

CHAPTER 15. BUILDING CODES

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PUBLIC WORKS DEPARTMENT - INSPECTION DIVISION

SEC. 15.01 INSPECTION DIVISION.

- (a) There is hereby created the Inspection Division of the Public Works Department. The Building Commissioner shall be the head of this division and shall have general supervision over the Building, Electrical, and Plumbing Inspectors.
- (b) The Building Commissioner and his/her delegated representatives are authorized and directed to administer and enforce all the provisions of this Section.
- (c) The Building Commissioner, or his/her authorized agent, shall have the power and authority, at reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspections thereof and to require the production of the permit for any building, plumbing, electrical or heating work being done or the required license thereof. No person shall interfere with or refuse to permit access to any such premises to the above described representatives of the municipality while in the performance of their duties. The Fire Department and Police Department shall assist the Building Commissioner in the enforcement of this Chapter.
- (d) In this chapter, Inspector shall mean Building Commissioner, Building Inspector, Electrical Inspector, Fire Inspector, and/or Plumbing Inspector as applicable.

BUILDING CODE

SEC. 15.10 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Subchapter shall be known as the “Building Code of the City of Oak Creek” and will be referred to in this Section as “this Code,” “this Subchapter” or “this Ordinance.”
- (b) **Purpose.** This Code provides certain minimum standards, provisions and requirements for safe and stable design methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.** The provisions of this Section shall govern the design, construction, alteration, erection, installation, addition, demolition, moving and repair of all buildings and structures, including building components and systems, except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this Code whenever there is a change of use, unless it was being used for such purpose at the time this Code was enacted.
- (d) **Zoning Code.** The provisions of this Code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this Code was adopted and in no way supersede or nullify such laws and the said Zoning Code.

SEC. 15.11 INSPECTION DIVISION - BUILDING SECTION.

There is hereby created within the Inspection Division the Building Section. The Building Section shall be under the direct supervision of the Building Commissioner. The Building Commissioner or authorized agent shall have the general authority and control of all matters pertaining to building plan review, building inspections, and shall enforce all state laws and City ordinances relating thereto.

SEC. 15.12 BUILDING PERMIT REQUIREMENTS.

- (a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the City of Oak Creek 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 City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Inspection Division.
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
 - a. **Alterations.** When not in conflict with any regulations, alterations to any building or structure, or building component or system accommodating a legal occupancy or use but of substandard type of construction, which involves either the structural members of floors, roofs, beams, girders, columns, bearing or other walls, room arrangement, heating or air conditioning systems, electrical systems, plumbing systems, light and ventilation systems, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Section applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, as determined by the Assessor, 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 within thirty (30) days of notice thereof.

- d. *Alterations and Repairs Required.* When any building or structure or building component thereof, whether existing or being constructed, has deteriorated from any cause whatsoever to less than its designed or safe performance level, the owner of such a building or structure shall commence within forty-eight (48) hours to cause such building or structure, or building component thereof, to be restored to its designed or safe performance level. Failure to restore shall cause the building or structure or building component thereof to be considered a menace to public safety and welfare, and shall be ordered vacated and disconnected from utilities and thereafter no further occupancy or use shall be permitted. If the orders of the Inspection Division are not complied with after due notice and within thirty (30) days, the Inspection Division shall proceed as required by this Section to have such building or structure demolished.
 - e. *Use of Unsanitary Building.* No person shall occupy or use, or permit to be occupied or used, any building or structure that is unsanitary, dilapidated, deteriorated or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Section and Chapter 16 of this Code are complied with.
 - f. *Extent of Deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the Inspector.
- (b) **Permit Requirements.**
- (1) **Permit Required.** A permit shall be obtained by the owner or his agent from the Inspection Division for any of the following:
 - a. *Structure.* All additions, alterations, or new construction of any building or structure, except minor repairs. All demolition or moving of any building, or portion thereof, into, within, or out of the City.
 - b. *Electrical.* All additions, alterations or new installations of electrical wiring, equipment or devices, except that no permit shall be required for the repair or replacement of defective fittings, fixtures, receptacles, sockets or switches.
 - c. *Mechanical.* All new installations of any boiler, furnace, incinerator, wood burner, including a fireplace, or any other heat producing apparatus; any air cooled, water cooled or mechanically cooled air conditioning or refrigeration system; also any chimney, distribution system, fuel supply system, storage tank, ventilation system or any other equipment pertaining to the use of flammable gases, liquids or solids. Also, all additions, alterations or modifications to any of the above which involve more than fifty percent (50%) of the mechanical system, as determined by the Inspector.
 - d. *Plumbing.* All new installations and all additions to an existing system. All alterations or modifications involving more than fifty percent (50%) of an existing system, as determined by the Inspector. All connections to public sewer or water mains.
 - e. *Other.* Such other permits as may be required by the Common Council.
 - (2) **Application for Permit.**
 - a. Application for any permit shall be on forms prescribed by the Inspection Division. With such application for one- and two-family residential properties, there shall be submitted three (3) complete sets of plans, specifications and survey. For commercial, industrial and multi-family residential properties, there shall be submitted five (5) complete sets of plans, specifications or survey.
 - b. The Inspection Division may waive such filing of plans, specifications or survey if, in the opinion of the Inspector, the character of the work is sufficiently described in the application.
 - c. No building permit shall be issued until the City has determined that all outstanding connection and development fees and special assessments levied against the property have been fully paid or an agreement for payment has been approved by the Common Council.
 - d. No building permit shall be issued for the erection or construction of any building upon platted and unplatted lands until a culvert of such size and length to preserve the capacity and grade of any drainage ditch laid alongside a public highway or public service drive abutting the building site is installed. The City shall determine the size and length of culvert required, but in no case shall the culvert be less than twelve (12) inches in diameter and twenty (20) feet in length.
 - e. In those cases where a building site is not serviced by public sewer and a private

sewage disposal system is required, proper soil borings shall be taken at the proposed location of the septic system on the property in accord with the current requirements of the Section 15.63 of this Code. The results of such tests shall be submitted in duplicate with the building permit application.

- (3) **Division to Issue Permits.**
- a. If the Inspection Division finds that the proposed work will comply in every respect with this Section, other City ordinances, laws of the state, and lawful orders issued pursuant thereto, a permit shall be issued. After receiving a permit, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws, orders or safety of the project, except with the written consent of the Inspection Division filed with the application.
- b. In appropriate cases, the Inspection Division may issue a permit for part of a project prior to receiving plans for the entire project. No person shall commence work on any building or structure, or part thereof, before the proper permits are issued. The issuance of a permit shall not prevent the Inspection Division from thereafter requiring the correction of any errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinance, law or lawful order.
- (c) **Dedicated Street and Approved Subdivision Required.** Unless a waiver is granted by the Plan Commission, following a recommendation from the Inspection Division, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey, and required improvements, meet the requirements of Chapter 14.
- (d) **Utilities Required.**
- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading, graveling, curb and gutter (if required) and a minimum of two (2) inches of bituminous pavement has been installed in the streets necessary to service the property for which the permit is required, unless otherwise approved by the Common Council.
- (2) **Non-Residential Building.** No building permit shall be issued for the construction of

any building other than residential buildings until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

- (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (4) **Lawns.** A permanent lawn shall be established on each parcel within one (1) year after the issuance of the initial occupancy permit for the home on such parcel. An area landscaped with perennial grass able to withstand continued cutting from a height of 6" or less is a permanent lawn.
- (e) **Plans.** With applications for new, detached structures or additions, there shall be submitted three (3) complete sets of plans and specifications [five (5) sets of plans for commercial, industrial and multi-family structures], including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to City datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, and other requirements in accordance with the Engineering Design Manual or as required by the City Engineer, the signature of the applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Residential building plans and specifications shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot] and commercial and industrial plot plans at a scale of one (1) inch to fifty (50) feet. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) plan shall remain on file in the Inspection Division for one (1) year after construction for residential. One (1) plan shall remain on file permanently for commercial or industrial plans. All plans and specifications shall be signed by the designer.

- (f) **Partial Approval of Plans.** In case adequate plans are presented for part of the building only, the Inspection Division, at its discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (g) **Property Lot Marking**
Prior to commencement of construction, every single or two-family residence shall have stakes placed at the corners of the property upon which the residence is being constructed. The stakes shall be a minimum of 36 inches in height, with the top eight (8) inches of the stake to be painted with a fluorescent orange paint. The stakes shall be maintained by the permit holder until the occupancy permit has been issued or the lawn has been established, whichever is later.
- (h) **Fees; Reports.**
- (1) Payment of Fees. Except as otherwise specifically provided, all permit, license and inspection fees required under this Section shall be collected by the City Clerk prior to the issuance of the permit or license, and the City Clerk shall notify the Inspection Division when such fee is paid. No permit or license shall be issued or reissued, or inspection performed, until the required fees are paid. Building fees shall be as established in Section 3.40.
 - (2) Monthly Reports. The Building Commissioner shall make a monthly report to the Common Council and City Administrator of permits issued and fees collected.
- (i) **Inspections.** Upon notification from the permit holder or his agent to inspect construction of any principal building, structure or equipment, the Inspector shall inspect the following within two (2) business days after notice:
- (1) *Footings.* A registered surveyor must inspect and certify to the Inspector that the footing forms are in place and that the location of the proposed building and the grade thereof will conform to the plans as previously approved. Certification form provided by the Inspection Division.
 - (2) *Foundation.* Prior to backfilling.
 - (3) *General Framing.* After rough electrical and plumbing inspection have been completed.
 - (4) *Insulation.* Prior to covering.
 - (5) *Final.* After electrical and plumbing have been completed.
- (j) **Permit Lapses.**
- (1) General. Permits issued under this Section, except permits for one- and two-family dwelling units, shall lapse and be void unless construction or work thereunder has commenced within six (6) months, or if construction has not been completed within two (2) years, from the date of issuance. Construction has commenced if the footing or foundation has been excavated to a point where footings or foundation work can begin.
- (2) One- and Two-Family Dwellings. Permits for one- and two-family dwelling unit construction, remodeling and additions shall be valid for a period of twenty-four (24) months from the date of issuance.
- (k) **Revocation of Permits.**
- (1) The Inspection Division may revoke or suspend any building permit, certificate of occupancy, or approval issued under the regulations of this Section and may stop construction or use of approved new materials, equipment, methods of construction, devices, or appliances for any of the following reasons:
 - a. Whenever an Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit.
 - d. Whenever, in the opinion of the Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications, or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Inspector for the use of all new materials, equipment, methods of construction, devices, or appliances.
 - (2) The notice revoking a building, certificate of occupancy, or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment, or premises in question by the Inspector.
 - (4) After the notice is served upon the person(s) as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any

construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Section, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Section. However, such work as the Inspector may order as a condition precedent to the reissuance of the building permit shall be performed, or such work as he may require for the preservation of life and safety.

- (5) Appeals of such revocation or suspensions may be taken within the prescribed time by said Code to the Board of Appeals.
- (l) **Stop Work Order.** Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop work order shall be served on the owner or his representative and a copy of thereof shall be posted at the site of the construction. Such stop work order shall not be removed except by written notice of the Inspector after satisfactory evidence has been supplied that the violation has been corrected.
- (m) **Report of Violations.** City officers shall report at once to the Inspection Division any building which is being carried on without a permit as required by this Section.
- (n) **Permit Card.** A permit card, if required, signed by a member of the Inspection Division indicating the permits issued shall be posted in a conspicuous place at the work site during construction operations.
- (o) **Certificate of Occupancy.**
- (1) When Required. It shall be unlawful for any person to use or permit the use of any building or premises, or part thereof, hereafter erected, changed, converted or enlarged, wholly or partially, in use or structure until a certificate of occupancy shall have been issued by the Inspector. Such certificate of occupancy shall not be issued until all final inspections under this Section and under the Zoning Code have been satisfactorily completed.
- (2) Inspections.
- a. The Inspector shall make a final inspection of all new buildings, additions, and alterations. If no violation of this Section or any other ordinance be found, the Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used. Action to approve or deny any application for a permit or certificate of occupancy under this Sec-

tion shall be taken promptly and in no case longer than fourteen (14) days from the date the application is filed with the Inspector.

- b. No building, nor part thereof, shall be occupied until a certificate of occupancy has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
- c. If the Inspector determines after final inspection that the building, structure or work has substantially complied in every respect with all ordinances and orders of the City and applicable laws and orders of the State of Wisconsin, he shall officially approve the work and shall issue the certificate of occupancy to the owner.
- d. No person shall alter any plans or specifications in any respect after a permit or certificate of occupancy has been issued therefore, except with the written consent of the Inspector or appropriate City authority.
- (3) Final Grade Certification. As a condition for the issuance of any occupancy permit, the building permit applicant or owner shall submit to the City Engineer for approval a certified "As-Built" survey substantially conforming to the Master Grading Plan on file in the Engineering Department. Subject to the approval of the City Engineer if an owner or builder applies for a temporary occupancy permit between December 1st and April 1st, the builder or owner may submit a bond, certified check or money order payable to the city in an amount determined by the City Engineer to secure the builder's or owner's obligation to comply with this section. Upon submission of a certified "as built" survey substantially conforming to the master grading plan, the bond, certified check or money order shall be returned. If the grades are not certified within six months the temporary occupancy lapses, the deposit is lost and a citation may be issued for violation of this subsection.
- (4) Use Discontinued.
- a. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Section, the Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on the building owner or any person using or causing such use or occupancy to be continued, and such person shall vacate such

building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of the Section.

- b. Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued.
- (5) **Hardship.** The Inspector shall have the authority and power to permit the conditional occupancy of any building or structure in the City, prior to issuance of an occupancy certificate, in all such case of hardship as in his judgement or discretion warrant occupancy before the final stage of completion as set forth in this Section. Before granting such permission, the Inspector shall first examine the premises and determine if it is safe and sanitary. The Inspector shall determine the time within which such building or structure can be completed; such time should not exceed one hundred twenty (120) days, unless approved by the Building Commissioner or otherwise provided in this Code of Ordinances.
- (p) **Board of Appeals.** Any person feeling himself aggrieved by any order of the Inspector may appeal from such ruling to the Zoning Board of Appeals within thirty (30) days after receipt of written notice of such ruling. Such appeal is to be in writing, setting forth the order appealed from and the respects in which said person feeling himself aggrieved claims that said order or ruling is erroneous or illegal. Said notice of appeal shall be filed with the City Clerk, who shall thereupon notify the Inspector of said appeal and the appeal shall be heard at the next meeting of the Zoning Board of Appeals. The Zoning Board of Appeals, after consideration thereof, shall affirm, reverse or modify said ruling. The ruling or order of the Inspector shall be enforced until changed by said Zoning Board of Appeals. The fee as provided in Section 3.40 shall accompany the filing of the Notice of Appeal.

Ordinance #2017 A 7/20/99 Sec. 15.12(d)(4)

Ordinance #2142 A 7/2/01 Sec. 15.12(n)(3)

Ordinance #2142Corrected 9/4/01 Sec. 15.12(n)(3)

Ordinance #2302 A 4/5/04 Sec. 15.12(g) thru (p)

SEC. 15.13 STATE UNIFORM DWELLING CODE ADOPTED.

