

## Chapter 120

### BUILDING CONSTRUCTION

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 10, Ch. 4, of the 1987 Village Code. Amendments noted where applicable.]

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#### § 120-1. Standards established.

- A. Title. This chapter shall be known as the "Building Code of the Village of Black Creek" and will be referred to in this chapter as "this Code" or "this chapter."
- B. Purpose. This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings, and the general public.
- C. Scope. New buildings hereafter erected in, or any building hereafter moved within or into, the Village shall conform to all the requirements of this chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or 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 chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this chapter was enacted. The provisions of this chapter supplement the laws of the State of Wisconsin pertaining to construction and use and Chapter 390, Zoning, of the Code of the Village of Black Creek, and amendments thereto, to the date this chapter was adopted and in no way supersede or nullify such laws and the said Chapter 390, Zoning.

**§ 120-2. Building permits and inspection.****A. Permit required.**

- (1) General permit requirement. No building of any kind shall be moved within or into the Village, and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.
- (2) Alterations and repairs. The following provisions shall apply to buildings altered or repaired:
  - (a) Alterations. When any existing building or structure accommodates a legal occupancy and use but is of a substandard type of construction, then alterations which involve beams, girders, columns, bearing or other walls, room arrangement, heating and air-conditioning systems, light and ventilation, or changes in location of exit stairways or exits, or any or all of the above, may be made in order to bring such existing construction into conformity with the minimum requirements of this chapter applicable to such occupancy and use and given type of construction, when not in conflict with any other regulations. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
  - (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 exit stairways, or exits, fire protection, or exterior esthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - (c) Alterations when not permitted. When any existing building or structure, which for any reason whatsoever does not conform to the regulations of this chapter, has deteriorated from any cause whatsoever to an extent greater than 50% of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
  - (d) Alterations and repairs required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this chapter are complied with.
  - (e) Extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

- B. Application. Application for a building permit shall be made, in writing, upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building, if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.
- C. Dedicated street and approved subdivision required. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board upon the recommendation of the Village Board.
- D. Utilities required.
- (1) Residential buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required, and a receipt for payment of electrical hookup is presented to the Building Inspector.
  - (2) Nonresidential building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
  - (3) Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property, and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- E. Plans. With such application, there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of § SPS 320.09(4), Wis. Adm. Code.
- F. Waiver of plans; minor repairs.
- (1) Waiver. If the Building Inspector finds that the character of work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$2,000.
  - (2) Minor repairs. The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air-conditioning systems installed therein valued at less than \$500, as determined by the Building Inspector, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, lights or ventilation of the building or structure without the issuance of a building permit. Reroofing shall be considered exempt minor repair.

## G. Approval of plans.

- (1) If the Building Inspector determines that the building will comply in every respect with all chapters of this Code and orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put and which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned chapters, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (3) No work is to be started unless a proper grade has been reviewed by the Street Department, including the grade for sidewalks, curb and gutter, driveways and general construction.

H. Inspection of work. **[Amended 4-1998]**

- (1) The builder shall notify the Building Inspector when ready for inspections, and the Building Inspector shall inspect within 48 hours of notice all buildings at the following stages of construction:
  - (a) Footing and foundation;
  - (b) General framing, rough electrical, plumbing and heating;
  - (c) Insulation; and
  - (d) Final.
- (2) If he finds that the work conforms to the provisions of this chapter, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

## I. Certificate of occupancy.

- (1) Inspections.
  - (a) The Building Inspector shall make a final inspection of all new buildings, additions, and alterations. If no violations of this chapter or any other chapter be found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used.
  - (b) No building, or 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.
- (2) Use discontinued.



