any unsightly bulk items. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height in compliance with City ordinances. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the neighborhood and City. The City, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.

(c) **Enforcement.** The City Building Inspector/Public Works Director/City Clerk shall enforce the provisions of this section and is hereby authorized and directed to make inspections in response to a complaint, made in writing and signed, that a violation has been or is being committed, the City Building Inspector/Public

Works Director/City Clerk is authorized and directed to provide the property owner with written notice of the nature of the violation. The notice shall require that the violation be corrected within 15 days of the date of the notice. The property owner may then appeal that notice of a violation upon written application to the City Plan Commission within said 15 days and the notice shall so indicate. If the violation continues after 15 days have passed from the date of the notice, or in the event of an appeal if the City Plan Commission affirms the determination of the City Building Inspector/Public Works Director/City Clerk, then the matter shall be referred to the City Council for an enforcement determination, which may include the issuance of citations, to the property owner, or other enforcement mechanisms, to include actions to abate nuisances under Chapter 823 and actions for the razing of dilapidated buildings pursuant to Section 66.0413, Wisconsin Statutes. A violation of this section is declared to be a public nuisance. Each day that a violation continues shall constitute a separate offense.

- (d) **Unsafe Buildings.** Whenever the Building Inspector finds any building or part thereof within the City to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in section 66.0413 WI Stats. (Rep & Rec #416)

(5) FIRE DISTRICT REGULATIONS.

- (a) **Fire District Defined.** The fire district of the City shall include the following area:

All that territory included in the Commercial District as zoned under Chapter 12 of this Code.

- (b) **Regulations.** Except as otherwise permitted by the Common Council in special circumstances, every building or structure here after erected, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, as defined in Chapter Ind. 51, WI Administrative Code. Enclosing walls, division walls and party walls shall be of four-hour, fire-resistive walls of a construction as provided in Chapter 51, WI Administrative Code, which is hereby by reference made a part of this Chapter with respect to all buildings and structures within the fire district.

- (c) **Rebuilding Damaged Buildings.** Any building or structure within the fire district damaged 50% or more of its current fair market value exclusive of its foundation, shall be razed and removed, or rebuilt in compliance with paragraph (b).

11.03 **ELECTRICAL CODE.** (Rep. & Recr. #151)

(1) NATIONAL CODE APPLIES. All electrical work, including the placing of wires and other equipment, shall conform to the National Electrical Code, which is hereby made by reference a part of this Chapter.

(2) PERMIT. No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building 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.

(3) INSPECTION OF WORK. After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector who shall inspect or cause to be inspected the same. Upon completion of such wiring, the Inspector shall be notified, and shall inspect or cause to be inspected the finished work. If he finds that the work conforms to the National Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

11.04 **PLUMBING CODE.**

(1) STATE CODE APPLIES. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the WI Administrative Code, Chapters H61, H62 and H63(State Plumbing Code) adopted by the State Board of Health, which is hereby adopted by reference as a part of this Chapter.

(2) PERMIT. No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefore from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector.

(3) LICENSED PLUMBER REQUIRED. All plumbing work shall be done only by a plumber licensed by the Department of Health and Social Services, except that a property owner may make repairs or installations in a single family building owned and occupied by him as his home, provided that a permit is issued and the work is done in compliance with the provisions of this Chapter.

(4) LAYING SEWER AND WATER LATERALS. Prior to laying a sewer or water lateral, the plumber shall notify the Building Inspector who shall examine the trench to determine if the soil conditions are satisfactory. If not, he may require that a rock or sand, or both, base be provided.

(5) INSPECTION OF WORK. (Rep. & Recr. #88) Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall inspect or cause to be inspected the work. If he finds that the work conforms to the State Plumbing Code and the provisions of the Municipal Code of the City, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. The Inspector shall have the power and authority to enter upon any private or public premises where he has reason to believe plumbing work is being installed contrary to the provisions of this Code. No persons shall interfere in any way with the work of inspection or permit any plumbing or drainage to be used until it has been inspected and approved by the Building Inspector. The Building Inspector shall be authorized to enter upon all premises at reasonable times to make inspections.

