

The Village Board for the Village of Spring Valley, Pierce and St. Croix County, Wisconsin does hereby amend the Code of Ordinance, Village of Spring Valley, Section numbered **10- (1-36) to read as follows:**

**Sec. 10-21** Add Section A. Authority. The Village of Spring Valley adopts these regulations under the authority granted by S. 101.65, Wisconsin Statutes, and 101.12, Wisconsin Statutes.

**Sec. 10-21 (a) renumbered to 10-21 (B), Sec 10-21 (b) renumbered to 10-21 (C).**

**Sec. 10-22 (a)(1)** replace village administrator with Building Inspector.

**Sec. 10-22 (A)(2)(a)** replace village administrator with Building Inspector.

**Sec. 10-22 (A)(2)(b)** Change 6. "Minor repairs and alterations which do not change occupancy, area, structural strength, fire protection, ingress and egress, natural light and ventilation." To 6. "Minor repairs that do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairway or exit, fire protection. Or exterior aesthetic appearance and which does not increase a given occupancy and use."

**Sec. 10-22(A)(2)(b)** Add 11. Replacement of same size windows or doors.

**Sec 10-22(A)(2)(e)** replace village administrator with Building Inspector.

**Sec 10-22(E)** Plans. Replace village administrator with Building Inspector. Change Wis Admin. Code §Comm 20.09(4) to SPS 320.09(5)

**Sec 10-22(F)** Minor repairs; Replace all village administrator with Building Inspector. After \$500.00 add "except that there is no monetary limit for electrical permits required under SPS 316."

**Sec 10-22(G)** remove numbering. Replace village administrator with Building Inspector.

**Sec 10-22(H)** replace village administrator with Building Inspector. Add: ...has not been completed within 18 months from the date of issuance, thereof, notwithstanding work pursuant to SPS 316 which shall expire within one year of the date of issuance if work has not been commenced. All work to be done pursuant to a new construction dwelling or commercial building permit must be completed within the timeframe dictated by the WI Admin Code. All other permits shall expire 12 months from the date of issuance."

**Sec 10-22(I) and (J)**

**Add Sec 10-22 (I)** Certificate of occupancy. No building hereafter constructed or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the Building Inspector affirming that such dwelling conforms in all respects to the requirements of this chapter. Such certificate shall be applied for coincidentally with the application for a building permit and shall be issued not more than 10 days after the lawful erection or alteration is complete and final inspection has been made. This section may be modified at the direction of the Building Inspector.

**Add Sec 10-22(J)** J. Revocation of permits and certificates of occupancy. The Building Inspector may revoke any building, plumbing 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 or construction, devices or appliances as set forth by the WI Administrative code.

**Sec 10-23 (A) Department** change to: Wisconsin Department of Safety and Professional Services."

**Sec 10-23(A) Uniform Dwelling Code** remove Wis. Admin Codes listed and replace with:

SPS 320 Administration and enforcement

SPS 321 Construction standards

SPS 322 Energy conservation

SPS 323 Heating, ventilating and air conditioning

SPS 324 Electrical standards

SPS 325 Plumbing

SPS 327 Camping Units

**Sec 10-23(B)** replace "Wis. Admin. Code chs. Comm 20-23" with "WI Admin. Code chs. SPS 320 to SPS 325 and ch. SPS 327"

**Sec 10-23(C)(2)** replace village assessor with Building Inspector.

**Sec 10-23 (D)** Add:

(2) Inspections shall be requested in accordance with the guidelines set forth by the State of Wisconsin Uniform Dwelling Code or the State of Wisconsin Commercial Building Code.

(3) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

**Sec 10-23** Add (E) Certified Inspector. The Village of Spring Valley provides a building inspector authorized by the municipality to enforce the adopted codes and shall be properly certified by the Division of Industry Services.

**Sec 10-24 (a-c)** Replace with one section:

**Sec 10-24. Commercial Construction standards; adoption of codes.**

A. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be commercially certified by the WI Division of Industry Services.

SPS 360-366 Wisconsin Commercial Building Code

SPS 375-379 Buildings Constructed Prior to 1914 Code


SPS 316 Electrical

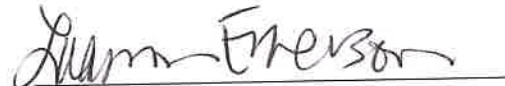
SPS 381-387 Plumbing

Sec 10-25(B) replace state department of commerce with Wisconsin Department of Safety and Professional Services.