- (a) **State Code Adopted.** The Administrative Code provisions describing and defining regulations with

respect to one- and two-family dwellings in Chs. ILHR 20-25, Wis. Adm. Code, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modification of the Administrative Code provisions incorporated herein are intended to be made part of this Section to secure uniform statewide regulation of one- and two-family dwellings in this City. A copy of these Administrative Code provisions and any future amendments shall be kept on file with the Inspection Division.

- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:

- (1) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied.
- (2) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the City Assessor.
- (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Inspector, shall comply with the requirements of this Section for new buildings.
- (4) Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.

- (c) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Minor Repair.** Repairs 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 stairways or exits, fire protection, and which does not increase a given occupancy and use. Replacement of roof coverings shall be considered a minor repair. Replacement of the existing exterior or interior structural wall coverings are considered minor repairs. No building permit is required for work to be performed which is deemed minor repair.
- (2) **One- or Two-Family Dwellings.** A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintain-

ing a common household, to the exclusion of all others.

- (3) Person. An individual, partnership, firm or corporation.

(d) **Method of Enforcement.**

- (1) Building Commissioner to Enforce. The Building Commissioner and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Commissioner shall be certified for inspection purposes by the Department of Commerce in each of the categories specified under Sec. ILHR 26.06, Wis. Adm. Code.
- (2) Duties. The Building Commissioner shall administer and enforce all provisions of this Section and the Uniform Dwelling Code.
- (3) Inspection Powers. The Building Commissioner or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Commissioner or his agent while in performance of his duties.
- (4) Records. The Building Commissioner or agent shall perform all administrative tasks required by the Building Inspection Division under the Uniform Dwelling Code. In addition, the Building Inspection Division shall keep a record of all applications for building permits and shall regularly number each permit in the order of its issue. Also, a record showing the number and description of all buildings erected indicating the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept.

SEC. 15.14 CONSTRUCTION STANDARDS; STATE CODE ADOPTED.

(a) **Portions of Wisconsin Commercial Building Code Adopted.**

- (1) Codes Adopted. The Wisconsin Building, Heating, Ventilation and Air Conditioning Code, ILHR 50 through 64 and Barrier-Free Design, ILHR 69, Wis. Code, both inclusive and all future amendments, revisions, or modifications thereto, are hereby made a part of this Code by reference with respect to those buildings to which said provisions apply.
- (2) Multifamily Dwelling Code. The Wisconsin Uniform Multifamily Dwelling Code, ILHR 66, Wis. Code, inclusive and all future

amendments, revisions, or modifications thereto, are hereby made a part of this Code by reference. The City of Oak Creek specifically elects to enforce Sec. 101.14(4m)(d) and (e), Wis. Stats., in which an automatic fire sprinkler system or two-hour fire resistive separation be provided in every multifamily dwelling that contains floor area or dwelling units exceeding any of the thresholds established in Sec. 101.14(4m)(d) and (e), Wis. Stats. City of Oak Creek Fire Code requirements in effect prior to January 1, 1992 shall be applicable where more restrictive than the Uniform Multifamily Dwelling Code.

- (3) Permit Required. Except as specifically provided in Section 15.11(a), no person shall build, add to, alter or repair, or cause to be built, added to, altered or repaired, any public building, structure or place of employment until a building permit therefor has been issued by the Inspection Division.

(b) **Approvals Required.**

- (1) Requirements. Permits for building, structures or work under Subsection (a) above shall be issued by the Inspection Division only for plans which have been approved under Subsection (b)(2) below. Approvals may be obtained in any order provided no permit shall be issued by the Inspection Division until plans stamped or endorsed by all approving authorities are on file in his office.
- (2) State Approval Required. Except when authority to approve plans has been delegated to the Building Commissioner, all plans for commercial, industrial or other classes of buildings or places of employment described in Sec. 101.12, Wis. Stats., shall be approved by the Wisconsin Department of Commerce and then submitted for review by the Inspection Division.

SEC. 15.15 NEW METHODS AND MATERIALS.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Commerce 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 Commerce. The data, test and other evidence necessary to

prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Commerce.

- (c) All materials, methods of construction and devices designed for use in buildings or structures not covered by the Wisconsin State Building Code shall be approved by the Building Commissioner when they are proved to be the equal of those specifically required by the Code.

SEC. 15.16 UNSAFE BUILDINGS.

Whenever the Building Commissioner or delegated representative and/or Common Council find any building or part thereof within the City to be in their judgement so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or unfit for human occupancy or use, and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

SEC. 15.17 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Section is to improve the quality of buildings and structures in the City of Oak Creek. The inspections and the reports and findings issued after the inspections are not intended, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with Code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

SEC. 15.18 GARAGES AND STORAGE SHEDS.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) Detached Private Garage. A private garage entirely separated from the principal building.
 - (2) Storage Shed. A building not intended for the storage of a motor vehicle and contains a maximum floor area of two hundred (200) square feet.
- (b) **Location-Detached Garage or Storage Building.** Detached garages and storage sheds shall be governed by the following unless otherwise provided for in the Zoning Code:
 - (1) Detached private garage shall be located not less than ten (10) feet from any principal

building, except that such distance may be reduced to not less than five (5) feet when the adjacent walls and openings are protected with a minimum three-fourths (3/4) hour fire-rated construction.

- (c) **Footings and Foundations.**

- (1) Attached garages shall be provided with the same type footings and foundations as required for the principal building.
- (2) Detached garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Reinforcement shall be provided with a four (4) inch raised curb and with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the floor. Bolts three-eighths (3/8) inches in diameter with nuts and washers attached, with the concrete of detached garages eight (8) feet on center.
- (3) Storage sheds shall not require a concrete foundation if the floor area is two hundred (200) square feet or less. However, it shall be secured to the ground by an appropriate method.

- (d) **Garage Heating.** All open flame equipment shall be effectively separated by not less than one (1) hour fire-resistive wall, floor or ceiling. Suspended furnaces or direct fired units that are fired with a liquid fuel or gas may be used without an enclosure, provided that they are located at least seven (7) feet above the floor and at least six (6) inches from any combustible wall or ceiling and the unit is supported by noncombustible brackets or hangers or if the furnace has a sealed combustion unit.

SEC. 15.19 DECKS.

- (a) **Definitions.**

- (1) Decks. Any structure which serves as a raised horizontal platform on a floor constructed of wood or other materials, without enclosing the walls or roof.
- (2) Attached Deck. Any deck which is physically connected to the principal building or accessory structure.
- (3) Detached Deck. Any deck which is *not* physically attached to the principal building or accessory structure.

- (b) **Construction.**

- (1) Attached decks and decks used for exiting purposes shall comply with the requirements of the Wisconsin Uniform Dwelling Code.
- (2) Detached decks must comply with Subsection (b)(1) except the following may be substituted for footing and foundation requirements:

- a. Concrete pads shall be provided at a uniform depth below grade with all loose or organic material removed from the pad area prior to placement of concrete. The pad shall have a minimum depth of four (4) inches thick and eight (8) inches in diameter.
- b. Piers: the minimum eight (8) inch diameter concrete shall be at a uniform depth below grade.
- c. Direct burial wood posts shall be placed on a minimum two (2) inch nominal pressure treated wood plate or other approved materials at a uniform depth below grade. Posts shall be treated to the requirements of the American Wood Preservers' Association (AWPA) standard CCA.60 for direct soil contact. All materials in direct contact with the soil shall be treated to AWPA standards C2 and C15.
- d. Ground contact framing shall be allowed for decks which are less than twenty-four (24) inches above grade.

SEC. 15.20 RAZING BUILDINGS.

- (a) The Building Commissioner or his/her agent are hereby authorized to act for the City under the provisions of Sec. 66.05, Wis. Stats., relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The City of Oak Creek is authorized to levy the assessment and collect the special tax as therein provided.
- (b) Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

SEC. 15.21 MOVING BUILDINGS.

- (a) **General Requirements.**
 - (1) No person shall move any building or structure upon any of the public ways of the City without first obtaining a permit therefor from the Inspector and upon the payment of the required fee. Every such permit issued by the Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with, and shall limit the

time during which said moving operation shall be continued.

- (2) A report shall be made by the City Engineer with regard to possible damage to trees or the required movement of any public utilities and/or improvements. The estimated cost of trimming, removing and replacement of public trees, or the required movement of any public utilities and an improvement shall be determined by the City Engineer and shall be paid to the City Treasurer prior to issuance of the moving permit.
- (3) Issuance of a moving permit shall further be conditioned on approval of the moving route by the City Engineer and Chief of Police.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day, and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (c) **Street Repair.** Every person receiving a permit to move a building shall within one (1) day after said building reaches its destination, report that fact to the Inspector, who shall thereupon in the company of the City Engineer, inspect the streets, highways, and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of said permittee to do so within ten (10) days thereafter to the satisfaction of the Director of Public Works, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (d) **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Inspector has made an investigation of such building at the location from which it is to be moved, and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in con-

formity with the requirements of this Building Code, and that when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(e) **Bond.**

(1) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City of Oak Creek in a sum to be fixed by the City Engineer and which shall not be less than Twenty-five Thousand Dollars (\$25,000.00); said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the City Engineer or designated agent conditioned upon, among other things, the indemnification to the City 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 judgement together with the costs and expenses incurred by the City in connection therewith, arising out of the removal of the building for which the permit is issued.

(2) Unless the Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Inspector reasonably adopted or calculated to prevent the occurrences set forth herein.

(f) **Insurance.** The Inspector shall require, in addition to such bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Million Dollars (\$1,000,000.00) and for one accident in a sum not less than One Million Dollars (\$1,000,000.00), together with property damage insurance in a sum not less than One Million Dollars (\$1,000,000.00), or such other coverage as deemed necessary. The City shall be named as an additional insured on the policy.

(g) **Plan Commission Review.**

(1) No such permit shall be issued unless it has been found as a fact by the Plan Commission of the City by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by the Zoning Ordinances of the City or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit with his application papers complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the City, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in Subsection (e) hereof to the effect that he will within a time to be set by the Plan Commission, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the City. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(2) Upon application being made to the Inspector, he shall request a meeting of the Plan Commission to consider applications for moving permits which he has found comply in all respects with all other ordinances of the City. The Plan Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to

be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time, and within forty-eight (48) hours after the close of the hearing, the Plan Commission shall, in writing, make or refuse to make, the finding required by this Subsection, and file it in the office of the City Clerk, who shall send a copy of it to the Inspector.

SEC. 15.22 BASEMENT EXCAVATION.

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

SEC. 15.23 FOUNDATION REPAIR AND DAMP PROOFING.

- (a) **Application.** Application for a permit shall include a statement of the existing defects and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.
- (b) **Plans.** Plans and/or specifications must be submitted for approval prior to issuance of a permit.
- (c) **General Foundation Requirements.**
 - (1) Walls that are not plumb may be reinforced if supported by engineering data showing benefit of the reinforcing. When repairing any portion of a wall that is not near as plumb as possible, that portion must be excavated. When the affected repair includes porches or stoops, frost depth to the uniform code requirements must be met.
 - (2) The excavated wall must be cleaned, loose parging removed, cracks and parging must be repaired with Type M mortar or equal, and walls made plumb and dampproofed with one coat of bituminous material or other approved materials.
 - (3) If drain tile is not present in the affected area, a drain tile system must be installed and terminated in a newly installed sump with pump or in a properly functioning existing drain collection system provided that it does not discharge to the sanitary sewer.
 - (4) Prior to backfill, an inspection is required by the Department after which backfill with Number One washed stone shall be provided to within eighteen (18) inches of final grade. The stone shall be covered with a filter fabric prior to backfilling with soil.
 - (5) Final grade must ensure drainage from the foundation.
 - (6) Pilasters must be made integral with the exterior wall and reinforced with at least two (2) Number Three rods and filled with three thousand (3,000) PSI cement grout material. Pilasters must be a maximum four (4) feet apart.
 - (7) Any other form of reinforcing will require engineered data to be submitted at the time of permit application to include complete system analysis.
 - (8) Affected walls to be repaired shall have loose or cracked mortar joints cleaned to a minimum depth of one-half (1/2) inch and tuckpointed with Type M mortar or equal.
 - (9) When installing weep holes in foundation walls, care must be taken to provide adequate drainage from weep holes to drain tile by either stone or mechanical means. No more than one (1) mechanically drilled weep

hole is permitted per cell. When the floor is replaced, a minimum of three (3) inches of concrete shall be placed over the drain tile and a minimum of two (2) inches of concrete over the footing. Lateral support must be maintained at the floor level. An exception to match the existing concrete floor level is allowed.

- (10) Drain tile placed under the basement floor shall be of the approved type not less than three (3) inches in diameter and shall be covered with Number One washed stone connected to a proper sump with pump or an existing City storm water system. All exposed bleeders must be open. The sump pit must discharge to grade or be equipped with a pump to discharge water away from the dwelling.

SEC. 15.24 UNDERGROUND TANKS - INSTALLATION, ABANDONMENT OR REMOVAL.

- (a) **Applicability of Other Regulations.** All underground tanks shall be installed, abandoned or removed in compliance with all applicable state and federal requirements.
- (b) **Permit Requirements.** The owner or agent shall submit evidence of a state permit for installation, abandonment, or removal and a site plan showing the location of said tank(s).
- (c) **Fire Department Notification.** The owner or agent shall notify the Fire Department forty-eight (48) hours in advance of the installation, abandonment or removal of an underground tank.

SEC. 15.25 AGENT CITY FOR COMMERCIAL PLAN REVIEW

- (a) The city shall serve as an agent city to review all plans of wood frame, masonry, and steel buildings through two (2) stories in height, of type 5 through 9 construction, in accordance with agent city status designation by the State Department of Commerce.

Ordinance #2113 A 3/6/01 Sec. 15.25

ELECTRICAL CODE

SEC. 15.40 PURPOSE.

The purpose of this Electrical Code is to safeguard life and property by regulating and providing for the inspection of the installation and condition of electrical wiring, equipment and devices, and providing for the licensing of persons, firms and corporations undertaking electrical work, and fixing a penalty for violation of the provisions of this Electrical Code.

SEC. 15.41 INSPECTION DIVISION - ELECTRICAL SECTION.

- (a) There is hereby created under the general supervision of the Building Commissioner within the Inspection Division the Electrical Section. The Electrical Section shall be under the direct supervision of the Electrical Inspector. The Electrical Inspector shall have the general authority and control of all matters pertaining to electrical inspections and shall enforce all state laws and City ordinances relating thereto. Any qualified employee of the City of Oak Creek may act in the absence of the Electrical Inspector.
- (b) The City Electrical Inspector shall not engage in the business of electrical wiring and construction either directly or indirectly in the City and he shall have no financial interest in any concern engaged in such business in the City. He may, however, do work at the request of the City or outside of the City.

SEC. 15.42 AUTHORITY TO ENTER PREMISES.

The Electrical Inspector, or his authorized agent, may enter any building or premises in the discharge of his official duties for the purpose of making any inspection or test of the electrical wires, equipment or devices contained therein. The Inspector or his authorized agent shall be given access to any premises upon request made to the owner or person in immediate charge of the premises.

SEC. 15.43 RECORDS.