(6) SURFACE OR STORM WATER. (Rep. & Recr. #88 & #128) No person shall, by a drain, downspout or otherwise, permit any surface or storm water to drain into the sanitary sewers. All clear water drains including roof drains, surface drains, subsoil drains, refrigerator cooling water drains, water cooled air conditioning drains and any other clear water drains not described herein shall not discharge into a sanitary sewer. Where clear water drains are connected to existing sanitary sewers, the property owner shall upon written notice from the Building Inspector disconnect or cause to be disconnected all clear water drains from the sanitary sewer.

(7) SUMP PUMPS.(Cr. #88) Sump pumps shall be 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 at least one foot or more from the building and above permanent grade. No sump discharge shall be allowed to flow on or across a public sidewalk. The discharge pipe shall not be reduced in size from the discharge opening left by the manufacturer. The discharge pipe from the pump opening to the outside of the building shall be rigidly secured.

(8) WATER SERVICE VALVES.(Cr. #88) The valve or stop of a water service pipe hereinafter installed inside the foundation wall of each building shall be a Teflon Ball Valve of a size equal to the service pipe.

11.041(1) **CROSS CONNECTION CONTROL.**

(a) A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of New Holstein water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of New Holstein may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the New Holstein Public Utilities and by the Wisconsin Department of Natural Resources in accordance with Section NR 11.25(3), Wisconsin Administrative Code.

(c) It shall be the duty of the New Holstein Public Utilities to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the New Holstein Public Utilities and as approved by the Wisconsin Department of Natural Resources.

(d) Upon presentation of credentials, the representative of the New Holstein Public Utilities shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of New Holstein for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.122, WI Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(e) The New Holstein Public Utilities is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, WI Stats., except as provided in Section f. Water service to such property shall not be restored until the cross connections(s) has been eliminated in compliance with the provisions of this ordinance.

(f) If it is determined by the New Holstein Public Utilities that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the City of New Holstein and delivered to the customer's premises, service may be immediately discontinued.

The customer shall have an opportunity for hearing under Chapter 68, WI Stats., within ten (10) days of such emergency discontinuance.

(g) This ordinance does not supersede the State Plumbing Code and the City of New Holstein Municipal Code, Section 11.04, Chapter 11 - Building Regulations, but is supplementary to them.

SECTION 2. This ordinance shall take effect and be in force from and after the 14th day of January, 1981.

11.042. **SECTION 1. PURPOSE** To prevent contamination of groundwater and to protect public health, safety, and welfare by assuring that unused, unsafe, or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are property abandoned.

SECTION 2. APPLICABILITY This ordinance applies to all wells located on premises served by the New Holstein Public Utility municipal water system.

SECTION 3. DEFINITIONS

(A) "Municipal Water System" means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned operated by a city, village, county, town sanitary district, utility district, or public institution, as defined in Section 49.10(12)(f)1., Wisconsin Statutes, or a privately owned water utility serving any of the above.

(B) "Noncomplying" means a well or pump installation which does not comply with the provisions of Ch. NR 112, Wisconsin Administrative Code, in effect at the time the well was constructed a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.

(C) "Pump Installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

(D) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substance in exceedance of the standards of Chs. NR 109 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

(E) "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

(F) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

(G) "Well Abandonment" means the filling and sealing of a well according to the provision of Ch. NR 112, Wisconsin Administrative Code.

SECTION 4. ABANDONMENT REQUIRED All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Ch. NR 112, Wisconsin Administrative Code, by December 31, 1991, or no later than 1 year from the date of connection to the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the City of New Holstein.

SECTION 5. WELL OPERATION PERMIT The City of New Holstein may grant a permit to private well owner to operate a well for a period not to exceed 3 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The City of New Holstein, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the City Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 112, Wisconsin Administrative Code.
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.
- (3) There are no cross-connections between the well and pump installation and the municipal water system.
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

SECTION 6. ABANDONMENT PROCEDURES

(A) All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of Ch. NR 112, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(B) The owner of the well, or the owner's agent, shall notify the City Clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by an agent of the City of New Holstein.

(C) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the City clerk and the Department of Natural Resources within 10 days of the completion of the well abandonment.