- (a) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this chapter, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on 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 10 days after receipt of the notice or make the building or portion thereof comply with the requirements of this chapter.
- (b) Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health shall not hereafter be occupied or used under an existing certificate of occupancy, or without the same, until an application has been filed and a new certificate of occupancy issued. This Subsection I(2) shall not apply to buildings used entirely for dwelling purposes.
- (3) Change. It shall be unlawful to change the use of any building, structure, premises, or part thereof without first obtaining from the Building Inspector an approval of such change in the occupancy or use and a certificate of occupancy therefor.
- (4) Hardship. The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the Village, prior to issuance of an occupancy certificate, in all such case of hardship as, in his judgment and discretion, warrant occupancy before final stage of completion as set forth in this chapter. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed; such time should not exceed 120 days.
- J. Permit lapses. A building permit shall lapse and be void unless building operations are commenced within six months or, if construction has not been completed within one year, from the date of issuance thereof.
- K. Revocation of permits.
  - (1) The Building Inspector may revoke any building, plumbing or electrical permit, certificate or occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices, or appliances for any of the following reasons:
    - (a) Whenever the Building Inspector shall find at any time that applicable chapters, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
    - (b) Whenever the continuance of any construction becomes dangerous to life or property.
    - (c) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.

- (d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
  - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications, or certified lot or plot plan on which the issuance of the permit or approval was based.
  - (f) Whenever there is a violation of any of the conditions of an approval or certificate of occupancy given by the Building Inspector for the use of all new materials, equipment, methods of construction, devices, or appliances. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (2) The notice revoking a building, plumbing or electrical permit, certificate of occupancy, or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment, or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter, the resumption of any construction or operation shall be in compliance with the regulations of this chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- L. Report of violations. The police or other Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this chapter.

**§ 120-3. State uniform dwelling standards adopted.**

- A. State code adopted. The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chs. SPS 320 to 325, Wis. Adm. Code, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of one- and two-family dwellings in this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.
- B. Existing buildings. The "Wisconsin Uniform Dwelling Code" (See § 120-3) 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 50% of the equalized value of the structure, said value to be determined by the Village Assessor.
- (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary, in the opinion of the Building Inspector, shall comply with the requirements of this chapter for new buildings. The provisions of § 120-2 shall also apply.
- (4) Roof coverings. Whenever more than 25% of the roof covering of a building is replaced in any twelve-month period, all roof covering shall be in conformity with applicable sections of this chapter.
- (5) Additions and alterations. Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable sections of this chapter.

C. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ADDITION — New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION — A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT — The Department of Safety and Professional Services.

DWELLING —

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

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

ONE- OR TWO-FAMILY DWELLING — 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 or more individuals maintaining a common household, to the exclusion of all others.

PERSON — An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE — Those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Chapter	Title
Ch. SPS 320	Administration and Enforcement
Ch. SPS 321	Construction Standards
Ch. SPS 322	Energy Conservation
Ch. SPS 323	Heating, Ventilating and Air Conditioning
Ch. SPS 324	Electrical Standards
Ch. SPS 325	Plumbing

D. Method of enforcement.

- (1) Building Inspector to enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Ch. SPS 305, Wis. Adm. Code. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Village Board.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Uniform Dwelling Code.
- (4) Inspection powers. The Building Inspector 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 Inspector or his/her agent while in performance of his/her duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected and indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept. He shall make an annual report to the Village Board.

**§ 120-4. Construction standards adopted; conflict with other provisions.**

- A. Portions of State Building Code adopted. Chapters SPS 361 to 366, Wisconsin Commercial Building Code, are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 361 to 366 incorporated herein are intended to be made a part of this Code. A copy of said Chs.



361 to 366, and amendments thereto, shall be kept on file in the office of the Building Inspector.

- B. State Plumbing Code adopted. The provisions and regulations of Ch. 145, Wis. Stats., and Chs. SPS 381 to 387 and Ch. SPS 325, Wis. Adm. Code, are hereby made a part of this chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code incorporated herein are intended to be made part of this chapter.
- C. State Electrical Code adopted.
  - (1) Chapter SPS 324, Wis. Adm. Code, is hereby adopted by reference and made a part of this chapter and shall apply to the construction and inspection of new one- and two-family dwellings and additions or modifications to existing one- and two-family dwellings.
  - (2) Subject to the exceptions set forth in this chapter, the Electric Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this chapter and shall apply to all buildings except those covered in Subsection C(1) above.
- D. Conflicts. If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection A of this section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this section.