- (a) There shall be kept in the Inspection Division a complete record of all applications, regularly numbered in the order of their issue, of all inspections made and other official work performed under the provisions of this Chapter, so arranged as promptly to afford information concerning electrical installation.
- (b) The Electrical Inspector shall prepare a monthly report summarizing the number of inspections made and the activities of the Section and file copies of such report with the Building Commissioner.

SEC. 15.44 DEFINITIONS.

For the purpose of this Chapter the following terms and words shall be interpreted as having the following meanings:

- (a) **State Code Terms.** All terms defined in the Wisconsin State Electrical Code and any amendments thereto shall when used in this Code be construed to have the same meaning as in the Wisconsin State Electrical Code.
- (b) **Other Terms.** For the purpose of this Code, the following terms shall have the following meanings:
 - (1) **Electrical System.** All wires, equipment or devices installed for the purpose of conducting or safeguarding electrical current.
 - (2) **Electrical Work.** Any act in connection with the installing, altering or maintaining of an electrical system, which act ordinarily requires the use of tools.
 - (3) **Wiring.** Shall include the wires and other devices incident to the means for safely conducting electrical current.

SEC. 15.45 AUTHORITY TO DISCONTINUE ELECTRICAL SYSTEM.

The Electrical Inspector may order the discontinuance of all electrical current from any electrical system which is found to be in an unsafe condition and order the cutting off of electric current in cases of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department. No person shall reconnect any equipment thus cut off until permission is given by the Electrical Inspector.

SEC. 15.46 CITY NOT LIABLE.

This Electrical Code shall not be construed to relieve from or lessen the responsibility or liability of any person supplying electricity to or selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting, or maintaining any electrical wiring, device or equipment, for damages to persons or property caused by any defect therein in therefrom; nor shall the City be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or the inspection or reinspection authorized by the Chapter, or by reason of the approval or disapproval of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this Code. Nor shall the City be held liable for any damages resulting from the enforcement of this Chapter.

SEC. 15.47 INFORMATION.

All requests for information pertaining to and involving an interpretation of this Electrical Code shall be submitted in detail to the Electrical Inspector. The Electrical In-

spector shall not design any electrical installation or act in the capacity of a consulting (electrical) engineer.

SEC. 15.48 INSPECTION.

The Electrical Inspector shall visit and inspect all public buildings and premises, such as places of amusement and places of assemblage, and all other buildings for which electrical permits have been issued or complaint filed and make a thorough examination of all the electrical wires, equipment and devices installed, and when found to be in a dangerous or unsafe condition, he shall notify the person owning, using, operating or installing same to place them in a safe condition. The necessary repairs or changes shall be completed within seven (7) days after the receipt of such notice; each day which shall elapse after the expiration of said period shall constitute a separate offense, and the Electrical Inspector may order the discontinuance of electrical service to such defective electrical system until it shall have been repaired, removed or changed as directed by the Electrical Inspector. Failure to obey any such order shall subject the person failing to make such disconnection to the penalties hereinafter provided.

SEC. 15.49 LICENSE QUALIFICATIONS AND REVOCATION.

- (a) The Building Commissioner or Electrical Inspector shall determine if an applicant is qualified for an electrical license.
- (b) Master Electrical Certification from the State of Wisconsin and employed as an electrician for more than thirty (30) hours per week shall serve as qualification for a license unless provided otherwise in this Electrical Code, or in the case of a firm or corporation, that an employee of said firm or corporation has such certification. In the case of an employee holding the Master Certification who terminates employment with the firm or corporation, said license shall automatically be revoked.
- (c) The Building Commissioner or Electrical Inspector may investigate any charges or complaints which have been filed against the holder of a license and may revoke such license for repeated violations or noncompliance with any of the provisions of this Electrical Code on the part of the licensee or any person performing any work under his direction. An aggrieved party may appeal to the Electrical Inspector, Building Commissioner, City Administrator, or Common Council, in said order.
- (d) Any person doing electrical work in the City of Oak Creek must either hold an electrical license issued by the State of Wisconsin and the City of Oak Creek or be employed for more than thirty (30) hours per week by a licensed electrician.
- (e) Electrical Maintenance License – Class M. A Class M Electrical Maintenance License shall be issued to an individual employee of a company for

work to be performed on company property only. The scope of the work covered by this license shall be limited to troubleshooting and repairs for electrical systems. The license holder shall be allowed to install and disconnect existing equipment, and to install new circuits to new equipment or outlets on company property. The license holder will be allowed to obtain the required permits for the installation of wiring to new equipment and new circuits. The license holder shall not serve as a supervising electrician for the company for which he is employed.

To qualify for a Class M license, an individual is required to have five years of experience in the electrical maintenance or electrical construction field and shall provide the City proof of same prior to issuance of the license. Any person holding a current maintenance license in any other city shall qualify for a license in the City of Oak Creek upon providing proof that a maintenance license has been issued by another city.

- (f) Electrical Maintenance License – Class C. A Class C Electrical Maintenance License shall be issued to an individual who holds a State Masters Electrical Certification or current City Master Electrical Certification. The license holder may serve as the supervising electrician and/or perform all electrical work on company property. The license holder will be allowed to obtain permits for the installation of electrical work for any electrical work on company property.
- (g) License Fees. Fees shall be as established in Section 3.40.
Ordinance # 2280 A 11/4/03 Sec. 15.49(e), (f)

SEC. 15.50 LICENSES FOR ELECTRICIANS.

- (a) **License Required.** No person shall alter, install, or repair electrical wires and apparatus without first having procured a license therefore as hereinafter provided.
- (b) **License Exception.** Any individual who performs work in a single family residence or accessory structure owned and legally occupied for at least thirty (30) days by such individual and does not regularly employ anyone to perform electrical work upon such premises, shall not be required under this Code to have a license for such work but shall obtain a permit as required by Section 15.51. Such individual shall file with the Building Commissioner or Electrical Inspector an affidavit that such work will be performed in compliance with the State Electrical Code and the provisions of this Code.
- (c) **Application for License.** Application for a license shall be made to the Electrical Inspector or Building Commissioner.

- (d) **License Fees.** Fees shall be as established in Section 3.40.

SEC. 15.51 PERMITS FOR LIGHT, HEAT AND POWER INSTALLATIONS.

- (a) **Permit Required.** The Electrical Inspector shall issue permits for the erection of electrical installations for light, heat and power upon the filing of proper application, which shall be made on forms furnished by the Electrical Inspector and shall prescribe the nature of the work as well as other information as may be required for inspection. In no case shall any such electrical work be done unless a permit has been obtained.
- (b) **Exceptions.**
 - (1) Any person manufacturing or repairing electrical apparatus and equipment and employing a competent electrician shall not be required to have a permit for his testing equipment.
 - (2) No permit shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses or changing lamp sockets.
 - (3) No permit shall be required for portable devices such as grinders, drills, portable signs, washing machines, vacuum cleaners, radios, electric refrigerators and similar devices not permanently wired but intended to be connected to the circuit by a flexible cord and plug. Proper approved wiring, together with approved receptacle and plug, shall be installed for such portable devices.
 - (4) No permit shall be required for the installation, alteration or repair of electrical generation, transmission or distribution equipment if owned and operated by an electrical utility company or the City.
 - (5) No permit shall be required for the installation, alteration or repair of signal or communication equipment where such equipment is owned and operated by a public utility company or the City, County or State of Wisconsin.

SEC. 15.52 PERMIT FEES.

- (a) **Fees.** Fees for electrical permits shall be as established in Section 3.40.
- (b) **Double Fee.** In case the licensee shall fail to obtain a permit before work on an electrical installation has been started, the total fees for such permit shall be double the fees charged, except in emergency cases as determined by the Electrical Inspector. No further permits are to be issued to any licensee until all arrears in fees have been complied with.
- (c) **Misrepresentation of Fees.** No person shall misrepresent the amount charged by the City for per-

mit fees. A fee shall be required for a permit issued to a licensee for doing any electrical works on or in any building owned by the City and a permit shall be procured before the commencement of any work on or in such building. All permit fees shall be paid to the City Treasurer and no permit shall be issued or held valid unless signed by the Electrical Inspector and stamped as paid by the City Treasurer in the amount for such permit.

SEC. 15.53 TEMPORARY WORK.

- (a) **Temporary Work Provision.** On applying for a permit for temporary work, a specified period of time during which such wiring is to remain in service must be stated, but not exceeding ninety (90) days. Service shall be disconnected at the end of this period and shall not again be connected without permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits are required for temporary work and exposed wiring, lights, power for building operations, display decorative wiring, etc. for use for a limited period, subject to discontinuance and complete removal at expiration, and to condemnation and revocation within such period.
- (b) **Emergency Work.** In emergency work, the person doing or causing such work to be done shall report the same to the Electrical Inspector the next business day after beginning work, and such work shall be done in accordance with the provisions of this Electrical Code.

SEC. 15.54 CERTIFICATE OF INSPECTION.

Current shall not be turned on any electrical installation until a certificate of inspection has been issued by the Electrical Inspector. However, in occupied buildings where a permit for lighting fixtures has been issued, the Electrical Inspector may authorize the installation of meters of electric service after wiring has been inspected and approved.

SEC. 15.55 CONSTRUCTION REQUIREMENTS.

No certificate of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with this Electrical Code, the rules and regulations of the Wisconsin State Electrical Code and all amendments thereof and supplements thereto. Where requirements of the Wisconsin State Electrical Code and the provisions of this Electrical Code conflict, the stricter requirement shall govern.

SEC. 15.56 APPROVED MATERIALS.

- (a) No electrical materials, devices or appliances shall be used or installed in the City unless they are in conformity with the provisions of this Electrical Code, the statutes of the State of Wisconsin and the

State Electrical Code and all amendments thereof and supplements thereto under authority of the state statutes, and unless they are in conformity with approved methods of construction for safety to life and property.

- (b) The maker's name, trademark or other identification symbol shall be placed on all electrical material, devices and appliances used or installed under this Code; also the rating in volts, amperes, watts or horsepower, etc. to permit proper identifications.

SEC. 15.57 SIGNS.

Electrically illuminated signs shall not be hung or erected until after inspection and approval by the Electrical Inspector, unless such signs have otherwise been approved.

PLUMBING CODE

SEC. 15.60 INSPECTION DIVISION - PLUMBING SECTION.

- (a) There is hereby created under the general supervision of the Building Commissioner within the Inspection Division the Plumbing Section. The Section shall be under the direct supervision of the Plumbing Inspector. The Plumbing Inspector shall have the general authority and control of all matters pertaining to plumbing inspections and shall enforce all state laws and City ordinances relating thereto.

SEC. 15.61 STATE CODES ADOPTED.

The provisions and regulations of COMM 82 through 87, Sec. 145 Wis. Stats., and COMM 5, Wis. Adm. Code, and all future amendments, revisions or modifications thereto, are hereby made a part of this Chapter by reference, and shall govern the installation of all plumbing installed, altered or repaired in the City.

SEC. 15.62 AUTHORITY OF PLUMBING INSPECTOR.

- (a) The Plumbing Inspector may enter all buildings in the City in the performance of his duties between 8:00 a.m. and 5:00 p.m. daily and any person who shall willfully or knowingly resist or obstruct the Plumbing Inspector in the performance of his duties shall be guilty of a violation of this Chapter.
- (b) The Plumbing Inspector may withhold approval of an application for a plumbing permit to any person who has not complied with a lawful order of the Plumbing Inspector. The person refused such a permit may appeal within ten (10) days to the Council.
- (c) The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection (i.e., soil, vent, underground drain, final inspection). All plumbing work shall be left exposed until such time as the Inspector has completed his examination and inspection. All new plumbing and all parts of existing systems, except as provided in IHLR 82.21(1)(a), Wis. Adm. Code, which have been altered, extended or repaired shall be tested as specified in IHLR 82.21(1)(d), Wis. Adm. Code, to disclose leaks and defects before the plumbing is put into operation.

SEC. 15.63 APPLICATIONS AND PERMITS.

- (a) No plumbing shall be installed in the City without first filling an application and receiving a permit to do so.
- (b) Before a permit to install plumbing may be issued, a plot of the premises upon which the plumbing is to be installed shall have been approved by the

Building Inspector and the Plumbing Inspector. This plot plan shall include the following:

- (1) The size of the building and its location on the lot.
 - (2) The size and location of the proposed system of private sewage disposal.
 - (3) The location in feet of all water wells not on the lot but within forty-five (45) feet of it.
 - (4) The location of the water well on the lot.
 - (5) The location in feet of any system of private sewage disposal that is less than twenty (20) feet from the lot.
 - (6) The slope or slopes of the land surface of the lot in feet per one hundred (100) feet or percentage of slope.
 - (7) The location of all percolation test holes and the data of the test of each hole. This means the rate in minutes for the water to fall an inch, plus any data from borings if needed.
- (c) No permit to install plumbing may be issued unless the lot on which the system of private sewage disposal is to be installed is large enough to install such a system in full compliance with Ch. ILHR 83.10, Wis. Adm. Code. This shall not apply to plumbing to be installed inside an existing building.
 - (d) Percolation test data shall be accepted only from a person or firm that has been certified and registered with the City.
 - (e) Each application must be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Licensed master plumbers only may receive such permits, with the exception that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner, as his home.
 - (f) A permit must be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing.
 - (g) A plumbing permit shall be void when installation work has not started within three (3) months from the date such permit was issued. It may also be void upon written request of the person who received the permit.
 - (h) The holder of the permit or his employees shall install all plumbing listed in the application.

SEC. 15.64 SCHEDULE OF PERMIT FEES.

Plumbing fees shall be as prescribed in Section 3.40.

SEC. 15.65 PUMP INSTALLATION.

All water pumps shall be installed in compliance with the Wisconsin Well Construction and Pump Installation Code, NR 112 and NR 811, and any future amendments or modifications thereto.

SEC. 15.66 STORM WATER DISPOSAL.

(a) Drainage of Roofs, Yards and Paved Areas.

- (1) All roof rainwater leaders on all buildings except private detached accessory buildings shall be mechanically connected to the storm sewer system, where storm sewer is available in either the street or the alley or in an adjacent easement. Availability of storm sewer shall be determined by the City Engineer. When a storm sewer is not available, roof rainwater leaders shall be mechanically connected to an approved storm water facility.
- (2) All underground drains from rainwater leaders, paved areas, yards, courts and courtyards shall be mechanically connected to the storm sewer system, where storm sewer is available in either the street or the alley or in an adjacent easement. Such drains may discharge in an approved manner into an adjacent lake, river or stream, provided they are not in conflict with the rules of the Wisconsin Department of Natural Resources and the Metropolitan Sewerage Commission.

(b) Drainage of Paved Areas.

- (1) Except on single family and two (2) family properties, all new parking lots, parking areas, access aisles, loading and unloading berths and other areas accommodating vehicular movements, prior to paving, shall be graded in accord with a site grading and drainage plan that has been approved by the City Engineer. Said grading plan shall provide for the disposal of the paved area surface water runoff by means of an appropriate on-site storm sewer, including catch basins, which shall be connected to a City storm sewer, storm channel or other City-approved outlet, and therein shall prevent surface water from draining in such a manner as to cause damage or create a nuisance on adjoining premises, street and/or sidewalk area. The storm sewer installation shall not proceed until after a permit has been issued by the Plumbing Inspector. The paving of the aforementioned areas, with asphalt or concrete, shall not proceed until after a permit has been issued by the Building Inspector. The application for this permit shall include a final inspection report from the Plumbing Inspector that the storm sewer system has been properly installed and a certificate of compliance, from the applicant's engineer or surveyor, that the grading for the parking lot is in compliance with the aforementioned approved grading plan.

