

TITLE 15

Building Code

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CHAPTER 1

Building Plumbing, Electrical and Heating and Ventilation Code

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SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Chapter shall be known as the "Building Code of the City of Green Lake" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the City, 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 the Zoning Code of the City and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

SEC. 15-1-2 BUILDING PERMITS AND INSPECTION.

(a) Permit Required.

- (1) General Permit Requirement. No building of any kind shall be moved within or into the City 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 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 not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any 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, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or

structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

- d. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
 - f. Except for an electrical wiring project described in s. 101.875(2) Wis. Stats., and as provided in paragraph (g), no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the designated inspection agency if the project involves the installation of new or an addition to any electrical service, feeder, or branch circuit serving any of the following: a farm; a public building, structure or premises; a place of employment; a campground; a manufactured home community, a public marina, pier, dock or wharf; a recreational vehicle park.
 - g. Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur or their agent submits a permit application to the inspection agency designated by the department to provide electrical inspections for the installation no later than the next business day after commencement of the installation.
- (3) Occupancy Permit. If no non-compliance's are found by the Building Inspector, the Inspector shall issue an occupancy permit. If minor non-compliance's, other than health or safety items are in existence, the Inspector may issue a temporary occupancy permit for a specified term, typically 30 days or less. Occupancy may not be taken until an occupancy permit is issued.
- (4) Occupancy Bond. No building permit shall be issued by the Building Inspector for construction of a building with a fair market value greater than \$15,000.00 on any land adjacent to a public street until a deposit in the amount of \$1,500.00 has been made by the applicant for such building permit. The deposit shall be made to the Building Inspector at the time an application is made

for issuance of the building permit. The sums deposited shall be retained by the City Clerk until after an occupancy permit has been issued. In the event any damage is done to the drainage system or road servicing the property as a result of the construction activities, the deposit shall be used to defray the City's expense to repair any such damage. The balance of the deposit, after deducting such expenses incurred by the City to repair the damage, shall be returned to the property owner after the landscaping has been completed. The deposit is also subject to the project being completed with a no non-compliance's found by the Inspector, the driveway approach being hard surfaced, any drainage ditch has been completed and all other fees are paid. The deposit may be forfeited if occupancy occurs before final inspection or occupancy extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within two (2) years of permit issuance. In the event application for reimbursement is made but refused because of the failure of the applicant to comply with the ordinances of the City of Green Lake, such bond shall be forfeited, and the money shall be placed in the general fund of the City of Green Lake. No interest will accrue on the deposit. Any person who believes they are aggrieved by any decision of any officer or individual to withhold all or any part of a deposit shall have the right to appeal that decision as set forth in Section 13-1-200 of the City of Green Lake Municipal Code. All rules and regulations as set forth in Article 0 of Appeals in Title 13 of the Municipal Code shall apply to any such appeal.

- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- (c) **Site Plan Approval.**
 - (1) Site Plan Approval. All applications for building permits for any new building hereafter erected, or for any existing building added to, structurally altered, moved, change in use, or exterior alteration, except for R1 and R2 Zoning Districts, shall require Site Plan Approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
 - a. Fee. Site Plan approval fee as established by resolution by the City Council shall accompany the application. For any application for a site plan

approval, the City Clerk, Zoning Administrator, Building Inspector, Planner, Engineer, Attorney and other City staff, may expend time in the investigation and processing of the application. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to, engineers, landscape architects, architects, attorneys, environmental specialists, recreation specialists, and other experts, in the administration, investigation and processing of such application. Any applicant shall reimburse the City for staff time expended in the administration, investigation and processing of said proposal and/or application and the cost to the City charged by any professional consultant retained by the City on any such matter. If the fee as set forth above does not cover this cost, the fee shall be paid by the applicant prior to final action to be taken by the City on the application. Further, if the applicant withdraws the application, and costs or fees are owed the City which are not covered by the review fee, or for whatever reason the applicant owes the City fees or costs for said review, the applicant shall be responsible to pay the City for said fees or costs. If the applicant does not pay said fees or costs, the City may charge said fees or costs as an assessment against the subject property for current services provided the property. Notice shall be sent to the property owner or the representative of the property owner and/or applicant informing them of the City policy on reimbursement costs.

- (2) Administration. The Building Inspector shall make a preliminary review of the application and plans and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Common Council to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.
- (3) Requirements. In acting on any site plan, the Plan Commission shall consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety

- of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
- c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
 - e. Architectural review principles and standards as set forth in Section 13-1-184(f).
- (4) Effect on Municipal Services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the City has entered into an agreement with the applicant regarding the development of such facilities.
 - (5) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Zoning Board of Appeals by filing a notice of appeal with the City Clerk-Treasurer within ten (10) days of the denial.
- (d) **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 Common Council.
 - (e) **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) Non-Residential 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.
 - (4) Issuance of Building Permit. No building permit may be issued for construction on a vacant lot until the entire

frontage of said lot is serviced by the Municipal Water & Sewerage Utility; provided, however, that the Building Inspector may, in his discretion, issue such permit upon the provision of acceptable proof of the owner having contracted for such installation immediately following the issuance of said permit.