**§ 120-5. New methods and materials.**

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

**§ 120-6. Unsafe buildings.**

Whenever the Building Inspector and Village Board find any building or part thereof within the Village to be, in their judgment, so old, dilapidated or out-of-repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and so that it would be

unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats.

#### **§ 120-7. Inspections disclaimer.**

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

#### **§ 120-8. Garages.**

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

#### **§ 120-9. Regulation and permit for razing buildings.**

- A. No building within the Village shall be razed without a permit from the Building Inspector. An individual has 90 days to take out such permit upon notice from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Building Inspector. **[Amended 4-9-2012]**
- B. All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air, creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control, or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

**§ 120-10. Installation and operation of room heaters, stoves, and freestanding fireplaces.**

- A. Application. This section shall apply to radiant heating units installed in the Village. No person shall install a radiant heating unit which fails to comply with the requirements of this section.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

RADIANT HEATING UNIT — A room heater, or stove, or freestanding fireplace not intended for duct connections used to heat a room or rooms that use the combustion of a solid fuel, such as wood or coal, as a source of heat.

- C. Permit. No person shall install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following information:

- (1) The wood burned should be dry wood, preferably dry hardwood.
- (2) The chimney flue should be checked periodically to be sure the flue is open.
- (3) The chimney flue should be cleaned at least once a year.

- D. Plan and data approval. Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:

- (1) The manufacturer's installation and maintenance/operations instructions.
- (2) Proposed chimney flue and/or new chimney flue sizes.
- (3) The number and sizes of existing vent connectors to the chimney flue.

- E. Inspection. No person shall operate or permit the operation of a radiant heating unit without first calling for an inspection and receiving final approval from the Building Inspector.

- F. Installation clearances. Installation and clearance standards shall be as recommended by the manufacturer's specifications. In the absence of such specifications, the clearance from combustibles for heating units shall be:

- (1) From front of unit, 48 inches.
- (2) From top, front and sides of unit, 36 inches.
- (3) Chimney for vent connector, 18 inches.

- G. Mounting of unit.

- (1) On incombustible floors, the unit shall be mounted on a firm level base of concrete, brick or other incombustible material.
- (2) On combustible floors, the unit shall be mounted on a four-inch-thick concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with

sheet metal of not less than No. 24 United States gauge. The above-specified floor protection shall extend not less than 18 inches around the perimeter of the unit.

- (3) With legs on combustible floors. Units which have 18 inches or more of open space under units may be mounted on combustible floors, provided that the floor under the unit is protected with not less than 1/4 inch of asbestos millboard and covered with metal of not less than No. 24 United States gauge. The above-specified floor protection shall extend not less than 18 inches around the perimeter of the unit. If there are less than 18 inches of open space under the base of the unit, the unit shall be mounted on two inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 United States gauge. The above-specified floor protection shall not extend less than 18 inches around the perimeter of the unit.
- H. Size and type of chimney. An approved chimney shall be used for solid-fuel-burning equipment. All residential buildings shall be required to have a Class "A" chimney, except as provided in §§ SPS 323.04 and 323.11, Wis. Adm. Code. The chimney shall be sized so that the cross-sectional area of the chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the flue serving the solid-fuel-burning equipment. Masonry chimneys constructed according to the requirements of Chapter 813 of the Federal Housing Administration Minimum Property Standards FHA. No. 30 and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters will be considered as approved.
  - I. The chimney connector. The chimney connector shall conform to Chapter 813 of the Federal Housing Administration Minimum Standards.
  - J. Damper. The chimney connector shall have a cast iron damper to control the draft.
  - K. Combustion air. If the Inspector, after examination of the unit, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the blue collar size of the unit.
  - L. Blower. A blower, where used, should have adequate protection such as a screen to prevent material from being inserted into the assembly.
  - M. Electrical connections. The electrical connections, controls, and wiring, where used, should conform to Village electric codes.
  - N. Thermostat control. The thermostat controls, where used, shall activate the blower motor at a temperature of 100° F. to 120° F.
  - O. Reinspections. Heating units and chimneys shall be reinspected following a chimney fire before renewed operation, for compliance with this section.