- (2) All existing parking lots, except on single family and two (2) family properties, parking areas, access aisles, loading and unloading berths and other areas accommodating vehicular movement shall comply with the above regulations as follows:

- a. When an existing graveled or stoned parking lot or parking area is to be paved with asphalt or concrete, it shall be made to comply with the aforementioned regulations for new parking areas.
- b. When an existing parking lot or parking area is enlarged, the portion being added shall comply with the aforementioned regulations for new parking lots or parking areas.
- c. When an existing parking lot or parking area, whether it is paved, graveled or stoned, is graded or drained in a manner which will damage or create a nuisance on adjoining premises, street and/or walk area, it shall be made to comply with the regulations for new parking areas.

- (c) **Foundation Drains and Sump Pumps.** Foundation footing drains and all buildings where they are installed shall terminate in a sump pit not less than eighteen (18) inches in diameter and twenty-four (24) inches in depth unless the drains can be connected by means of an approved gravity drain to a storm sewer. The sump pit shall be pumped out with an approved type of sump pump. The sump pump shall be set on the bottom of the sump pit and the sump pit shall be free of all stones, gravel, mud and debris.

(d) Sump Pump Discharge.

- (1) The sump pump discharge pipe shall be a minimum of one and one-fourth (1-1/4) inches in inside diameter and shall connect to the storm sewer system where storm sewer is available in either the street or the alley or an adjacent easement. Where a storm sewer is not available all sump pumps installed for the purpose of discharging clear water from footing drains or other clear water drainage sources shall discharge onto the ground at least three (3) feet away from the building.
- (2) The sump pump discharge pipe shall be located as directed by the Plumbing Inspector and shall be located at least three (3) feet from the corner of the building in such a manner so that the sump pump water does not drain onto an adjacent property, except into drainage swales for which a drainage easement exists; does not drain onto or over a public sidewalk; and does not drain onto or over a public street right-of-way so as to

create public nuisances as a result of ponding and icing.

- (3) Upon the investigation of a complaint regarding sump pump discharge, the Plumbing Inspector shall order the property owner to locate his sump pump discharge pipe and connecting hose, if any, in such a manner as is necessary to meet the requirements of this Subsection. The Plumbing Inspector shall have the right to grant the property owner a temporary waiver from the requirements of this Subsection, if the Plumbing Inspector determines that is not practical for the property owner to comply with this Subsection. The temporary waiver shall terminate and the property owner shall be required to comply with this Subsection at such time as the Plumbing Inspector determines that it is practical for the property owner to comply with this Subsection.
- (4) If the owner or occupant is aggrieved by an order issued pursuant to this Section, he may file a letter of appeal with the Board of Appeals upon payment of an appeal fee within thirty (30) days of the service of the order upon him. In his letter of appeal the owner and/or occupant shall state the reasons why he is appealing from the order and shall request the Board of Appeals to establish a hearing date. The Board of Appeals shall conduct a hearing on the appeal within twenty (20) days after the request. The Board of Appeals is empowered to grant variances where compliance with this Subsection would not be reasonable and where the condition which is the subject of the order is not hazardous, unsafe or unsanitary condition.
- (e) **Stormwater Drainage Control.** Storm water drainage from new development and redevelopment shall comply with the requirements in Sec. 13.100 through 13.114.
- (f) **Building, Storm Sewers and Storm Drains.** The materials and installation methods for building, storm sewers and storm drains shall be as specified in Ch. ILR 82.36 and ILR 84, Wis. Adm. Code or any future amendments thereto.

Ordinance 2226 A 12/3/02 Sec. 15.66(e)

SEC. 15.67 STREET OPENINGS.

- (a) No opening shall be permitted in any street, alley or other public ways without prior approval by the City Engineer.
- (b) No openings in streets, alleys or other public ways to install plumbing will be permitted when the ground is frozen, except when necessary. In opening any street or other public way, all materials for

paving or ballasting shall be removed with the least possible injury or loss and together with the excavated material from the trenches shall be placed where the least practicable inconvenience to the public will be caused, and admit of free passage of water along the gutters.

- (c) All openings made in the public streets or alleys in accordance with permission given pursuant to this Code of Ordinances shall be enclosed with sufficient barriers, and red or amber lamps shall be maintained upon the same at night and all other necessary precautions shall be taken to guard the public against accidents from the beginning to the completion of the work.
- (d) In opening a trench on any street or lot, the sidewalk materials, sand, gravel and earth, or whatever materials are removed or penetrated, must be replaced in precisely the same condition and relation to the remainder as it was before. All rubbish must be removed at once, leaving the street or sidewalk in perfect repair and must be so maintained for a period of one (1) year thereafter. All gas, water and electric lines or conduits must be protected from injury or settling in a manner approved by the Plumbing Inspector.
- (e) When any excavation is made in a permanently paved road or street or in any road or street which is to be permanently paved, all clay or hard pan must be removed and the excavation entirely back-filled with slurry. Any tunnel dug in such road or street shall be backfilled with concrete in a manner approved by the Plumbing Inspector.

SEC. 15.68 SWIMMING POOLS REGULATED.

(a) Public and Private Pools.

- (1) Swimming pools for the purpose of this Section is defined as any depression in the ground, either temporary or permanent or a container of water, either temporary or permanent, and either above or below the ground in which water of more than twenty-four (24) inches in depth is contained and which is used primarily for the purpose of bathing or swimming; except temporary pools with an area of one hundred fifty (150) square feet or less shall not come within the provisions of this Chapter.
- (2) All public swimming pools constructed within the City of Oak Creek shall be built and maintained in accordance with the rules of the Wisconsin Department of Health and Social Services, Division of Health, or its successor department, division or agency, as set forth in Ch. HSS 171, Wis. Adm. Code, together and any amendments thereto which may be adopted from time to time.

- (3) All private swimming pools shall comply with the requirements of this Chapter.
- (b) **Permits.** No swimming pool shall be constructed within the City of Oak Creek unless a permit therefore shall first be obtained by the owner or his agent from the Building Inspector. Where electrical or plumbing work is required incidental to any pool construction, electrical and/or plumbing permits shall be required. The permit fee for a fence or deck installation in conjunction with a swimming pool permit to comply with Subsection (a) shall not be waived when applied for at the same time as the swimming pool.
- (c) **Location.** The vertical wall of a swimming pool shall not be located closer than ten (10) feet from the principal building, and not less than five (5) feet from any other wall, fence or other structures which can be climbed by children. The pool location shall conform with appropriate regulations for an accessory building as set forth in the City of Oak Creek Zoning Code. No pool shall be located under or closer than ten (10) feet horizontal to any electric power lines. All swimming pools shall be located in accordance with the provisions of Ch. ILHR 83.10, Wis. Adm. Code, which requires that all swimming pools be located not less than fifteen (15) feet from any septic soil absorption site and not less than fifteen (15) feet from any septic tank.
- (d) **Drainage.** No swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank, or to overflow upon or cause damage to any adjoining property. Provision may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval of the Plumbing Inspector.
- (e) **Lighting.** Lights, if installed, shall be erected so as to eliminate direct rays and minimize reflected rays of light on adjoining properties.
- (f) **Safety.** Every swimming pool shall be maintained in such order that it will not create a hazard to the health, safety or general welfare of the residents of the City of Oak Creek.
- (g) **Safeguards.** Every person, every member of a partnership, and every corporation that owns directly or indirectly, rents, or uses, has use of or control of, or has the right to use any swimming pool located in the City of Oak Creek, shall properly enclose and/or erect and maintain barriers around such swimming pool of such size and construction as will safeguard a child under seven (7) years of age so as to prevent such child from falling into such swimming pool. No such pool shall be regarded as being properly enclosed or employing proper barriers unless it complies with the following requirements:
- (1) In-ground swimming pools shall be enclosed by an approved barrier which shall consist of a properly erected and maintained wall or fence at least forty-eight (48) inches in height which entirely surrounds the swimming pool. Every such fence shall be constructed in accordance with the building and zoning code requirements of the City of Oak Creek. Every such wall or fence shall be located not less than five (5) feet from the vertical wall enclosing the pool, and shall not provide at any point a space or separation in such wall or fence of more than six (6) inches. All gates or door openings or other means of access into such swimming pool shall be self-closing and self-latching and placed in such a manner that they can only be operated from the inside of the enclosure if they are less than forty-eight (48) inches above the ground level, or shall employ such other safe means of securing access that such pool shall be inaccessible to a child under seven (7) years of age when such swimming pool is not in actual use or attended.
- (2) Above-ground swimming pools shall be enclosed by an approved barrier as set forth in Subsection (g)(1) above or shall consist of an adequate conforming structure of durable material of which the pool itself is constructed, provided that such structure shall extend the vertical water enclosing or relating deck structure of the swimming pool more than forty-two (42) inches above the ground level of the pool. All gates or door openings or other means of access to such swimming pool shall comply with Subsection (g)(1) above.
- (3) Every swimming pool which has a capacity for water exceeding four (4) feet in depth at any point, shall be equipped with a reasonable number of life preservers and/or other safety devices.

Ordinance #2011 A 7/6/99 Sec. 15.68(g)(2)

SEC. 15.69 PRIVATE SEWAGE DISPOSAL SYSTEMS.

- (a) **Preamble.** This Section shall be subject to the provisions of Chapter 145, Wis. Stats., and Ch. ILHR 83, Wis. Adm. Code, as amended from time to time, and all subsequent rules and regulations promulgated thereunder regarding private sewage systems. It shall not be more lenient than the rules and regulations promulgated pursuant to Chapter 145, Wis. Stats., and Ch. ILHR 83, Wis. Adm. Code, and any future amendments or modifications thereto.

- (b) **Issuing Agent.** The Plumbing Inspector shall act as the City's issuing agent only if certified as a Privately Owned Waste Treatment System (POWTS) Inspector and is hereby assigned the duties of administering the private sewage system program.
- (c) **Sanitary Permit.**
 - (1) Validity.
 - a. No person may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.
 - b. No person may sell, at retail, a septic tank for installation unless the purchaser holds a valid sanitary permit.
 - c. A sanitary permit is valid for two (2) years from the date of issue and renewable for similar periods thereafter.
 - d. A sanitary permit may be transferred from the holder to a subsequent owner of land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent.
 - (2) Application Forms. The issuing agent shall use the sanitary permit forms provided by the department.
 - (3) Application Process.
 - a. The applicant shall submit the completed sanitary permit application to the issuing agent.
 - b. The issuing agent shall review the certified soil tester reports for the proposed private sewage systems and verify the report at the proposed site, if necessary.
 - c. The issuing agent shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.
 - d. The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall:
 - 1. State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.
 - 2. Inform the applicant of the right to appeal and the procedures for conducting an appeal under Chapter 68, Wis. Stats.
- (d) **Fees.** The fees for private sewage disposal systems shall be as established in Section 3.40.
- (e) **Inspection.**
 - (1) The issuing agent shall inspect or cause the inspection of all private sewage systems after the construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.
 - (2) The issuing agent shall file reports and conduct surveys and inspections as required by the City or the Department.
- (f) **Violations.** The issuing agent shall investigate violations of the private sewage system ordinance and Sec. 146.13, Wis. Stats., issue orders to abate the violation and submit orders to the District Attorney, City Attorney or Attorney General for enforcement.
- (g) **Other Duties.** The issuing agent shall perform other duties regarding this private sewage system ordinance and Sec. 146.13, Wis. Stats., issue orders to abate the violation and submit orders to the district attorney, City attorney or attorney general for enforcement.
- (h) **Privies.** The regulation of privies shall be subject to the provisions of NR 113, Wis. Adm. Code.
- (i) **Failing Private Sewage System.**
 - (1) When an existing private sewage disposal system fails to meet the requirements of Chapter 145, Wis. Stats., and Ch. ILHR 83, Wis. Adm. Code, including any future amendments thereto, the issuing agent shall be notified within the next business day. The issuing agent may approve a replacement private sewage disposal system, a connection to existing sanitary sewer by means of a gravity or forcemain lateral, or by holding tank. The issuing agent may require that soil testing be performed on the property to determine which system to approve. The applicant shall apply for a permit for the system in accord with Section 15.63.
 - (2) Replacement private sewage disposal sewage systems shall meet the requirements of Subsection (a).
 - (3) Connection to existing sanitary sewers by means of a gravity or forcemain lateral shall meet the requirements of Ch. ILHR 82.30, Wis. Adm. Code, and shall be subject to the following requirements:
 - a. The property owner shall pay, upon connection, all sanitary sewer user charges in accordance with the rates levied by the City Sewer and Water Utility.
 - b. The property owner shall be required to properly abandon a forcemain lateral when a gravity lateral becomes available.
 - c. The property owner shall pay the appropriate special assessment based on the then existing special assessments for sanitary sewer service when the aforementioned ultimate sanitary sewer is installed to serve the owner's property.

- d. The property owner shall apply for and obtain all necessary permits from the Wisconsin Department of Natural Resources and/or the United States Army Corps of Engineers when the lateral location involves crossing natural streams or wetlands.
- e. The City shall have final approval of the size and location of the lateral. The property owner shall obtain easements for access to the lateral on lands not owned by the property owner.
- (4) Installation of a holding tank shall require approval from the Wisconsin Department of Commerce, subject to the following requirements:
 - a. The owner, except as provided by Sec. 146.20(30)(d), Wis. Stats., shall contract with a person who is licensed under Ch. NR 113, Wis. Adm. Code, to have the holding tank services shall file a copy of the contract or the owner's registration with the City. The owner shall fill a copy of any changes to the service contract or a copy of a new service contract with the City within ten (10) business days from the date of any change to the service contract. The service contractor shall submit to the City a report in accord with ILHR 83.18(4)(a)2, Wis. Adm. Code, for the servicing on a semiannual basis. In the case of registration under Sec. 146.20(3)(d), Wis. Stats., the owner shall submit the report to the City.
 - b. The property owner shall be required to properly abandon a holding tank lateral when a gravity lateral becomes available.
 - c. The property owner shall pay the appropriate special assessment based on the then existing special assessments for sanitary sewer service when the aforementioned ultimate sanitary sewer is installed to serve the owner's property.
- (j) **Sewage Holding Tanks.**
 - (1) Sewage holding tanks shall only be allowed for properties with existing development services by a private sewage disposal system which has failed and for new commercial and industrial developments, if approved by the Common Council.
 - (2) Holding tank permits shall be issued in accordance with Subsection (i)(4).
- (k) **Private Sewage Disposal Systems**

The City of Oak Creek will not enforce Wis. Adm. Code Comm. S. 83.61 relating to private sewage disposal systems until the mandatory enforcement date of January 1, 2003.

SEC. 15.70 CROSS CONNECTION CONTROL.