SECTION 7. PENALTIES Any well owner who violates any provision of this ordinance shall upon conviction be punished by a forfeiture established in Section 20.04 of the Municipal Code. Each 24 hour period during which a violation exists shall constitute a separate offense.(Cr. #281)

11.05 **FIRE PREVENTION CODE.** The Fire Prevention Code, National Board of Fire Underwriters, (1960 Addition) is adopted by reference and made a part of this Code.

11.06 **FLAMMABLE LIQUIDS.** The Wisconsin Administrative Code, Chapter Ind. 10 (Flammable Liquids Code), issued by the Department of Industry, Labor and Human Relations, is hereby adopted by reference as a part of this Chapter, and it shall be the duty of the Building Inspector and Fire Chief to enforce the provisions thereof.

11.07 **SWIMMING POOL**

(1) **PERMIT REQUIRED.** No construction of a swimming pool shall begin unless a permit therefore has been obtained and the fee paid in accordance with the fee provisions of this Chapter. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property.

(2) **REQUIREMENTS**

(a) **Setbacks.** Permanent above or in ground pools shall maintain a minimum rear and side yard setback of ten (10) feet from adjoining property. In determining this setback for above ground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool.

(b) **Fencing.** All pools shall be encompassed by fencing as provided under this subsection. However, under no circumstance may the minimum fence height requirements of this subsection be varied. This is for pools presently installed as well as new pool installations.

(1) **Structural Requirements.** All fences under this subsection shall be constructed in such a manner as to comply with the requirements of Section 12.08(31), or variance therefrom, and the requirements of this subsection.

(a) The fence must be able to withstand two hundred (200) pounds force in any direction.

(b) The fence shall be so constructed and designed so as to prevent penetration of an object greater than six(6) inches in diameter.

(c) All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section, which shall be locked when not in use.

(2) Permanent in Ground Pools. Permanent in ground pools, subject to Section 12.08(31) of this Code, shall be encompassed by a free-standing fence not less than forty-eight (48) inches nor more than ninety-six (96) inches from the ground level. Such fence shall be no less than three (3) feet from the pool at its nearest point. The fence shall comply with Subsection 1 above.

(3) Above Ground Pools. Above ground pools shall be encompassed by fencing which complies with one or any combination of options listed below and complies with Subsection 1 of this Section.

(a) A fence in compliance with Subsection 2 of this Section.

(b) A fence within three (3) feet of the pool, provided such fence be at least thirty-six (36) inches above the top edge of the pool and not less than forty-eight (48) inches nor more than ninety-six (96) inches from ground level.

(c) A fence attached to a deck or walkway, provided such fence be at least thirty-six (36) inches above the surface of the deck or walkway and complies with Subsection 3b.

(3) OPERATION OF RESIDENTIAL SWIMMING POOLS.

(a) Definition.

(1) Residential Swimming Pool. A residential swimming pool is a swimming pool constructed appurtenant to a dwelling and used or intended to be used solely by the owner or lessee thereof and his family and friends for recreation without financial gain.

(2) Public Swimming Pool. Any swimming pool operated by the owner or lessee thereof for financial gain, no matter how incidental the financial gain is to the over-all operation.

(b) Public Swimming Pools Prohibited in Residential Areas. No person shall operate a public swimming pool on any premises zoned residential. The operation of a public swimming pool on residential premises is declared to be a public nuisance.

(c) Interference With Enjoyment of Property Rights Prohibited. No residential swimming pool shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool or located in the neighborhood.

(d) Shielding Lights. Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

(e) Unnecessary Noise. No person shall make, continue or cause to be made or continued at any residential swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a residential swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time louder volume that is necessary for convenient hearing of the persons who are in the residential swimming pool premises, shall be prohibited.

(f) Indecent Exposure. Every person using an outdoor residential swimming pool shall wear a bathing suit or other suitable garment to protect his/her person from indecent exposure.(Rep. & Rec. #261)

11.08 **PENALTY.** Any person who shall violate any provision of this Chapter or any rules and regulations adopted hereunder shall be subject to a penalty as provided in Sec. 20.04 of this Code.

11.10 **STANDARD GAS CODE.**

(1) **INSTALLATION STANDARDS.** Installation of gas appliances, equipment, accessories, and piping that complies with the standards recommended by the American National Standards Institute in its manual entitled National Fuel Gas Code, No. Z223 .1-1974, or subsequent revisions thereof shall be considered prima facie as conforming to reasonable standards of safety.