- (f) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to 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, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09(4), Wis. Adm. Code.
- (g) **Waiver of Plans; Minor Repairs.**
 - (1) Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Five Thousand Dollars (\$5,000.00).
 - (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, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (h) **Approval of Plans.**
 - (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the City 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, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

- (i) **Inspection of Work.** The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect after notification all buildings at the following states of construction:

- (1) Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
- (2) General framing, rough electrical, plumbing and heating;
- (3) Insulation; and
- (4) Completion of the structure.

If he finds that the work conforms to the provisions of this Chapter, he shall issue a certification 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.

- (j) **Final Inspection and Issuance of Occupancy Permit.**

- (1) Upon completion of the work for which the permit was issued and before occupancy by any person, the permit holder shall notify the Building Inspector, who shall, within three (3) days, inspect said premises to determine that the work has been performed in accordance with all existing state statutes and this Code of Ordinances, whereupon said Inspector shall issue his final inspection report certifying any changes which must be made or, in the alternative, his Certificate of Right to Occupancy.
- (2) No person shall occupy a private dwelling or rental unit, nor shall any business invitees be permitted upon said premises until such certificate of occupancy is issued by the Building Inspector.
- (3) Exceptions. Minor alterations to dwelling units which are accomplished while the premises is continued to be occupied are exempt from the provision requiring a certificate of occupancy.

- (k) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.

- (l) **Revocation of Permits.**

- (1) The Building Inspector may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter

and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

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

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

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters SPS 320 through 325 of the Wisconsin Administrative 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 (1) and two (2) family dwellings in the City of Green Lake. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Clerk-Treasurer's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the City 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 Section 15-1-2 shall also apply.
 - (4) Roof Coverings - Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Section of this Chapter.
 - (5) Additions and alterations - Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.**
- (1) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) Department. "Department" means the Department of Safety and Professional Services.
 - (4) Dwelling. "Dwelling" means:
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
 - b. An existing structure, or that part of an existing

structure, which is used or intended to be used as a one (1) or two (2) family dwelling.

- (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior 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.
- (6) One (1) or Two (2) Family Dwelling. "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) Person. "Person" means an individual, partnership, firm or corporation.
- (8) Uniform Dwelling Code. "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:
 - Wis. Adm. Code Chapter SPS 320 - Administrative and Enforcement
 - Wis. Adm. Code Chapter SPS 321 - Construction Standards
 - Wis. Adm. Code Chapter SPS 322 - Energy Conservation
 - Wis. Adm. Code Chapter SPS 323 - Heating, Ventilating and Air Conditioning
 - Wis. Adm. Code Chapter SPS 324 - Electrical Standards
 - Wis. Adm. Code Chapter SPS 325 - Plumbing
 - Wis. Admin. Code Chapter SPS 320-325 - Appendix
 - Wis. Admin. Code Chapter SPS 320-325 - Index

(d) **Method of Enforcement.**

- (1) Certified 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 Sec. SPS 326.06, Wis. Adm. Code.
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates as authorized by the Common Council.
- (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 agent while in performance of his 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 indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

SEC. 15-1-4 CONSTRUCTION STANDARDS; CODES ADOPTED.

- (a) **Portions of State Building Code Adopted.** Chapter SPS 305 - Licenses, Certifications & Registrations, Uniform Dwelling Code SPS 320 - 325, Commercial Buildings Administrative Code SPS 360 - 366 and 2003 American with Disabilities Act (ADA) are adopted and made part of this code with respect to those classes of buildings to which this building code specifically applies.
- (b) Wis. Admin. Code ch. SPS 307; Explosives and fireworks is adopted and made part of this code.
- (c) Wis. Admin. Code ch. SPS 308; Mines, pits and quarries is adopted and made part of this code.
- (d) Wis. Admin. Code ch. SPS 310; Flammable, combustible and hazardous liquids is adopted and made part of this code.
- (e) Wis. Admin. Code ch. SPS 314; Fire prevention is adopted and made part of this code.
- (f) Wis. Admin. Code ch. SPS 314; Appendix is adopted and made part of this code.
- (g) Wis. Admin. Code ch. SPS 316; Electrical is adopted and made part of this code.
- (h) Wis. Admin. Code ch. SPS 318; Elevators, escalators and lift devices is adopted and made part of this code.
- (i) Wis. Admin. Code ch. SPS 326; Manufactured home communities is adopted and made part of this code.
- (j) Wis. Admin. Code ch. SPS 327; Camping Units is adopted and made part of this code.
- (k) Wis. Admin. Code ch. SPS 328; Smoke detectors and carbon monoxide detectors is adopted and made part of this code.
- (l) Wis. Admin. Code ch. SPS 330; Fire department safety and health is adopted and made part of this code.
- (m) Wis. Admin. Code ch. SPS 332; Public employee safety and health is adopted and made part of this code.
- (n) Wis. Admin. Code ch. SPS 333; Passenger ropeways is adopted and made part of this code.
- (o) Wis. Admin. Code ch. SPS 334; Amusement rides is adopted and made part of this code.
- (p) Wis. Admin. Code ch. SPS 335; Infectious agents is adopted and made part of this code.
- (q) Wis. Admin. Code ch. SPS 335; Appendix is adopted and made part of this code.
- (r) Wis. Admin. Code ch. SPS 340; Gas systems is adopted and made part of this code.
- (s) Wis. Admin. Code ch. SPS 341; Boilers and pressure vessels is adopted and made part of this code.