**Sec 10-33(A)(1)** change all village administrator to Building Inspector.

Adopted at a duly called and noticed meeting of the Village Board, Village of Spring Valley, Pierce and St. Croix County, Wisconsin, the 1<sup>st</sup> day of September, 2021.

  
Marsha Brunkhorst, Village President

  
Luann Emerson, Clerk/Treasurer

Voted for 7

Voted against -

Absent -

Date Adopted 9-1-2021

Date Published NA



## BUILDINGS AND BUILDING REGULATIONS

### ARTICLE I. IN GENERAL

Secs. 10-1 – 10-20. Reserved

### ARTICLE II. BUILDING CODE

#### **Sec. 10-21. Established.**

A. Authority. The Village of Spring Valley adopts these regulations under the authority granted by s.101.65, Wisconsin Statutes, and 101.12, Wisconsin Statutes.

B. Purpose. This article provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and use of materials in buildings and/or structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished after the effective date of the ordinance from which this chapter is derived and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. The purpose of this article is to protect and foster the health, safety and well-being of persons occupying such buildings and the general public.

C. Scope. New buildings erected in, or any building moved within or into the village after the effective date of the ordinance from which this chapter is derived shall conform to all of the requirements of this article, except as they are specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of a building and any installation therein of electrical, gas, heating, plumbing or ventilation equipment which affects the health or safety of the users thereof or any other persons is a new building, to the extent of such change. Any building existing on the effective date of the ordinance from which this chapter is derived shall be considered a new building for the purposes of this article whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purposes at the time the ordinance from which this chapter is derived was enacted. The provisions of this article supplement the laws of the state pertaining to construction and use and chapter 58, pertaining to zoning, and amendments thereto, to the date the ordinance from which this chapter is derived was adopted, and in no way supersede or nullify such laws and chapter 58.

#### **Sec. 10-22. Building permits and inspections.**

A. Permit required.

(1) General permit requirement. No building of any kind shall be moved within or into the village 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 therefore shall first have been obtained by the owner or his authorized agent, from the Building Inspector. As a portion of each general building permit cost there shall be added a Park Fee of \$200.00 per individual residential dwelling unit

intended to be constructed under any building permit applied for. Said Park Fees shall be attributable to and charged for new construction only.

(2) Additions, alterations and repair. The following provisions shall apply to all additions, alterations and repair of buildings:

(a) Additions, alterations and repair to any building within the village shall require a building permit and be made to comply with current codes as determined by the Building Inspector who shall consider issues of life safety, structural or occupancy overload and other hazards.

(b) Exempt work. A building permit is not required for the following work:

(1) One story detached accessory structures not on a permanent foundation and under one hundred fifty (150) square feet in projected roof area; All accessory structures shall be anchored and maintain all setback requirements per section 58 Zoning of this municipal code.

(2) Fences less than or equal to six (6) feet in height.

(3) Landscape retaining walls which do not affect the structural integrity of a structure.

(4) Platforms, patios and walks set on, or within eight (8) inches of finished grade.

(5) Decorating work such as painting, papering or carpeting.

(6) Minor repairs that do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairway or exit, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use.

(7) Replacement of roof shingles.

(8) Replacement or repair of bathroom or kitchen fixtures and faucets.

(9) Replacement of electrical outlets and light fixtures.

(10) Replacement of furnace filters and grilles which serve a cold air return or warm air supply.

(11) Replacement of same size windows or doors

(c) Alteration or moving of nonconforming buildings or structures. When any building or structure existing on the effective date of the ordinance from which this chapter is derived, which, for any reason whatsoever, does not conform to the regulations of this chapter, has deteriorated from any cause to an extent greater than 50 percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare, and shall be ordered vacated and thereafter demolished and debris removed from the premises.

(d) Restoration of deterioration. When any of the structural members of any building or structure have deteriorated from any cause to less than their required strength, the owner of such building or structure shall cause such structural members to be restored to their required strength. If the owner shall fail to make such restoration, 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 building or structure shall be permitted until the regulations of this chapter are complied with.

(e) Determination of amount and extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector

B. Permit application. Application for a building permit shall be made in writing upon a form furnished by the village administrator, and shall state the name and address of the owner of the land the owner is 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 such building is to be put and such other information as the building inspector may require.

C. Dedicated street and subdivision approval required. 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 permit shall be issued until the subdivision and required improvements are accepted by the village board.