- (a) **Purpose.** 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 Oak Creek 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 Oak Creek Water and Sewer Utility and by the Wisconsin Department of Natural Resources in accordance with ILHR 82 or NR 811.09, Wis. Adm. Code, or any future amendments or modifications thereto.
- (b) **Inspections.** It shall be the duty of the City of Oak Creek Inspection Division and/or the Oak Creek Water and Sewer Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Oak Creek Water and Sewer Utility and as approved by the Wisconsin Department of Natural Resources.
- (c) **Right of Entry.** Upon presentation of credentials, the representatives of the City of Oak Creek Inspection Division and/or the Oak Creek Water and Sewer Utility 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 Oak Creek for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.122, Wis. Stats. On request the owner, lessee or occupant or any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (d) **Discontinuance of Service.** The Oak Creek Water and Sewer Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measure 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 Ch. 68, Wis. Stats., except as provided in Subsection (e). Water service to such property shall not be restored until the cross connection(s) have been eliminated in compliance with the provisions of this Section.
- (e) **Emergency Discontinuance.** If it is determined by the Oak Creek Water and Sewer Utility 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 Oak Creek and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.

- (f) State Plumbing Code. The City of Oak Creek adopts by reference the State Plumbing code, Chapters 81-87 Wis. Adm. Code. This does not supersede the State Plumbing Code and the City of Oak Creek Plumbing Code is supplementary to it.

SEC. 15.71 PRIVATE WELL ABANDONMENT; WELL OPERATION PERMITS.

- (a) **Purpose.** The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water systems are properly abandoned.
- (b) **Coverage.** This Section shall apply to all wells located on any premise that are connected to the municipal water system in the City of Oak Creek.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Municipal Water System.** A community water system owned by a city, village, county, or town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
 - (2) **Non-Complying.** A well or pump installation which does not comply with the provisions of Ch. NR 112, Wis. Adm. 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.
 - (3) **Pump Installation.** 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.
 - (4) **Unsafe.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Chs. NR 109 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

- (5) **Unused.** A well or pump installation which is not in use or does not have a functioning pumping system.

- (6) **Well.** 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.

- (7) **Well Abandonment.** The filling and sealing of a well according to the provisions of Ch. NR 112 and NR 811, Wis. Adm. Code, and any future amendments or modifications thereto.

- (d) **Abandonment Required.** All wells located on premises connected to the municipal water system within the City of Oak Creek shall be abandoned in accordance with the terms of this Section and Ch. NR 811, Wis. Adm. Code, by January 1, 1994 or within sixty (60) days after notification, or no later than twelve (12) months from the date of connection to the municipal water system, whichever occurs last, unless a well permit has been obtained by the well owner from the City of Oak Creek Plumbing Inspector.

- (e) **Well Operation Permit.** The City of Oak Creek Plumbing Inspector shall grant a permit to a private well owner to operate a well for a period of five (5) years providing conditions of this Section are met. There shall be no well operation permit fee. An owner may request a new permit or the renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The City of Oak Creek Plumbing Inspector or designee shall 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 of Oak Creek Plumbing Inspector. The following conditions must be met for issuance of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 112, Wis. Adm. Code, as determined by the Plumbing Inspector upon inspection.

- (2) The well construction and pump installation have a history of producing bacteriologically safe water based on DNR Water Quality Standards as evidenced by at least two (2) samples a minimum of two (2) weeks apart. Water samples are to be taken by the well owner and tested at the owner's expense at an approved laboratory with test results submitted to the Plumbing Inspector. No exception to this condition may be made for unsafe wells, unless the Department of Natu-

ral Resources approves, in writing, the conditional 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 and the well is operational.
 - (5) The private well shall be limited to serving two (2) outside hose bibs if the public water supply is connected to any plumbing fixture(s) on the property.
- (f) **Well Abandonment Permit and Procedures.**
- (1) A Well Abandonment Permit fee in accordance with Section 3.40 shall be paid for all wells abandoned under the jurisdiction of this Section. Wells shall be abandoned according to the procedures and methods of Ch. NR 811, Wis. Adm. Code. All debris, pump, piping, unsealed lines and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) The owner of the well shall notify the Plumbing Inspector at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Plumbing Inspector. A permit shall be applied for and issued by the Plumbing Inspector for filling operation prior to commencement.
 - (3) An abandonment report, supplied by the Department of Natural Resources within ten (10) days of the completion of the well abandonment.
- (g) **Penalties.** The failure to abandon a well or obtain a well operation permit as required the well owner shall be subject to the penalties of Section 1.07.

SEC. 15.72 SANITARY SEWER AND WATER CONNECTIONS.

- (a) **Connection to Public Sanitary Sewer.** Every building with installed plumbing fixtures and intended for human occupancy, located adjacent to a street or easement in which there is public sewer service, shall be connected to the public sewer by means of individual connections or private interceptor mains within one (1) year after notification.
- (b) **Connection to Public Water Supply.** Every building intended for human occupancy, located adjacent to a street or easement in which there is public water supply, shall be connected to the public water supply within one (1) year after notification by the City Engineer, Building Commissioner, or Plumbing Inspector unless a well operation

permit is issued for the private well in accordance with Section 15.71 of this Chapter.

- (c) **Connection to Private Water and Private Sewer Systems.** Any building constructed, or use established after the effective date of this Section, shall be connected with the public water supply and public sewer service pursuant to Subsections (a) and (b) above. If such public facilities are not adjacent to the property, connections shall be made to an individual or community sewage disposal system and individual or domestic water supply system of such design and construction as may be approved by the City of Oak Creek Plumbing Inspector/Sanitarian, the Division of Safety and Buildings of the Department of Industry, Labor and Human Relations, and the Department of Natural Resources of the State of Wisconsin.
- (d) **Definition.** For the purpose of this Section, "connection" shall mean a plumbing connection from the public water supply (watermain) to the interior of the building.

SEC. 15.73 CLEAR WATER DISCHARGE INTO SANITARY SEWER SYSTEM PROHIBITED.

- (a) The discharge of clear water into the sanitary sewer system is prohibited.
- (b) The discharge of clear water into the sanitary sewer system shall be eliminated.
- (c) The inspection officers of the City of Oak Creek shall make such inspections as are necessary to determine where clear water connections, or clear water infiltration, exists. In making such inspections, they are authorized and directed to obtain special inspection warrants under the provisions of Sections 66.122 and 66.123, Wis. Stats.
- (d) Upon determining that a clear water connection, or clear water infiltration exists, City inspection officers shall issue appropriate orders to abate, correct, or eliminate such connection of infiltration within a reasonable time, not to exceed ninety (90) days. This order shall be sent to the owner by certified mail, at the address shown on the tax roll. The owner may appeal to the Common Council within ten (10) days from the date of mailing. The Council shall hold a public hearing on the appeal, within ten (10) days from receipt of the appeal. The owner may appear in person, or by an attorney. The Council may affirm, modify, or reverse the order appealed from. The owner may appeal the Council's decision by certiorari commenced within ten (10) days of the Council order. If no such appeal is taken, the Council's order shall be final, and may be implemented by mandatory injunction or other appropriate legal means.
- (e) In accordance with Sec. 66.62, Wis. Stats., the Common Council may impose special assess-

ments against the property for all or part of the cost of abating, correcting, or eliminating clear water connections or infiltration, including the manual valving system. Prior to the imposition of such assessment, the Council shall conduct a public hearing, preceded by a Class 1 notice published in the official City newspaper, and a mailed notice to each owner at the address shown on the last tax roll. Any special assessment imposed shall be by a final resolution as provided in Sec. 66.60, Wis. Stats., and shall constitute a lien on the property. Payment shall be made as the Council provides in said resolution. The Council may provide for installment payments not to exceed five (5) years, with six percent (6%) interest on the unpaid balance. The owner may appeal the special assessment in the manner provided in Sec. 66.60(12), Wis. Stats., within forty (40) days of the publication of the final resolution.

- (f) City officers and contractors retained by the City may enter upon property for the purpose of performing the work necessary to abate, correct, or eliminate such clear water connections or infiltration. No person shall refuse such entry, or interfere with such City officer or contractor in the performance of such work. In addition to the penalties herein provided, any person who so refuses or interferes, shall be subject to injunction or restraining order of a court of competent jurisdiction.

SEC. 15.74 PLUMBING PLAN REVIEW

Wis. Adm. Code Comm. S. 82.20 regarding plumbing plan review and all future amendments, revisions or modifications thereto is hereby adopted by reference.

Ordinance #2070 A 6/6/00

BUILDING IDENTIFICATION

SEC. 15.80 BUILDING IDENTIFICATION STANDARDS.

- (a) **Requirement.** All premises shall bear a distinctive street number on the front or near the front entrance of said premises as assigned thereto by the Department of Community Development.
- (b) **Standards.** All property address signs shall meet the requirements as set forth in Section 17.0704(c).
- (c) **Enforcement.** The Inspection Division and the Fire Department shall be responsible for enforcement of these building identification standards.

IMPACT FEES

SEC. 15.100 SHORT TITLE.

This Subchapter shall be known and cited as the Impact Fee Ordinance.

SEC. 15.101 INTENT.

This Subchapter is intended to impose an impact fee, in order to regulate the effect of development, as hereinafter defined, on public facilities, and to finance public facilities, the demand for which is generated by development.

SEC. 15.102 AUTHORITY.

This Subchapter is authorized under Sec. 66.0617, Wis. Stats. The provisions of this Subchapter shall not be construed to limit the power of the City to adopt such ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Subchapter.

SEC. 15.103 RECITALS.

- (a) Sec. 66.0617, Wis. Stats., requires a political subdivision to prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed, prior to enacting an ordinance that imposes impact fees.
- (b) In July, 1994, the Common Council of the City of Oak Creek retained the consulting engineering firm of Ruckert & Mielke, Inc. to review Sec. 66.55, Wis. Stats., the predecessor statute to Sec. 66.0617 Wis. Stats., its application to the City of Oak Creek, its public facilities needs required by growth through development, and to prepare a needs assessment as required by the statutes.
- (c) Ruckert & Mielke, Inc. completed its charge and prepared an Impact Fees Needs Assessment - 1995 and Report to the Mayor and Common Council.
- (d) Wis. Stats. Sec. 66.0617 was amended by Wisconsin Acts 203 and 477 in 2006 and by Wisconsin Act 44 in 2008.
- (e) Ruckert & Mielke was retained by the City of Oak Creek to prepare an updated needs assessment.
- (f) Ruckert & Mielke prepared an Impact Fee Study Update dated June, 2009, which is on file in the office of the City Clerk ("Impact Fee Study Update").
- (g) The Impact Fee Study Update sets forth the public facilities required by land development which may be financed by impact fees and has recommended that impact fees be established for parks, playgrounds and other recreational facilities, fire protection facilities, and libraries.
- (h) A public hearing was held before the Common Council of the City of Oak Creek on the third (3rd)

day of August, 2009, to consider amendments to the impact fee ordinance.

- (i) Notice of the aforesaid public hearing was published as a Class 1 Notice under Ch. 985, Wis. Stats., which notice specified that a copy of the proposed ordinance and the Impact Fee Study Update having been available in such office for at least twenty (20) days prior to the public hearing.
- (j) The Common Council of the City of Oak Creek finds and determines that the impact fees it considered for adoption bear a rational relationship to the need for new, expanded or improved public facilities required to serve land development; that such fees do not exceed the proportionate share of the capital costs that are required to serve land development as compared to existing uses of land within the City; and that the impact fees are based upon reasonable estimates of the capital costs for new, expanded or improved public facilities and do not include amounts necessary to address existing deficiencies in public facilities.
- (k) The Common Council considered the appropriate planning and financing periods for the particular types of public facilities for which the impact fees may be imposed and found that the time periods recommended by the Impact Fee Study Update are appropriate.

SEC. 15.104 DEFINITIONS.

As applied in this Subchapter, the following words and terms shall be used:

- (a) **Building Permit.** Any permit required for new construction and additions pursuant to Chapter 15 of the Municipal Code. The term "building permit", as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or rebuilding a damaged or destroyed structure, provided no increase in gross floor area or number of dwelling units results therefrom.
- (b) **Capital Budget.** A plan for capital expenditures, including commitments, to be incurred during the budget year from funds subject to appropriation by the governing body of the concerned government for projects scheduled in a given year of the capital program.
- (c) **Capital Improvements Program (CIP).** A plan for capital expenditures, including commitments, to be incurred each year over a fixed period of years to meet capital needs arising from the long-term work program. It thus sets forth each project or other contemplated expenditure in which the local government is to have a part, and it specifies the full resources estimated to be available to finance the projected expenditures.
- (d) **City.** The City of Oak Creek, Wisconsin.

- (e) **Common Council.** The Council of the City of Oak Creek, Wisconsin.
- (f) **Comprehensive Plan.** The City of Oak Creek Comprehensive Master Plan, including any subsequent changes or amendments thereto.
- (g) **Capital Costs.** The capital cost to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than ten percent (10%) of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten percent (10%) of capital costs. "Costs" do not include other non-capital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct expand or improve public facilities.
- (h) **Development.** Any man made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.
- (i) **Impact Fee.** A fee to be collected at the time a building permit is issued; and calculated based upon the costs of public facilities in proportion to development creating the need for such facilities.
- (j) **Multifamily.** Buildings containing two (2) or more dwelling units, condominiums and mobile homes.
- (k) **Non-Residential Development.** Local use of land for the primary purpose of commercial, industrial or institutional activities.
- (l) **Public Facilities or Public Facilities Project.** Any or all other of the following which are identified in the Capital Improvements Plan to be financed by the imposition of an impact fee: library facilities, fire facilities, police facilities and parks.
- (m) **Residential Development.** Local use of land for the primary purpose of housing accommodations.
- (n) **Zoning Districts.** A part or parts of the City for which the Zoning Code regulations governing the use and location of land and buildings are uniform.
- (o) **Zoning Ordinance.** The Zoning Ordinance of the City of Oak Creek, Wisconsin.

SEC. 15.105 APPLICABILITY OF IMPACT FEE.

This Subchapter shall be uniformly applicable to development which occurs within the City.

SEC. 15.106 IMPOSITION OF IMPACT FEE.

No building permit shall be issued for a residential or non-residential development unless the applicant has paid all impact fees imposed by, and calculated pursuant to, this Subchapter.

SEC. 15.107 IMPACT FEE SCHEDULE.

The impact fees shall be set forth in Section 3.40 of this Code.

SEC. 15.108 CALCULATION OF IMPACT FEE.

The City shall calculate the impact fee as follows:

- (a) **Library Facilities Impact Fee.**
 - (1) Verifying the number and type of residential dwelling units.
 - (2) Determine the applicable per-unit impact fee.
 - (3) Multiplying the applicable per-unit impact fee by the appropriate number of residential dwelling units.
- (b) **Park and Recreation Facilities Impact Fee.**
 - (1) Verifying the number and type of residential dwelling units.
 - (2) Determining the applicable per-unit impact fee.
 - (3) Multiplying the applicable per-unit impact fee by the appropriate number of residential dwelling units.
- (c) **Fire Facilities Impact Fee.**
 - (1) Verifying the number and type of residential dwelling units or non-residential building square footage.
 - (2) Determining the applicable per-unit impact fee.
 - (3) Multiplying the applicable per-unit impact fee by the appropriate number of residential dwelling units or non-residential building square feet.
- (d) **Police Facilities Impact Fee.**
 - (1) Verifying the number and type of residential dwelling units or non-residential building square footage.
 - (2) Determining the applicable per-unit impact fee.
 - (3) Multiplying the applicable per-unit impact fee by the appropriate number of residential dwelling units or non-residential building square feet.