(2) **PROVISIONS REGULATING THE SALE OF GAS APPLIANCES.**

(a) All gas appliances, equipment, and accessories hereafter installed, sold, or offered for sale shall conform to reasonable standards of safety.

(b) The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such

agency or the inclusion of an appliance or accessory in an approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to

reasonable standards of safety. Such nationally recognized testing agency shall be one that does perform periodic inspections of current models of gas appliances and accessories.

(3) PROVISIONS REGULATING THE INSTALLATION OF APPLIANCES.

(a) All gas appliances, equipment, accessories, and piping systems shall be installed to conform to reasonable standards of safety.

(b) Installations of appliances, equipment, accessories, and piping that complies with the standards recommended by the American National Standards Institute in its manual entitled "National Fuel Gas Code, Z223 1-1974, or subsequent revisions thereof shall be considered prima facie as conforming to reasonable standards of safety.

(c) It shall be unlawful for any person, firm, or corporation, excepting an authorized agent or employee of the gas supplier, to turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered. This shall not prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him or from turning off for the purpose of connecting an appliance or making repairs.

(4) ENFORCEMENT.

(a) No person, firm, or corporation shall sell or offer for sale or install any gas appliance, equipment, or accessory or gas piping system if the same when installed for use would be in violation of any of the provisions of this code or would be unsafe or dangerous.

(b) The department having jurisdiction is hereby authorized to disconnect or to order disconnection of any gas appliance, equipment, accessory, or gas piping which does not conform to the requirements of this ordinance or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, equipment, accessory, or gas piping which shall state that it has been disconnected and the reasons therefore, and such notice shall not be removed nor shall the appliance, equipment, accessory, or gas piping be reconnected until it shall have been made to conform with the requirements of this ordinance and its reconnection has been authorized by the department having jurisdiction.(Rep. & Recr. #148, 4-9-75)

11.11 **ADOPTED CODES AND PENALTIES**

(1) Chapter Ind. 22, WI Administrative Code, Energy Conservation Standards, of the one-and-two-family Dwelling Code, as adopted and effective December 1, 1978, and Chapters Ind. 20, 21, 23, 24, and 25 adopted and effective March 1, 1980, and all amendments thereto, are adopted and incorporated in this Code by reference.

(2) The Building Inspector, as certified by the Department of Industry, Labor and Human Relations, is hereby authorized and directed to administer and enforce all of the provisions of the WI Uniform Dwelling Code.

(3) Any existing ordinances pertaining to the construction of new dwellings that conflict with the Uniform Dwelling Code are hereby repealed.

(4) The Building Permit fee shall be determined by the City of New Holstein Common Council as established in Section 11.01(2).

(5) **Penalties.** Any person who shall violate any provision of this Chapter or any rules and regulations adopted hereunder shall be subject to a penalty as provided in Sec. 20.04 of this Code.

(6) **Severability.** As per Chapter 20 of the Municipal Code.
(Created 11.11 by Ordinance No. 184)

11.12 REMOVAL OF SALVAGEABLE NON-STRUCTURAL MATERIALS FROM VACATED BUILDINGS (Ord No. 619)

The purpose of this Ordinance is to regulate the removal of salvageable materials from vacated buildings without immediate functional replacement thereof. The phrase "immediate functional replacement thereof" does not include replacement that occurs as a part of a remodeling project in conjunction with valid building, heating, plumbing or electrical permits. The Council finds that such removal may result in the complete abandonment of property and reduce the chance that such property will in the future be devoted to any productive or enjoyable public or private use, and therefore cause conditions which will create health and safety hazards and aggravate blight, interfere with the enjoyment of and reduce the value of private property, and interfere with the safety and welfare of the public.

(1) Definitions

- (a) Salvageable Materials. Real or tangible personal property that is manmade; is affixed to real property; is detachable from real property; and may have a resale value, either for re-use or as scrap or recycling purposes. Such materials shall not include any structural materials or components.
- (b) Vacated Building. A building or structure having interior floor space of over ten thousand square feet (10,000 sq. ft) that had a principal non-residential use as its most recent use allowed by law, which principal use has ceased.

(c) Code Official(s). The Building Inspector, Plumbing Inspector, Electrical Inspector, Health Officer, Police Department or Fire Department.