For purpose of this subsection, "street" shall mean a public roadway located within the corporate limits of the Village of Spring Valley. However, should the property upon which an individual or entity wishes to build upon not abut an existing Village of Spring Valley public roadway but, rather, abuts an adjoining township or governmentally owned roadway, no such building permit shall be issued until such a time as the person or entity intending to so build obtains from the governmental entity owning the abutting roadway its written consent to construct a driveway or roadway accessing said property. A copy of said written consent as so obtained shall be filed with the Village Administrator for the Village of Spring Valley. Regardless of the location of any such intended street, roadway or driveway, and regardless of whether such street, roadway or driveway connects to a Village of Spring Valley street or public roadway maintained by the Village of Spring Valley, all such driveways and roadways shall comply with all roadway and driveway requirements pertaining to those streets, roadways and driveways abutting and/or adjoining Village owned streets and roadways located within the Village of Spring Valley including, but not limited to, those requirements concerning pavement, curb and gutter.

D. Utilities required.

(1) Residential buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets which

are 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) Nonresidential buildings. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets which are necessary to service the property for which the permit is requested.

(3) Certificate of occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets which are necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

E. Plans. There shall be submitted with the permit application a complete set of plans and specifications, including a plot plan, showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the state building code shall bear the stamp of approval of the state department of commerce. One plan shall be submitted, which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for new one- and two-family dwellings shall comply with the provisions of SPS 320.09(5).

F. Minor repairs; 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. No building permit shall be necessary if, in the opinion of the Building Inspector, the fair market value of the repairs is less than \$500.00 except that there is no monetary limit for electrical permits required under SPS 316.

G. Approval of plans. If the Building Inspector determines that the building will comply with all ordinances and orders of the village and all applicable laws and orders of the state, he shall issue a building permit, which shall state the use to which such building is to be put, and such permit 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 the safety of the building or its occupants, except with the written consent of the Building Inspector. In case adequate plans are presented for part of the building only, at his discretion, the Building Inspector may issue a permit for such part of the building before receiving the plans and specifications for the entire building.

H.

Permit lapses/ Permit Expiration. A building permit shall lapse and be void unless building operations are commenced within six months or if construction has not been completed within 18 months from the date of issuance thereof, notwithstanding work pursuant to SPS 316 which shall expire within one year of the date of issuance if work has not been commenced. All work to be done pursuant to a new

construction dwelling or commercial building permit must be completed within the timeframe dictated by the WI Admin Code. All other permits shall expire 12 months from the date of issuance.

I. Certificate of occupancy. No building hereafter constructed or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the Building Inspector affirming that such dwelling conforms in all respects to the requirements of this chapter. Such certificate shall be applied for coincidentally with the application for a building permit and shall be issued not more than 10 days after the lawful erection or alteration is complete and final inspection has been made. This section may be modified at the direction of the Building Inspector.

J. Revocation of permits and certificates of occupancy. The Building Inspector may revoke any building, plumbing 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 or construction, devices or appliances as set forth by the WI Administrative code.

**Sec. 10-23. State uniform dwelling code.**

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

*Addition* means new construction performed on a dwelling which increases the outside dimensions of the dwelling

*Alteration* means a substantial change or modification, other than an addition or minor repair, to a dwelling or systems involved within a dwelling.

*Department* means the Wisconsin Department of Safety and Professional Services

*Dwelling* means:

- (1) Any building, the initial construction of which is commenced on or after the effective date of the ordinance from which this chapter is derived, which contains one or two dwelling units; or
- (2) A structure, or part thereof, existing after the effective date of the ordinance from which this chapter is derived, which is used, or intended to be used, as a one- or two-family dwelling.

*Minor repair* means a repair performed, for maintenance or replacement purposes, on any existing one- or two-family dwelling, which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairway or exit, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed a minor repair.

*One- or two-family dwelling* means a building or structure which contains one household or separate

households, and is intended to be used as a home, residence or sleeping place by an individual or two or more individuals maintaining a common household to the exclusion of all others.

*Person* means an individual, partnership, firm or corporation.

*Uniform dwelling code* means the administrative code provisions, and any future amendments, revisions or modifications, contained in the following chapters of the Wisconsin Administrative Code:

- SPS 320 Administration and enforcement
- SPS 321 Construction standards
- SPS 322 Energy conservation
- SPS 323 Heating, ventilating and air conditioning
- SPS 324 Electrical standards
- SPS 325 Plumbing
- SPS 327 Camping Units

B. Adopted. The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Wis. Admin. Code chs. SPS 320 to SPS 325 and ch. SPS 327 are adopted and, by reference, made a part of this section as if fully set forth in this section. Any act required to be performed or prohibited by an administrative code provision incorporated in this section by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the administrative code provisions incorporated in this section are intended to be made part of this section to secure uniform statewide regulation of one- and two-family dwellings within the village. A copy of the administrative code provisions and any future amendments shall be kept on file in the office of the village administrator.