SEC. 15.109 ADMINISTRATION OF IMPACT FEE.

- (a) **Collection of Impact Fee.**
 - (1) Impact fees calculated and due pursuant to this Subchapter shall be collected by the City prior to the issuance of any permit under Chapter 15 of this Code of Ordinances.
 - (2) Failure to pay the impact fees as provided herein subjects the developer or landowner to the penalties set out in Sec. 1.07 and voids any approval given hereunder or permits issued hereunder.
- (b) **Fee Reduction.** Any impact fee imposed under this Subchapter shall be reduced to compensate for capital costs otherwise imposed by the City, upon the land development subject to this Subchapter,

for the same public facilities for which an impact fee has been imposed under this Subchapter, including by way of special assessments, special charges, land dedications or fees in lieu of land dedications under Ch. 236, Wis. Stats., or any ordinance adopted thereunder or any other items of value. Impact fees imposed under this Subchapter shall also be reduced proportionately to compensate for monies received by the City from federal or state government specifically to provide or pay for the public facilities for which the impact fees under this Subchapter are imposed.

- (c) **Transfer of Funds.** Upon receipt of impact fees, the City Clerk shall be responsible for placement of such fees into separate accounts as hereinafter specified.
- (d) **Establishment and Maintenance of Accounts.** The City Clerk shall establish a separate interest-bearing account for fees collected for each type of impact fee. Interest or income earned by each account shall be credited to that account and shall be used solely for the purposes specified for such account. The City Clerk shall maintain records for each such account.
- (e) **Maintenance of Records.** The City Clerk shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of monies from each account shall be used solely and exclusively for the capital costs for which the fee was imposed.
- (f) **Annual Review and Modification.**
 - (1) The City shall annually, in conjunction with the annual capital budget and capital improvements program processes, review the development potential of the City and the capital improvements plan and make such modifications as are deemed necessary as a result of:
 - a. Development occurring in the prior year.
 - b. Public facilities actually constructed.
 - c. Changing facility needs.
 - d. Inflation
 - e. Revised cost estimates for public facilities.
 - f. Changes in the availability of other funding sources applicable to public facility projects.
 - g. Such other factors as may be relevant.
 - (2) Modifications to the development potential, the capital improvements program, and the impact fee shall be adopted prior to December 31 of each year and shall be effective on January 1 of the succeeding year.
 - (3) The amount of the impact fees may be adjusted on an annual basis for inflation, uti-

lizing the Consumer Price Index, All Urban Consumers, Midwest Region published by the Bureau of Labor Statistics for the previous 12 months. Adjustments shall be made by Amendments to Sec. 3.40 of the Municipal Code.

Ordinance #2124 A 4/17/01 Sec. 15.109(e)

SEC. 15.110 EXCESS FACILITY PROJECTS.

Impact fees paid pursuant to this Subchapter shall be restricted to use solely and exclusively for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of public facilities as specified herein.

SEC. 15.111 REFUNDS.

- (a) The current owner of property on which an impact fee has been paid may apply for a refund of such fee if:
 - (1) The City has failed to use the fee that was imposed within the required period of time as established by Sec. 66.0617, Wis. Stats., after the date of payment of the impact fee, as itemized in the Impact Fee Study Update; or
 - (2) The building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or
 - (3) The project for which a building permit has been issued has been altered in a manner which has resulted in a decrease in the amount of the impact fee due; or
 - (4) As otherwise authorized in this Subchapter.
- (b) A written petition for refund must be filed with the City Administrator or his designee within one (1) year of the event giving rise to the right to claim a refund and failure to do so as provided herein shall be considered a waiver of the right to claim a refund under this Subchapter.
- (c) Within ten (10) business days of the date of filing of a petition for refund, the City Administrator shall forward a copy of the petition for refund to the appropriate department head. Within thirty (30) business days of receipt, the appropriate department head shall submit a written report and recommendation to the City Administrator. The City Administrator shall review this report and, within ten (10) days, make a written recommendation to the Common Council. Within forty-five (45) days of the date of the City Administrator's written recommendation, the Common Council shall adopt a resolution denying, approving, or approving in part the refund petition.
- (d) If the petitioner wishes to appeal the decision of the Common Council, the petitioner shall commence an action in the Milwaukee County Circuit

Court seeking review of the Council's decision within thirty (30) days after the date on which the Council adopted the resolution with respect to the petition for refund.

SEC. 15.112 APPEALS.

- (a) **Notice of Appeal.** Any developer or property owner, upon whom an impact fee has been imposed, may contest the amount, collection or use of the impact fee by filing a Notice of Appeal to the Common Council. The Notice of Appeal shall be filed with the City Clerk within thirty (30) days of the date of the determination appealed from. The Notice of Appeal shall state in detail the relief sought by the developer, or property owner, and any legal or factual basis for the relief requested; and shall include all supporting documentation upon which the developer, or property owner, relies in making the appeal.
- (b) **Appeal Bond.** If the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the impact fee due, as calculated by the City Administrator or the Administrator's designee, and all other requirements have been satisfied, the plumbing or building permit may be issued. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed.
- (c) **Review by the Common Council.**
 - (1) Within ten (10) business days of the date of filing of the Notice of Appeal, the City Administrator shall forward a copy of the Notice of Appeal to the appropriate department head. Within thirty (30) business days of receipt, the appropriate department head shall submit a written report and recommendation to the City Administrator. The City Administrator shall review this report and, within ten (10) days, make a written recommendation to the Common Council.
 - (2) Within forty-five (45) days of the date of the City Administrator's written recommendation, the Common Council shall adopt a resolution denying, approving, or approving in part the appeal.
- (d) **Review by Circuit Court.** If the developer or property owner wishes to appeal the decision of the Common Council, the developer or property owner shall commence an action by certiorari in the Milwaukee County Circuit Court seeking review of the Council's decision within thirty (30) days after the date on which the Council adopted the resolution with respect to the developer's appeal.

SEC. 15.113 EFFECT OF THE IMPACT FEE ON ZONING AND SUBDIVISION REGULATIONS.

This Subchapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SEC. 15.114 IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT.

Except as required by Sec. 66.0617(6)(d), Wis. Stats., the impact fees imposed under this Subchapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits.

SEC. 15.115 AMENDMENTS.

- (a) **Public Hearing.** Before enacting an ordinance that amends this Subchapter, the Common Council shall hold a public hearing on the proposed ordinance or amendment.
- (b) **Notice.** Pursuant to Sec. 66.0617(3), Wis. Stats., notice of the public hearing referred to in the preceding section shall be published as a Class 1 notice under Ch. 985, Wis. Stats., and shall specify where a copy of the proposed ordinance or amendment and the public needs assessment may be obtained.
- (c) **Public Facilities Needs Assessment.** Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a needs assessment shall be prepared and made available for public inspection and copying as required by Sec. 66.0617(4), Wis. Stats.

SEC. 15.116 CREDITS.

- (a) A property owner may elect to construct a public facility listed in the Capital Improvements Plan for which an impact fee has been imposed. If the property owner elects to construct such a public facility, the property owner must enter into an agreement with the City prior to issuance of any building permit. In any such agreement, the City shall reasonably provide for credits for other past or future monetary or nonmonetary contributions by the developer to the construction of the same public facility, as follows:
 - (1) Present value of amounts contributed within the last three (3) years for any land dedications, physical improvements, or financial contributions made for the construction of the public facility;

- (2) Present land dedications and physical improvements made for the construction of the public facility;
 - (3) Future land dedications, physical improvements made for the construction of the public facility for a period not to exceed three (3) years.
- (b) In no event shall credit provided under Subsection (a) be greater than the otherwise applicable impact fee.
 - (c) No credits shall be given for the construction of local on-site facilities required by zoning, subdivision, or other City requirements or which are not included in the capital improvements program.

SEC. 15.117 APPLICABILITY.

The impact fees authorized under this Subchapter shall be imposed upon all residential developments for which, as of the effective date of this Subchapter, development agreements have not been approved by the Common Council or for which a building permit has not been issued.

SEC. 15.118 PENALTY.

In addition to any other remedy which the City may have for any violation of any portion of this Subchapter, any person who shall violate any provision of this Subchapter shall be subject to a penalty as provided in Sec. 1.07. Each violation, and each day a violation continues or occurs, shall constitute a separate offense. This Section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this Chapter.

Ordinance #2562 A 8/3/09 15.100-15.118

FIRE PREVENTION CODE

SEC. 15.200 INTENT OF SECTION.

It is the intent of this Subchapter to prescribe regulations consistent with recognized standard practice for the safeguarding of life and property from the hazards of fire and explosions arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

SEC. 15.201 APPLICATION TO NEW AND EXISTING CONDITIONS.

The provisions of this Subchapter shall apply equally to new and existing conditions except that existing conditions, as of the effective date of this Subchapter not in strict compliance with the terms of this Subchapter, shall be permitted to continue where the exceptions do not constitute a hazard to life or adjoining property.

(a) **State and National Codes Adopted**

All Orders, Rules and Regulations of the Department of Commerce, set forth in the Wisconsin Administrative Code Comm 61 through 65 and any future amendments thereto are hereby adopted by reference. The Wisconsin Enrolled Commercial Building Code, International Fire Code, National Electrical Code, and any future amendments thereto are hereby adopted by reference. The following NFPA regulations and any future amendments thereto are hereby adopted by reference:

- (1) NFPA 13, 13R, and 13D Automatic Sprinkler Systems. **2002 edition**
- (2) NFPA 303 Fire Protection Standard for Marinas and Boatyards. **2000 edition**
- (3) NFPA 307 Standard for the Construction of Fire Protection of Marine Terminals, Piers, and Wharves. **2000 edition**
- (4) NFPA 850 Recommended Practice for Fire Protection for Electric Generating Plants. **2000 edition**

(b) **Conflicting Provisions**

In cases of conflict between local, state, and national code provisions, the most restrictive provisions shall govern.

Ordinance 2312, A 7/6/04 Sec. 15.201(a),(b)

Ordinance 2343, A 4/19/05 Sec. 15.201 (a), (b)

SEC. 15.202 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Subchapter, have the meanings indicated in this Section:

- (a) **Approved.** Accepted by the Fire Chief or his designee as a result of their investigation and experience, or by reason of test, listing or approval by Underwriters Laboratories, Inc., the National Bureau of Standards, the American Gas Association

Laboratories or other nationally recognized testing authorities.

- (b) **Automatic Fire Alarm System.** A System which automatically detects a fire condition and actuates a fire alarm signal device and which is also approved.
- (c) **Dwelling.** Any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.
- (d) **Dwelling, One or Two Family.** A building occupied exclusively for residence purposes and having not more than two (2) dwelling units occupied, or as a rooming house serving not more than fifteen (15) persons with meals or sleeping accommodations or both.
- (e) **Dwelling Unit.** Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals.
- (f) **Hazardous Substance.** Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives.
- (g) **I.C.C. Container.** Any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.
- (h) **Institutional Building.** A building in which the primary use is the housing of persons for periods of more than twelve (12) hours to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes.
- (i) **Multi-Family House.** A building occupied as the home or residence of individuals, families or households living independently of each other, of which three (3) or more dwelling units include cooking facilities.
- (j) **NFPA.** The National Fire Protection Association.
- (k) **NFPA 13.** The National Fire Protection Association Standard for the Installation of Sprinkler Systems. NFPA 13 R and NFPA 13 D are not allowed in place of NFPA 13 unless specifically referenced.
- (l) **NFPA 24.** The National Fire Protection Association Standard for the Installation of Private Fire Service Mains and Their Appurtenances.

- (m) **NFPA 241.** The National Fire Protection Association Standard for Safeguarding Construction, Alteration, and Demolition Operations.

NOTE: References to the above NFPA standards shall be to the most recent edition in effect at the time application is made for the building and are hereby adopted by reference as part of this Code.

NOTE: Other definitions may be referred to and are incorporated herein as found in Wisconsin Comm 61 through 65 and Comm 14.

- (n) **Person.** Any individual person or persons, partnership, firm, organization, association or corporation, their agents or assigns.
- (o) **Public Building.** A building in which persons congregate for civic, political, educational, religious, social, recreational or dining purposes; and includes appurtenances attached thereto.
- (p) **Residence Building.** Except when classed as an institutional building, means a building in which sleeping accommodations are provided.
- (q) **Rooming House.** A dwelling unit occupied by more than three (3) persons who are not a family and where a fee or other consideration is charged for periods of occupancy usually longer than one (1) night and where a bathroom or toilet room or kitchen is shared by occupants of the building.

NOTE: Other definitions may be referred to and are incorporated herein as found in Wisconsin Comm 61 through 65 and Comm 14.

Ordinance 2312 A 7/6/04 Sec. 15.202(a),(m),(n),(o),(p),(q),(r)

SEC. 15.203 AUTHORITY TO ENTER PREMISES.

The Fire Chief or his/her designee may, at all reasonable hours, enter any building or premises within his jurisdiction for the purposes of making any inspection or investigation which, under the provisions of this Subchapter, he or they may deem necessary to be made.

SEC. 15.204 INSPECTIONS OF BUILDING AND PREMISES.

- (a) The Fire Chief or his/her designee shall inspect, or cause to be inspected, all buildings and premises, except the interiors of dwelling units (not including rooming houses) as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of this Subchapter and of any other ordinance affecting the fire hazard and to insure compliance in all places of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exit ways and maintenance of fire alarm and fire detecting systems, and fire extinguishing systems and appliances.
- (b) The Fire Chief or his/her designee, upon the complaint of any person or whenever he or they shall

deem necessary, shall inspect any building and premises within their jurisdiction.

- (c) Any person who refuses to permit or prevents or interferes with any entry into or upon the premises by the Fire Chief or authorized designee, or interferes with any such inspection shall be deemed guilty of violating this Section and shall be subject to fines as prescribed in Section 1.07.

Ordinance 2312, A 7/6/04 Sec. 15.204(a), (b)

SEC. 15.205 ORDERS TO ELIMINATE FIRE HAZARDS.

Whenever any of the officers, members or Inspectors of the Fire Department or Bureau of Fire Prevention shall discover fire hazards as listed below, they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the Chief:

- (a) Dangerous or unlawful amounts of flammable combustible or explosive material.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive materials.
- (c) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste materials in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or in fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard.

SEC. 15.206 SERVICE OF ORDERS.

Any order issued under this Subchapter shall be served as follows:

- (a) **Occupant.** If the order is directed to the occupant of the premises, by serving a copy of the order personally upon the occupant or his agent or employee or by leaving a copy of the same with the person in charge of the premises, if no such person is found upon the premises, by affixing a copy of the order in a conspicuous place on the door or entryway of the premises.
- (b) **Owner.**
 - (1) If the order is directed to the owner of the premises, by serving a copy of the order personally upon the owner or his agent or employee or by leaving a copy thereof with a competent member of the owner's family at

least fourteen (14) years of age, who shall be informed of the contents thereof. If the owner is a corporation, by serving personally any officer or director thereof or the registered agent thereof.