**§ 120-11. Basements; excavations.**

- A. Basement subflooring. First-floor subflooring shall be completed within 60 days after the basement is excavated. Residences shall be erected on footing walls; those without basements shall have permanent storage facilities erected on a slab.
- B. Fencing of excavations. The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four feet high between such opening or excavation and the public right-of-way.
- C. Closing of abandoned excavations. Any excavation for building purposes or any uncovered foundation which shall remain open for more than three months shall be deemed abandoned and a nuisance, and the Building Inspector shall order that, unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith, suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the Circuit Court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and making publication in the official newspaper for two consecutive publications at least 10 days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of § 66.0627, Wis. Stats., Special charges for current services. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

**§ 120-12. Discharge of clear waters.**

- A. Discharge. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- B. Nuisance. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of property.

- C. Groundwater. Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and, where the building is not serviced by a storm sewer, shall either discharge into an underground conduit leading to a drainage ditch, gutter, or dry well, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- D. Stormwater. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- E. Storm sewer lateral. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- F. Conducting tests. If the Building Inspector or his designated agent suspects an illegal clear water discharge, as defined by this chapter or by any other applicable provision of the Wisconsin Administrative Code as it may from time to time be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

#### **§ 120-13. Duplex service connections.**

Each unit of a duplex shall have separate water and sewer services.

#### **§ 120-14. Regulations for moving buildings.**

- A. General requirements.
  - (1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with, and shall limit the time during which said moving operations shall be continued.
  - (2) A report shall be made by the Public Works Director with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Public Works Director, shall be paid to the Clerk-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 Public Works Director 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 day after said building reaches its destination, report that fact to the Building Inspector, who shall thereupon, in the company of the Public Works Director, inspect the streets, highways, and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within 10 days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- D. Conformance with code. No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved, and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code, and that when same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- E. Bond.
- (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village in a sum to be fixed by the Building Inspector and which shall not be less than \$1,000, said bond to be executed by a corporate surety or two personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs and expenses incurred by the Village in connection therewith, arising out of the removal of the building for which the permit is issued.
  - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and

the exposed excavation are such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by Subsection E(1) shall be further conditioned upon the permittee erecting adequate barriers and, within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- F. Insurance. The Building Inspector shall require, in addition to said bond above-indicated, public liability insurance covering injury to one person in the sum of not less than \$1,000 and for one accident in a sum not less than \$200, together with property damage insurance in a sum not less than \$50,000, or such other coverage as deemed necessary.
- 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 Village 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 Chapter 390, Zoning, of the Code of the Village, 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 Plan Commission which shall not be less than \$1,000, 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 chapters of the Village. 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 Building 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 chapters of the Code of the Village of Black Creek. 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 questions, 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 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 Clerk-Treasurer, who shall send a copy of it to the Building Inspector.

**§ 120-15. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Building-related fees are adopted by resolution of the Village Board. The current General Fee Schedule is on file in the Village offices.

**§ 120-16. Violations and penalties.**

A. Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure of the establishment of such use, or to cause such building, structure or use to be removed, and such violation may also be subject to a penalty as provided in § 1-4, General penalty, of Chapter 1, General Provisions, of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

B. Penalties for noncompliance.

- (1) If an inspection reveals a noncompliance with this chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to § SPS 320.21(3), Wis. Adm. Code.
- (2) If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter or the Uniform Dwelling Code.
- (4) If any construction or work governed by the provisions of this chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

- C. Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- D. Except as may otherwise be provided by statute or this chapter, no officer, agent or employee of the Village charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the Village as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.