C. Existing buildings. The state uniform dwelling code shall also apply to the following buildings and conditions:

- (1) Where an existing building is to be occupied as a one- or two-family dwelling, which building was not previously occupied as such.
- (2) An existing structure which is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50 percent of the equalized value of the structure, and such value shall be determined by the Building Inspector.
- (3) Additions and alterations, regardless of the cost, made to an existing building, when deemed necessary in the opinion of the village administrator, shall comply with the requirements of this article for new buildings. The provisions of section 10-2 shall also apply.
- (4) Whenever more than 25 percent of the roof covering a building is replaced in any 12-month period, such roof covering shall be in conformity with applicable sections of this article.
- (5) Any addition or alteration, regardless of the cost, made to a building shall be made in conformity with applicable sections of this article.



D. Inspections.

(1) The building inspector or other authorized building inspectors of the village may, at all reasonable hours, enter upon any public or private premises for inspection purposes, and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with, or refuse to permit access to any such premises to, the village administrator or his agent while in the performance of his duties.

(2) Inspections shall be requested in accordance with the guidelines set forth by the State of Wisconsin Uniform Dwelling Code or the State of Wisconsin Commercial Building Code.

(3) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

E. Certified inspector. The Village of Spring Valley provides a building inspector authorized by the municipality to enforce the adopted codes and shall be properly certified by the Division of Industry Services.

**Sec. 10-24. Commercial Construction standards; adoption of codes.**

A. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be commercially certified by the WI Division of Industry Services.

SPS 360-366 Wisconsin Commercial Building Code

SPS 375-379 Buildings Constructed Prior to 1914 Code

SPS 316 Electrical

SPS 381-387 Plumbing

(d) Conflicts. If, in the opinion of 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 building 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.

(Code 1988, § 10-4-4)

**Sec. 10-25. New methods and materials**

A. 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 Wisconsin Department of Safety and Professional Services 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 Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

**Sec. 10-26. Unsafe buildings.**

Whenever the village board, in its judgment, finds any building, or part thereof, within the village to be so old, dilapidated or out of repairs as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and that it would be unreasonable to repair such building, or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary, or raze and remove such building, or part thereof, at the owner's option. Such order and proceedings shall be as provided in Wis. Stats. § 66.0413.

**Sec. 10-27. Inspection disclaimer.**

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

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. 10-28. Garages.**

Private garages shall be built in accordance with the general construction standards established in the State Uniform Dwelling Code.

**Sec. 10-29. Razing buildings.**

A. Permit required. No building within the village shall be razed without a permit from the village administrator. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed, and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean and all debris hauled away. Razing permits shall lapse and be void unless the work authorized by such permits is commenced within six months from the date thereof or within 30 days from the date of commencement of the work. Any unfinished portion of work remaining beyond the required 30-day period must have special approval from the village administrator.

B. Debris; rodents and insects. All debris must be hauled away at the end of each day for work that

was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall be no 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, the permittee shall take all necessary steps, by use of water, spraying or other appropriate means, to eliminate such nuisance. Prior to the razing of a building, the permittee shall take all necessary steps, through the employment of a qualified person in the field of pest control or by other appropriate means to treat the building so as to prevent the spread and migration of rodents and insects from such building during and after the razing operations.

**Sec. 10-30. Basements; excavations.**

A. Completion of basement subflooring. First floor subflooring shall be completed within 60 days after a 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 so as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four feet high, between such opening or excavation and the public right-of-way.

C. Closing of abandoned excavations. Any excavation for building purposes or uncovered foundation which shall remain open for more than three months shall be deemed to be abandoned and a nuisance, and the village administrator shall order that suitable safeguards be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade, unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith. Such orders shall be served upon the owner of record or his 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 publication in the official newspaper for two consecutive publications, at least ten days before the time for compliance stated in the order commences to run. Such time shall not be less than 14 days, nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the village administrator shall cause the excavation or foundation 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 village administrator, or the cost thereof, pursuant to statute.

**Sec. 10-31. Clear waters.**

A. Discharge into sanitary sewers. 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 purpose of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by such 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 purpose of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is 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 village board, 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, such waters shall either be discharged into an underground conduit leading to a drainage ditch, gutter or dry well or onto the ground surface in such a manner as it will not constitute a nuisance as defined in subsection (b) of this section.