- (2) If the owner cannot be found or served with reasonable diligence, service may be made by regular mail to the owner's last known post office address as recorded with the city assessor.
- (3) When service has been completed as prescribed in this Section, the notice shall be effective as to anyone having an interest in the property and shall be effective against any subsequent owner of premises as long as the violation exists and there remains an official copy of the notice in a public file maintained by the Fire Chief or his/her authorized designee.

Ordinance 2312, A 7/6/04, Sec. 15.206(b)(3)

SEC. 15.207 INVESTIGATION OF FIRES.

- (a) The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the City which is of suspicious nature or which involved loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such fire by the officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Fire Chief shall be immediately notified of the facts; he/she shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (b) Every fire shall be reported in writing to the Bureau of Fire Prevention within two (2) days after the occurrence of the same, by the officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the Fire Chief, and shall contain a statement of facts relating to the cause, origin and circumstances of such fire, injury to person, and extent of the damage thereof, and such other information as may be required.
- (c) The City Attorney and the Police Department, upon request of the Bureau of Fire Prevention, shall assist the officers in the investigation of any fire which, in their opinion, is of suspicious origin.

Ordinance 2312, A 7/6/04, Sec. 15.207(a)

SEC. 15.208 FIRE RECORDS.

The Fire Chief shall keep, in the office of the Fire Department, a record of all fires and of all facts concerning the same, including statistics as to the extent of such fires

and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. All such records shall be made available to the public in accordance with the laws of the State of Wisconsin.

SEC. 15.209 ANNUAL REPORT.

A report of the activities of the Fire Department shall be made annually and transmitted to the Mayor. It shall contain all proceedings under this Code, with such statistics as the Fire Chief may wish to include therein; the Fire Chief shall also recommend amendments to this Subchapter which, in his judgement, shall be desirable.

SEC. 15.210 EXCEPTIONS.

This Subchapter shall not apply to the transportation of any article or thing being shipped in conformity with the regulations prescribed by the Interstate Commerce Commission nor as applying to the military forces of the United States.

SEC. 15.211 PERMITS AND LICENSES.

- (a) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall be for an indefinite period, not transferable, and any change in use of occupancy of premises shall require a new permit.
- (b) A license shall be issued by the City Clerk on approval of the Bureau of Fire Prevention, independently or jointly in connection with any other agency of the City, for a period not in excess of one (1) year for the conducting of a business, trade, occupation or calling.
- (c) Before a license or a permit, including an occupancy permit, may be issued, the building inspector or his assistants, shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws or regulations enforceable by departments other than the Building Inspection Division are applicable, joint approval shall be obtained from all departments concerned.
- (d) Permits and licenses shall at all times be kept on the premises designed therein, and shall at all times be subject to inspection by any officer of the Fire or Police Departments.
- (e) Two (2) copies of structural plans for all multi-family dwellings, public buildings, institutional buildings, commercial buildings, industrial buildings and all additions or alterations to any of the above buildings shall be submitted to the Building Inspection Division for approval prior to the issuance of any building permit.

SEC. 15.212 FIRE DRILLS IN SCHOOLS AND INSTITUTIONS.

- (a) Fire drills shall be held at least once a month in public, private and parochial schools, and other educational institutions, and at least once every two (2) months in public and private institutions, sanatoriums, asylums and hospitals, provided that, during severe weather, drill may be postponed on a day-to-day basis to avoid endangering the health of pupils and inmates. A record of all fire drills shall be kept at the premises and be accessible to Fire Department personnel at all times. A record of all fire drills shall be kept and copies filed as required by State Statute.
- (b) In schools and educational institutions, fire drills shall include complete evacuation of all persons from the buildings. This is also required in institutions where the type of occupancy makes it practicable. In sanatoriums and hospitals, drills shall be conducted to familiarize all hospital personnel with their assigned posts of emergency duty.

SEC. 15.213 LIABILITY FOR DAMAGES.

This Subchapter shall not affect the responsibility of any person owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the permit issued as herein provided or by reason of the disapproval or approval of any equipment authorized herein.

SEC. 15.214 ADOPTION OF FIRE PREVENTION CODE.

There are hereby adopted by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Wisconsin Commercial Building Code, adopted by the Wisconsin Department of Commerce, and the whole thereof, including references, except such portions as are hereinafter deleted, modified or amended, of which Code not less than three (3) copies have been and now are filed in the office of the City Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Subchapter shall take effect, the provisions thereof shall be controlling within the City.

SEC. 15.215 BUREAU OF FIRE PREVENTION.

- (a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention of the City, which bureau is hereby established and which shall be operated under the supervision of the chief fire prevention officer.
- (b) The chief fire prevention officer in charge of the Bureau of Fire Prevention shall be appointed by

the Fire Chief. He/she shall be removed at the discretion of the Fire Chief.

- (c) The chief fire prevention officer may detail such members of the Fire Department as Inspectors as shall from time to time be necessary.

Ordinance 2312, A 7/6/04, Sec.15.215(b)

SEC. 15.216 MODIFICATIONS.

The Fire Chief may modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this Subchapter, provided that the spirit of this Subchapter be observed, public safety secured and substantial justice done. The particulars of such modifications, when granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the Department, and a signed copy shall be furnished to the applicant.

SEC. 15.217 AUTOMATIC FIRE SPRINKLER REQUIREMENTS.

- (a) **Definitions.** Unless otherwise expressly stated, the following terms shall, for the purpose of this Section, have the following meanings:
 - (1) Approved. Applied to automatic fire sprinkler systems, means approval by the Fire Chief or his designee.
 - (2) Approved. Applied to automatic fire sprinklers and devices, means approval by a recognized testing laboratory.
 - (3) Area. The maximum horizontal projected area within the perimeter of the outside surface of exterior walls or supports of the building or structure or between approved fire walls.
 - (4) Assembly Halls. All buildings or parts of buildings, other than theaters, which will accommodate more than one hundred (100) persons for entertainment, recreation, worship or dining purposes.
 - (5) Automatic Fire Sprinkler Equipment. A system of piping connected to a water supply capable of supplying the maximum amount of water required by the automatic sprinkler design, provided with fire sprinklers and devices so arranged and located as to discharge water automatically to the seat of the fire.
 - (6) Basement. Any story where less than half the average height between floor and ceiling is above the average finished grade at the building walls.
 - (7) Combustible Storage. Any combustible or flammable material stored over twenty-four (24) hours.

- (8) Fire Resistive. The type of construction complying with the requirements of Wisconsin Enrolled Building Code.
- (9) Fire Wall. A wall which has a fire resistance rating of not less than four (4) hours and which subdivides a building or separate buildings to restrict the spread of fire, including a three (3) foot parapet wall. Any opening in this wall shall be protected by a three (3) hour fire resistive rated door assembly. Four (4) hour fire walls not required by the Department of Commerce may also have openings protected by means of a deluge sprinkler system which is designed and installed in accordance with NFPA 13 and is provided on both sides of the opening, in lieu of a fire-resistive rated door assembly and is also provided with smoke detectors on both sides of the opening connected to the sprinkler system flow alarm.
- (10) Building. Any structure used or intended for supporting or sheltering, any use or occupancy.
- (11) Story. That part of a building comprised between a floor and the floor or roof next above. To determine the number of stories in a building all stories will be counted whether or not they are above or below grade, including basements, subbasements, and ground floors, but not including penthouses or mezzanines less than one-third (1/3) of story area.
- (12) Theaters. All buildings or parts of buildings, containing an assembly hall, having a stage which may be equipped with curtains or permanent or movable scenery, or which is otherwise adaptable to the showing of plays, operas, motion pictures or similar forms of entertainment.
- (13) Total Floor Area. Combined area of all floors of a building.
- (b) **Approved Sprinkler System Required**. Every building hereinafter constructed or altered shall have an approved sprinkler system complying with the requirements of NFPA 13 and standpipe installed and maintained when occupied in whole or part for the following purposes:
NOTE: See definitions of area and total floor area for determining application of this Subsection.
- (1) Principal Buildings. In all principal buildings, as follows:
- a. *Fire Resistive Buildings*. Throughout every building if:
 1. Over ten thousand (10,000) square feet in area; or
 2. Over one (1) story in height and exceeding six thousand (6,000) square feet in total floor area; or
 3. Over three (3) stories in height regardless of total floor area; or
 4. Throughout every building regardless of the number of stories where the floor area is not divided by a fire wall and exceeds six thousand (6,000) square feet and where any point within the building is more than fifty (50) feet, measured in a straight line, from any exterior and accessible opening of the building which is a minimum of six (6) feet eight (8) inches in height by two (2) feet six (6) inches in width, clear openable area.
 - b. *Non-Fire Resistive Buildings*. Throughout every building if:
 1. Over seven thousand (7,000) square feet in area; or
 2. Over one story in height and exceeding four thousand (4,000) square feet in total floor area; or
 3. Over two (2) stories in height regardless of total floor area; or
 4. Throughout every building regardless of the number of stories where the floor area undivided by fire walls exceeds five thousand (5,000) square feet, and where any point in the building is more than fifty (50) feet measured in a straight line, from any exterior and accessible opening of the building which is a minimum of six feet eight inches in height by two feet six inches in width (6'8" x 2'6"), clear openable area.
 - c. *Warehouses With Rack Storage*.
 1. Areas with storage of twelve (12) feet or less in height on racks shall be protected with automatic fire sprinklers in accordance with NFPA 13.
 2. Areas with storage of greater than twelve (12) feet in height on racks shall be protected with automatic fire sprinklers in accordance with NFPA 13 standard for rack storage of materials.
- (2) Storage Garages. Throughout garages as follows:
- a. Fire resistive buildings over nine thousand (9,000) square feet in area or exceeding three (3) stories.
 - b. Non-fire resistive building over six thousand (6,000) square feet in area or exceeding three (3) stories.

- c. Basement and sub-basement garages, and garages above or below other occupancies.
- d. Garages used as passenger terminals.
- (3) Repair Garages. Throughout repair garages as follows:
 - a. Fire resistive buildings over three thousand (3,000) square feet in area or exceeding one (1) story.
 - b. Non-fire resistive buildings over two thousand (2,000) square feet in area.
 - c. Basement and sub-basement garages and garages above or below other occupancies.
- (4) Basements. Basements having an area exceeding two thousand five hundred (2,500) square feet.
- (5) Theaters and Assembly. Throughout all buildings.
- (6) Hospitals. Throughout all buildings.
- (7) Nursing, Convalescent, Old Age, and Other Institutional Buildings. Throughout all buildings.
- (8) Schools, Colleges and Universities. Throughout all buildings.
- (9) Dormitories, Fraternities and Sorority Houses. Throughout all buildings.
- (10) Hotels and Motels. Throughout all buildings.
- (11) Day Care Centers. Throughout all buildings.
- (12) Community Based Residential Facilities (CBRF). Throughout all buildings.
- (13) Other Buildings and Areas Requiring Sprinkler Protection.
 - a. *Spray Booths*. All spray booths using combustible or flammable liquids at any time shall be provided with a sprinkler system according to NFPA.
 - b. *Kitchen Exhaust Hoods*. All kitchen exhaust hoods (except in domestic science educational facilities from grades Kindergarten through 12, and single unit apartments in hotels, motels apartment buildings) shall be provided with a sprinkler system or have an approved type of automatic extinguishing system installed.
- (14) Hazardous Properties. Throughout every building, which by reason of its construction or highly combustible occupancy involves a severe life hazard to its occupants, or in the judgment of the Fire Chief, constitutes a fire menace. A sample of occupancies considered highly combustible are as follows:
 - a. Aircraft hangars.
 - b. Chemical works.
 - c. Explosives and pyrotechnics manufacturing.
 - d. Linseed oil mills.
 - e. Linoleum and oil cloth manufacturing.
 - f. Oil refineries.
 - g. Paint shops.
 - h. Pyroxlin plastic manufacturing and processing.
 - i. Shade cloth manufacturing.
 - j. Solvent extracting.
 - k. Varnish works.
 - l. Any other occupancies involving processing, mixing, storage and dispensing of volatile liquids.
 - m. All sub-basements regardless of floor area.
- (c) **Existing Buildings.**
 - (1) Where the Fire Departments or a duly-authorized representative thereof finds that existing buildings which are used in whole or in part for the purposes set forth in Subsection (b) of this Section, he shall order compliance with the provisions of this Section. Installation of the automatic sprinkler system shall be started within one (1) year from the service of such order and completed within ninety (90) days after construction is started.
 - (2) When the occupancy or use of a building with an existing automatic fire sprinkler system changes to a higher hazard level as defined in NFPA 13, the automatic fire sprinkler system shall be altered so as to comply with the NFPA 13 requirements for the new level of hazard. Revision of the automatic sprinkler system shall begin within ninety (90) days from the date of such change in occupancy or use and be completed within ninety (90) days after construction has started.
- (d) **How Installed.** Approved fire sprinkler equipment shall be designed, installed and tested in accordance with NFPA13, "Standard for the Installation of Sprinkler Systems," and other applicable standards of the National Fire Protection Association which are acceptable to the Fire Chief. All automatic fire sprinkler systems hydraulic designs are to be based on 90 percent of the available water supply (10% safety margin shall be maintained). All sprinkler systems designs shall be based on the most current approved water flow test. All water flow tests shall be witnessed by a Fire Department or Oak Creek Water Utility representative.
- (e) **Exemption and Substitution of Other Fire Protection Equipment.** Nothing contained herein shall be construed as to require the installation of sprinklers in safe deposits or other vaults or in rooms of buildings devoted to the manufacture or storage of aluminum powder, calcium carbide, cal-

cium phosphide, metallic sodium and potassium quick lime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion, nor in any other location where the installation of sprinklers may increase the hazard nor shall it be construed in any way to prohibit the substitution of other automatic protective equipment when approved by the Bureau of Fire Prevention.

(f) **Areas Without Public Water Supply.** No building which, under the provisions of this Code requires installation of fire hydrants or a sprinkler system, shall be built if a public water supply is unavailable unless a private water system which is sufficient to provide the fire protection requirements of the building, in accordance with the State of Wisconsin Commercial Building Code Comm 61 through 65 is installed, except that for any building in use prior to January 6, 2000 and for which the occupancy and use has not changed since January 6, 2000, the fire hydrant requirements in Section 15.219 shall be delayed until the building is of a size and occupancy for which fire sprinklers are required under this Section.

(g) **Additions or Remodeled Buildings and Change of Use.** All existing buildings subject to this Section and all additions to these buildings shall conform to this Subsection, as follows:

- (1) If fifty percent (50%) or more of the total floor area of a building is remodeled and/or added, the entire building shall comply with the requirements of this Section.
- (2) If twenty-five percent to forty-nine percent (25%-49%) of the total floor area of a building is remodeled and/or added, that part of the building which is remodeled and/or added shall comply with the requirements of this Section.
- (3) If less than twenty-five percent (25%) of the total floor area of a building is remodeled and/or added, the requirements in this Section need not be provided unless the remodeled and/or added area includes dwelling units. If the total floor area includes dwelling units, that part of the building which is remodeled and/or added shall comply with the requirements of this Section.
- (4) From the effective date of this Code forward, all percentages of additions or remodelings shall be additive as applied to Subsections (g)(1), (2) and (3) above.