(2) **Permit.** No person, firm, corporation or legal entity shall sell or transfer for purposes of removal or remove salvageable materials in the manner described in this Ordinance from a vacated building without first obtaining a permit from the City Plan Commission. The Building Inspector shall issue the permit only if the permit application has been granted by the City Plan Commission as provided in paragraph (2)(c).

(a) Permit Application. Application for a permit shall be made in writing to the Building Inspector and shall include the name and address of the owner of the building, name and address of the contractor, and a list of materials to be removed from the building. The Building Inspector or the City Plan Commission may require additional information of a specific applicant.

(b) Permit Fee. Permit Fees will be established by Resolution of the City Council.

(c) Permit Approval. The Plan Commission shall consider such permit applications only at regular City Plan Commission meetings, and only after receiving the recommendations of the City staff review committee, consisting of the Fire Chief or his/her designee, the Police Chief or his/her designee, Building Inspector and Zoning Administrator.

Prior to making a decision to grant or deny an application for permit, the City Plan Commission shall consider: the application; the report of the staff review committee; the expertise of the applicant; the effect of the proposed operation on the surrounding neighborhood; the effect on the community of having a stripped structure remain if the structure is not proposed to be immediately razed or immediately renovated; the presentation, if any, of the applicant; the comments of the public; and such other matters germane to the decision.

In granting a permit, the City Plan Commission shall make findings as to the following matters: the amount of the Irrevocable Letter of Credit to be required of the permittee as a condition of issuance of the permit and as a requirement of operation; other State or local permits as required by law, rule, or regulation that must be obtained as a condition of issuance of the permit or as a requirement of operation; reasonable special operating requirements to be required of the permittee in addition to those General Operating Requirements listed in paragraph (3) herein; and such other matters or limitations as the City Plan Commission determines is necessary to protect the public interest.

(d) Irrevocable Letter of Credit. As a condition of issuance by the Building Inspector of the permit, the permittee shall post an Irrevocable Letter of Credit in an amount required by the City Plan Commission and in a form acceptable to the City Attorney. The Irrevocable Letter of Credit must be issued by a financial institution certified by the State to conduct such business within the State of Wisconsin,

allowing for direct draw by the City on demand without court action and without approval by permittee, to complete work or to repair damage that was the obligation of the permittee, the Irrevocable Letter of Credit must contain as a part of its provisions that it remains as an obligation to the City for no less than one year after completion of the last act by the permittee of salvage or after the expiration of a permit issued under this section to the permittee, whichever is later. In considering the amount of the Irrevocable Letter of Credit, the City Plan Commission shall consider: the recommendation, if any, of the staff review committee; the expertise of the applicant; the longevity of the applicant; the capitalization of the applicant; the scope of the proposed project; the possible environmental hazards that could be created; the effect of the proposed operation on the surrounding neighborhood; the cost of remediation to the City if the City should have to address any matter due to the unwillingness or inability of the permittee to complete its obligations.

(e) Permit Term. The term for a permit issued under this section shall be valid for a period of ninety (90) Days from the date of issue. Renewals and renewal term shall be at the discretion of the City Plan Commission.

(3) **General Operating Requirements.** The following general operating requirements shall apply to all permit holders in accordance with the provisions of this ordinance:

(a) The permit issued pursuant to the ordinance shall be plainly displayed on the premises that the building is located.

(b) The building and premises shall, at all times, be maintained in a clean, neat and sanitary condition as the premises will reasonably permit.

(c) No garbage, refuse or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage kept in rodent-proof covered containers which are removed from the premises as often as necessary to provide a sanitary environment.

(d) Work done under this permit is subject to inspection by the Building Inspector.

(e) An applicant for a permit shall maintain proof of insurance policies, during the life of the permit and for one year following the completion of its work under the permit, in the following minimum amounts, naming the City as additional insured:

1. General
Liability: \$2,000,000.
2. Automobile Liability (Owned, non-owned, leased)
 - i. Bodily Injury: \$2,000,000.00 each occurrence
 - ii. Property Damage: \$2,000,000.00 each occurrence
3. Pollution Legal Liability: \$5,000,000.00 each loss where asbestos removal,

environmental process, abatement, remediation or dumping/disposal in a Federal or State regulated facility is required.