D. Stormwater. All roof drains, surface drains, drains from any mechanical devices, gutters, pipes, conduits, or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, dry well, underground conduit leading to a drainage ditch or onto the ground surface in such a manner as it will not constitute a nuisance as defined in subsection (b) of this section.

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 village administrator or his designated agent suspects an illegal clear water discharge as defined by this section or any applicable provision of the Wisconsin Administrative Code, as amended from time to time, he may, upon reasonable notice and at reasonable times, enter the private premises where such an illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

#### **Sec. 10-32. Duplex service connections.**

A. Each duplex unit shall have separate water and sewer services.

#### **Sec. 10-33. Moving buildings.**

A. General requirements.

(1) No person shall move any building or structure upon any of the public ways or the village without first obtaining a building permit from the Building Inspector and the payment of the required fee as set by the village board from time to time and on file in the village offices. Every such permit issued by the Building Inspector for the moving of a building shall designate the

route to be taken and the conditions to be complied with and shall limit the time during which such moving operations shall be continued.

(2) A report shall be made by the public works department with regard to possible damage to trees. The estimated cost of trimming, removing and replacing public trees, as determined by the public works department, shall be paid to the village administrator prior to the issuance of the moving permit.

(3) Issuance of a moving permit shall be further conditioned on approval of the moving route by the chief of police.

B. Continuous movement required; lights. The movement of buildings shall be a continuous operation during all of the hours of the day and 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 on 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 day after such building reaches its destination, report such fact to the village administrator, inspect the street, highways and curbs and gutters over which such building has been moved and ascertain their condition. If the removal of the building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place such street or highway in as good repair as before the permit was granted. On the failure of the permittee to make such repairs within ten days thereafter to the satisfaction of the village board, the village shall repair the damage done to such streets and hold the person obtaining the permit and the sureties on his bond responsible for the payment of such repair.

D. Conformance required. No permit shall be issued to move a building within or into the village and to establish the building upon a location within the village until the village administrator has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that the building is in a sound and stable condition and of such construction that it will meet the requirements of this chapter, in all respects. A complete plan of all further repairs, improvements and remodeling of such building shall be submitted to the village administrator, 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 chapter and that, when the repairs, improvements and remodeling are complete, the building will comply with this chapter. If a building is to be move from the village to a point outside the boundaries of the village, the provisions of this subsection 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 within the village, the party applying for such permit shall give bond to the village in a sum to be fixed by the village

administrator which shall not be less than \$1,000.00. Such bond shall be executed by a corporate surety or two personal sureties, to be approved by the village board or their 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, upon investigation, the village administrator 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 of travelers into such excavation, or the location, nature and physical characteristics of the premises and the exposed excavation so as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by subsection (e)(1) of this section shall be further conditioned upon the permittee erecting adequate barriers and, within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth in this subsection.

F. Insurance. In addition to the bond indicated in subsection (e) of this section, the village administrator shall require public liability insurance covering injury to one person in the sum as set by the village board from time to time and on file in the village offices, and for one accident in a sum not less than as set by the village board from time to time and on file in the village offices, together with property damage insurance in a sum not less than as set by the village board from time to time and on file in the village offices, or such other coverage, as deemed necessary.

**Cross Reference - Public safety and public works, ch. 38.**

#### **Sec. 10-34. Fees**

The fees for building permits shall be determined by resolution of the village board.

#### **Sec. 10-35. Severability.**

If any section, clause, provision or portion of this article or 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. 10-36. Violations; penalties.**

A. Any building or structure erected, enlarged, altered or repaired or any use established after the

effective date of the ordinance from which this article is derived and which is in violation of the provisions of this article shall be deemed an unlawful building, structure or use. The village administrator 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, or to cause any such building, structure or use to be removed. Such building, structure or use may also be subject to a penalty as provided in section 1-27. 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 village administrator constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owners of any real estate within the jurisdiction of this article.

B. (1) If an inspection reveals a noncompliance with this article or any adopted codes within, 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 30 days after written notification, unless an extension of time is granted pursuant to Wis. Admin. Code

(2) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his representative, and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed, except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(3) Each day each violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this article shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provisions of this article or the Uniform Dwelling Code.

(4) Double fees shall be charged if any construction or work governed by the provisions of this article or the Uniform Dwelling Code is commenced prior to the issuance of a permit.

C. Any person feeling aggrieved by an order or a determination of the village administrator may appeal from such order or determination to the board of appeals. The procedure customarily used to effectuate an appeal to the board of appeals shall apply.

D. Except as otherwise may be provided by statute or ordinance, no officer, agent or employee of the village who is 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 in such suit.