Ordinance #2063 A 5/2/00 Sec. 15.217(f)

Ordinance #2175 A 3/19/02 Sec. 15.217(b)(3)

Ordinance # 2312, A 7/6/04 Sec. 15.217(a)(8), (10), (b)(1), (c)(2), (d), (f)

SEC. 15.218 AUTOMATIC FIRE SPRINKLER REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

(a) **Definition.** Unless otherwise expressly stated, the following terms shall, for the purpose of this Section have the following meanings:

- (1) **Approved.** Applied to automatic fire sprinkler equipment, means approval by the authority charged with the enforcement of this Section.
- (2) **Approved.** Applied to automatic fire sprinklers and devices means approval by a recognized testing laboratory.
- (3) **Basement.** Any story where less than half the height between floor and ceiling is above the average level of street, sidewalk or finished grade.
- (4) **Fire Resistive.** The type of construction in which the structural members including walls, partitions, columns, floor and roof construction are of noncombustible materials with fire resistive ratings not less than those specified in the State of Wisconsin Comm 61 through 65, and any future amendments or modifications thereto.
- (5) **Multi-Family House.** A building or portion thereof containing three (3) or more dwelling units including an apartment house or flat.
- (6) **Story.** That part of a building comprised between a floor and the floor or roof next above.
- (7) **Other Terms.** Other terms used in this Section shall have the meaning as set forth in the State of Wisconsin Comm 61 through 65 and any future amendments or modifications thereto.

(b) **Approved Sprinkler System Required.** Every multi-family house hereinafter constructed or structurally altered by Fire Department definition shall have an approved sprinkler system and stand-pipe installed and maintained when occupied in whole or part as follows:

- (1) **Fire Resistive Buildings.**
 - a. Basements, stairways, all corridors and rubbish chutes.
 - b. Throughout entire building if over three (3) stories.
- (2) **Non-Fire Resistive Buildings.**
 - a. Basements, stairways, all corridors and rubbish chutes.
 - b. Throughout the entire building if over two (2) stories.

(c) **Intent.** The intent of this Subsection is that the automatic fire sprinkler requirements of this Section be the same as the requirements of its predecessor section, created in 1972 by Ordinance 758. This Section shall control over the State of Wisconsin

Comm 61 through 65, since these automatic fire sprinkler requirements were enacted in 1972.
Ordinance 2312, A 7/6/04, Sec.15.218(a)(4), (7), (c)

SEC. 15.219 FIRE HYDRANT REQUIREMENTS.

(a) **Intent.** The intent of this Section is to insure adequate water supply for fire fighting purposes to structures and buildings. For the purpose of placing hydrants, NORMAL ACCESS ROUTES are defined as pavement, sidewalks, streets, driveways and paths leading to the building that are clear and maintained year round. The normal access route does not include grass, parking stalls, ditches, hills, shrub beds, fences, walls or any other area not typically used for ingress or regress to a building.

(b) **Where Required.**

(1) Buildings. Any building, except single- and two-family dwellings, hereafter erected, shall provide, at the owner's expense, approved water hydrants. Hydrants shall be located so that no part of a building is more than three hundred (300) feet from an approved hydrant by normal access routes. One (1) hydrant shall be located within one hundred fifty (150) feet of the building's Fire Department Sprinkler Connection and shall not be counted as a required hydrant fulfilling the three hundred (300) foot coverage rule. Required hydrants shall be free standing and shall be installed not more than fifty (50) feet or less than twenty-five (25) feet from the building exterior wall. No hydrant shall be placed closer than fifty (50) feet to any other hydrant. The Fire Department Fire Inspector will approve the actual location of all private fire hydrants. Two (2) copies of the building plans including site plan, shall be provided to the Building Inspector for Fire Department use, in addition to any copies of building plans required by the Building Inspector.

(2) Mobile Home Parks. Any new mobile home or trailer park or any mobile home or trailer park which expands by adding additional trailers or area to the present court site shall provide an approved water hydrant when any trailer or building located in such park is more than three hundred (300) feet from a City water hydrant. Water hydrants shall be provided so that no trailer or building is more than three hundred (300) feet from an approved hydrant by normal access routes.

(3) Additions or Remodeled Buildings and Change of Use. All existing buildings subject to this Section and all additions to these buildings shall conform to this Subsection, as follows:

- a. If fifty percent (50%) or more of the gross floor area of a building is remodeled and/or added, the entire building shall comply with the requirements of this Section.
- b. If twenty-five percent to forty-nine percent (25%-49%) of the gross floor area of a building is remodeled and/or added, that part of the building which is remodeled and/or added shall comply with the requirements of this Section.
- c. If less than twenty-five percent (25%) of the gross floor area of a building is remodeled and/or added, the requirements in this Section need not be provided unless the remodeled and/or added area includes dwelling units. If the gross floor area includes dwelling units, that part of the building which is remodeled and/or added shall comply with the requirements of this Section.
- d. From the effective date of this Code forward, all percentages of additions or remodelings shall be additive as applied to Subsections (b)(3)a, b and c above.

(c) **Approved Water Hydrant and With Auxiliary Valve.** An approved water hydrant with two (2) two and one-half inch (2-1/2") and one (1) four and one-half inch (4-1/2") Fire Department connection. The connecting water line between the City water main and the approved water hydrant shall be not less than six (6) inches. All water hydrants and their locations and orientation shall be approved by the Fire Chief and Water & Sewer Utility and shall be installed in compliance with standards of the Water and Sewer Utility and NFPA 24. All water hydrants shall be installed and maintained in such a manner and location so as to be accessible at all times to the Fire Department apparatus. All hydrants shall be installed, tested and in service and accessible to the Fire Department before any above ground framing is started. Accessibility of the Fire Department to the building shall be as provided for in NFPA 241 Standard for Safeguarding Construction, Alteration, and Demolition Operations. All underground joints and valves shall be tested prior to backfilling.

(d) **City Utilities; Fire Protection Service.** The rules and rates as established by the Oak Creek Water and Sewer Utility are applicable to public and private fire protection service. The policy of the City of Oak Creek with regard to such fire protection service is as follows:

- (1) Public Fire Protection Service. The City of Oak Creek will designate the location of all hydrants to be attached to the City's water mains. These will normally be located on

public property but if the convenience of the City is better served, they may be located on easements to provide better accessibility.

(2) Private Fire Hydrant Protection Service.

- a. Automatic sprinkler systems, standpipes, and private fire hydrants will be supplied by private fire lines. Private fire lines must be either fully metered or protected by an appropriate check valve, both of which must be approved by the utility. Fire service mains, hydrants, and appurtenances and the installation thereof must comply with the City’s utility standards. The property owner must provide and maintain the private fire line from the main to the point of use. Vaults with sump pumps must be provided for all meters and check valves when other suitable sites within the building cannot be made available by the property owner or when the building site may be unacceptable to the utility. All private hydrants must be maintained by the property owner and kept accessible to the Fire Department at all times. They must be inspected and operated each spring and fall, with written notification provided both the Utility and City Fire Department that the hydrant is in good working order and that all control valves are open. Combined fire and domestic service lines will be permitted if acceptable to the property owner’s insurance carrier.
- b. The location of all private fire hydrants must be approved by the City Fire Department and the Water Utility.
- c. One (1) set of plans for private fire protection systems shall be submitted with an application for permit to the Plumbing Inspector. No work shall commence prior to approval of the plans and application and payment of the permit and test fees. Double permit fees shall apply for work started prior to permit issuance.
- d. All plans for private fire protection systems must be approved by the City Fire Department and the Water Utility.

(e) **Hydrant Flows.** The hydrants providing coverage to a building under this Section must supply a total flow sufficient to meet the requirements of the building. The formula used by the Insurance Services Office will be used to make this calculation. The developer of the building is responsible for supplying this information along with the hydrant plans. Hydrant minimum flows will be 1250 gpm with 20 psi residual.

SEC. 15.220 SITE PLAN REQUIREMENTS.

Prior to, and as a condition of, obtaining an occupancy permit, the owner of all buildings, except for one- or two-family units, shall supply the Fire Inspector with an eight and one-half by eleven inch (8-1/2” X 11”) inch site plan which includes the following information:

- (a) Gas shut-off location.
- (b) Electric shut-off location.
- (c) Fire Department connection location if necessary.
- (d) Dimensions of the structure in English measurement units.
- (e) Type of wall construction.
- (f) Type of roof construction.
- (g) Location of hydrants around the site and at the street.
- (h) Size of water mains inside the complex and at the street.
- (i) Height of the building.
- (j) Location of standpipes.
- (k) Label of main entrance.
- (l) Apartment numbers if applicable.
- (m) Overhead and service door entrance(s).
- (n) Number of risers and if multiple locations, denote where.
- (o) Any special type of fire protection Ex. AFFF foam protection.
- (p) Location of lock box(es).
- (q) In the lower right corner of the drawing, place the name of the company and the address.
- (r) Special construction features: skylights, blowout walls.
- (s) Note where annunciator panel is located.
- (t) Floor plan may also be included.
- (u) Name, address, telephone number (home and office) of building owner.

Ordinance 2312, A 7/6/04, Sec. 15.220(t)

SEC. 15.221 HAZARDOUS MATERIALS IDENTIFICATION.

All fixed installation storage facilities containing hazardous materials shall comply with the provisions of NFPA No. 704, Standard for Hazard Identification System.

SEC. 15.222 PENALTIES.

- (a) Any person who shall violate any of the provisions of this Subchapter, hereby adopted or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, of any certificate or permit thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order or by a court of competent jurisdiction, within the time fixed herein, shall for each and every such vi-

olation and non-compliance be punished by a forfeiture according to the schedule set forth in Section 1.07 of the Oak Creek Code of Ordinances. The imposition of one penalty for any such violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

- (b) In addition to the foregoing penalties, any violation as set forth in Subsection (a) above may be declared a hazard by the chief fire prevention officer of the Bureau of Fire Prevention, and may be abated as a nuisance.

SEC. 15.223 APPEALS.

Whenever the Chief of the Fire Department or his/her designated representative shall disapprove an application or refuse to grant a permit applied for, or refuse to approve plans submitted, or when it is claimed that the provisions of the code are wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department or his/her designated representative to the Common Council within thirty (30) days from the date of the decision appealed.

Ordinance 2312, A 7/6/04, Sec.15.223

SEC. 15.224 ELEVATOR CAR

(a) All passenger and passenger and freight elevators in all buildings and structures hereinafter constructed, except one and two family residential occupancies, shall:

1. provide at least one elevator to all floors of such a size and arrangement to accommodate a 24-inch by 76-inch (610mm by 1930mm) ambulance stretcher in the horizontal, open position.
2. The elevator arranged to accommodate an ambulance stretcher shall be identified by the international symbol for emergency medical services (star of life). This symbol shall not be less than 3 inches (76mm) high and shall be placed inside on both sides of the hoist way door frame.

Ordinance 2242 A 03/31/03 Sec. 15.224

PROPERTY EXTERIOR MAINTENANCE CODE

Sec. 15.300 PROPERTY EXTERIOR MAINTENANCE CODE

(a) **Sanitation.** The exterior of all properties and premises including the open space of the property or premises shall be maintained in a clean, safe and sanitary condition, free from accumulation of any combustible or non-combustible materials, debris and refuse. Debris and refuse shall include but not be limited to: broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; new and used lumber or other wood that is not part of a structure or that is not used as firewood and is not stacked or stored in a neat manner on the property; paper, rags, animal waste, cardboard, rubber, plastic, wire, tin and metal materials; discarded household goods or appliances, junk lawn mowers, tires, tire rims or used motor vehicle parts, machine parts, junked boats or junked recreational vehicles; tar paper residue from burning or similar materials which constitute health, fire or safety hazards or any other materials that have a detrimental visual and aesthetic impact upon the neighborhood in which the property is located or the city in general, which tend to cause a blighted condition as defined under state law, or which emit a noxious, foul or offensive odor. The provision of this section shall not apply to materials stored or maintained on a property in conjunction with any business, manufacturing or other use which meets applicable fire and zoning restrictions.

(b) **Enforcement.**

(1) Order to correct conditions. Whenever the city, its agents or employees shall, upon inspection of the premises within the city, find the condition of the property or premises is in violation of this section an order shall be issued to the owner and/or occupant of the premises or property to correct said condition by the Building Commissioner or his designee.

(2) Contents of the order shall include:

a. A description of the premises and the violation of the section.

b. A statement specifying the time within which the owner and/or occupant shall comply with the order.

c. Notice that the owner and/or occupant has the right to petition the Small Claims Committee of the Common Council for a hearing within 20 days of receipt of the order and a statement that any owner and/or occupant of the premises who does not file a petition for a hearing within 20 days of receipt of the order waives the right to assert that the property

does not meet the requirements of this section and that the combustible or noncombustible materials, debris or refuse is subject to removal under the section.

(c) **Service.** The order shall be served on the owner and/or occupant by delivering the same to and leaving it with any adult competent person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place near the entrance of the premises accompanied by regular mail to the owner or occupant of the premises.

(d) **Appeal Request.**

(1) If the owner or occupant feels aggrieved by an order issued under this section, he or she may appeal to the Small Claims Committee of the Common Council in writing within 20 days after service of the order upon him or her by requesting a hearing through the City Clerk. The Small Claims Committee of the Common Council shall conduct a hearing in connection therewith within 30 days after request for an appeal is submitted in writing to the City Clerk and shall notify the owner or occupant of the premises, the Building Commissioner, Building Inspector or their designee and any other person interested in this matter to be present at the hearing. After the hearing, the Small Claims Committee shall submit its findings and order within 10 days thereafter and serve copies on all persons who appear at the hearing.

(2) If the owner or occupant feels aggrieved by the decision of the Small Claims Committee he or she may file a Petition for Writ of Certiorari with the Milwaukee County Circuit Court within 30 days of receipt of the Findings and Order of the Small Claims Committee.

(3) If the owner or occupant fails to appeal the order of the Building Commissioner or designee or fails to file a Writ of Certiorari with the Milwaukee County Circuit Court the city may proceed under sub.(e).

(e) **Failure to comply.**

(1) Citation. Any person, firm or corporation violating any provision of this section shall be subject to the general penalty provisions of this code. A citation may be issued pursuant to Section 1.20 of this code and Wis. Stat. Chapter 800.

(2) Cause work to be done. Upon failure to comply with an order where there is proof of service of said order which requires that any premises or property be cleaned or condition abated or improved in accordance with this section, the city may cause such cleaning, improvement, abatement or removal of the offending combustible or incombustible materials, debris or refuse. Such repair or removal shall be deemed a special benefit to such property on premises and the costs of the same shall be charged against the owner or owners of the

property. If the cost of the same is not paid within 60 (sixty) days, it shall be levied as a special charge against the premises as authorized by Section 66.0627 of the Wis. Stats.

(3) Injunctive Relief. In addition to other applicable enforcement procedures the city shall have the right to abate any violation of this section by an action for injunctive relief in Milwaukee County Circuit Court.

Ordinance # 2494, A 3/18/08, Sec. 15.300