4. Worker's Compensation: Statutory Limits
 5. Employer's Liability:
 - i. \$500,000.00 Each Accident
 - ii. \$500,000.00 Disease, Each Employee
 - iii. \$1,000,000.00 Disease, Policy Limit
 6. Umbrella Liability:
 - i. \$2,000,000.00 over the primary insurance coverages listed above.
- (f) No scrap salvage or debris which is temporarily stored on the premises shall be allowed to rest or protrude over any public street, walkway or curb, or become scattered about or blown off the premise.
- (g) No mechanized process whatsoever shall be utilized on the premises to reduce salvageable materials or debris in volume unless approved by the City Plan Commission in conjunction with a specific permit. Such prohibited mechanized processes include, but are not limited to, crushers or shredders.
- (h) There shall be strict compliance with all provisions of this Code relating to noise control.
- (i) No premises or building subject to a permit shall be allowed to become a public nuisance or be operated in such a manner as to adversely affect the public health, safety or welfare.
- (j) There shall be full compliance with the City Building, Fire and Health Codes and with all other City, County, State and Federal laws, rules or regulations which may be applicable.
- (k) The permit holder shall, during the salvage process, maintain the work site in a safe and secure condition.
- (l) The permit holder shall dispose of building debris in a licensed landfill, except for salvaged materials. At any time, the permit holder shall produce to the Code Official receipts and/or an itemized list of debris disposed of by dumping or salvage.
- (m) The permit holder shall be responsible for disconnections of utilities, including plumbing and electrical, necessary for the salvaging process, and shall provide evidence that the necessary disconnections have been accomplished.
- (n) The permit holder shall comply with all orders of the Code Official imposed at the granting of the permit or at any other time.
- (o) The Irrevocable Letter of Credit imposed as a condition of issuance of the permit.

- (4) **Inspections.** Permit holders and property owners shall permit authorized representatives of any department of the City having enforcement powers to inspect the premises proposed to be permitted, with or without advance notice, as often as may be required to permit said departments to perform their duties and assure compliance with this ordinance, without first obtaining a special inspection warrant. Inspections shall be made during normal hours of business in the absence of emergency circumstances which require prompt attention to protect the public health, safety and welfare or to preserve evidence of noncompliance with this ordinance. The unreasonable failure to permit inspections shall be grounds for permit denial, suspension or revocation.
- (5) **Suspension and Revocation of Permit.** If in the opinion of the Code Official, the public is subject to imminent danger due to the violation by the permit holder of any one or combination of more than one of the General Operating Requirements, the Code Official shall issue an order to the permit holder requiring immediate cessation of those operations implicating the imminent danger. Pursuant to such order, the permit holder shall cause such operations to cease as directed by the Code Official. Failure to maintain insurance or a Letter of Credit as required, or to permit inspection as required are each violations implicating imminent danger to the public necessitating an order to cease all operations. The Permittee may appeal any such order to the City Plan Commission, in writing, setting forth the basis for any appeal, which shall be delivered to the Plan Commission care of the Office of the City Administrator. The Plan Commission shall hold a hearing regarding any such appeal, and provide notice at least ten (10) days of the hearing to the Permittee and the Code Official. The City Plan Commission may revoke any permit if a Permittee fails to comply with the terms of this Ordinance at any time. The City Plan Commission will provide the Permittee with an opportunity to be heard by the Plan Commission prior to such revocation or non-renewal by providing the Permittee notice of intent to revoke or non-renew and the grounds for the same at least ten (10) days prior to any meeting of the Plan Commission at which action is to be taken, though an order requiring immediate cessation of operations may be issued prior to such meeting. The Permittee may request a hearing before the Plan Commission on receipt of such notice, which request shall be in writing delivered to the Plan Commission care of the Office of the City Administrator and must be received prior to the meeting at which the Plan Commission intends to act on revocation. The Plan Commission shall schedule a hearing upon receipt of such request.
- (6) **Enforcement.** The Code Official shall have the responsibility to enforce this ordinance. Violations of this ordinance shall be subject to penalty as provided in Section 20.04 of this Code. In addition, the City may apply to a court of competent jurisdiction for injunctive relief and the assessment of damages including attorney's fees and costs.