- (t) Wis. Admin. Code ch. SPS 341; Appendix Excerpts from boiler, pressure vessel and piping codes and standards is adopted and made part of this code.
- (u) Wis. Admin. Code ch. SPS 343; Anhydrous ammonia is adopted and made part of this code.
- (v) Wis. Admin. Code ch. SPS 343; Appendix is adopted and made part of this code.
- (w) Wis. Admin. Code ch. SPS 345; Mechanical refrigeration is adopted and made part of this code.
- (x) Wis. Admin. Code ch. SPS 345; Appendix is adopted and made part of this code.
- (y) Wis. Admin. Code ch. SPS 346; Risk screening and closure criteria for petroleum product contaminated sites, and agency roles and responsibilities is adopted and made part of this code.
- (z) Wis. Admin. Code ch. SPS 346; Appendix Nonparametric statistical tests for determining the effectiveness of natural attenuation is adopted and made part of this code.
- (aa) Wis. Admin. Code ch. SPS 347; Petroleum environmental cleanup fund is adopted and made part of this code.
- (bb) Wis. Admin. Code ch. SPS 347; Appendix is adopted and made part of this code.
- (cc) Wis. Admin. Code ch. SPS 348; Petroleum and other liquid fuel products is adopted and made part of this code.
- (dd) Wis. Admin. Code ch. SPS 360; Erosion control, sediment control and storm water is adopted and made part of this code.
- (ee) Wis. Admin. Code ch. SPS 361; Administration and enforcement is adopted and made part of this code.
- (ff) Wis. Admin. Code ch. SPS 362; Buildings and structures is adopted and made part of this code.
- (gg) Wis. Admin. Code ch. SPS 363; Energy conservation is adopted and made part of this code.
- (hh) Wis. Admin. Code ch. SPS 364; Heating, ventilating and air conditioning is adopted and made part of this code.
- (ii) Wis. Admin. Code ch. SPS 365; Fuel gas appliances is adopted and made part of this code.
- (jj) Wis. Admin. Code ch. SPS 366; Existing buildings is adopted and made part of this code.
- (kk) Wis. Admin. Code ch. SPS 361-366; Appendix A is adopted and made part of this code.
- (ll) Wis. Admin. Code Ch. SPS 361-366; Appendix B is adopted and made part of this code.
- (mm) Wis. Admin. Code Ch. SPS 367; Rental unit energy efficiency is adopted and made part of this code.
- (nn) Wis. Admin. Code Ch. SPS 371; Solar energy systems is adopted and made part of this code.
- (oo) Wis. Admin. Code Ch. SPS 372; Cleaning methods for historic buildings is adopted and made part of this code.
- (pp) Wis. Admin. Code Ch. SPS 375; Definitions and general requirements is adopted and made part of this code.
- (qq) Wis. Admin. Code Ch. SPS 376; Factories, office and mercantile buildings is adopted and made part of this code.
- (rr) Wis. Admin. Code Ch. SPS 377; Theaters and assembly halls is adopted and made part of this code.

- (ss) Wis. Admin. Code Ch. SPS 378; Schools and other places of instruction is adopted and made part of this code.
- (tt) Wis. Admin. Code Ch. SPS 379; Apartment houses, hotels and places of detention is adopted and made part of this code.
- (uu) Wis. Admin. Code Ch. SPS 431; Diesel truck idling reduction grants is adopted and made part of this code.
- (vv) Wis. Admin. Code Ch. SPS 431; Appendix is adopted and made part of this code.
- (ww) Wis. Admin. Code Ch. SPS 456; Manufactured housing rehabilitation and recycling is adopted and made part of this code.
- (xx) State Plumbing Code Adopted. The provisions and regulations of Chapter SPS 305 - Licenses, Certifications & Registrations, Chapter 145 Wisconsin Statutes and Wisconsin Administrative Code, SPS 381 - 391 Plumbing Code and SPS 325 Uniform Dwelling Plumbing Code are made part of this Code by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City.
- (yy) State Electrical Code Adopted. Chapter SPS 305 - Licenses, Certifications & Registrations, Wisconsin Administrative Code SPS 316 (Electrical Code) and SPS 324 (Uniform Dwelling) are hereby adopted and made part of this Code.
- (zz) Any future amendments, revisions and modifications of said regulations regarding Codes adopted in this Section 15-1-4 are incorporated herein and intended to be made part of this Code.
- (aaa) Conflicts. If, in the opinion of the Building Inspector and the Common Council, the provisions of the State Building Code adopted by this Section 15-1-4 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 City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

SEC. 15-1-5 ELECTRICAL AND PLUMBING PERMITS.

- (a) **Electrical Permits.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches, or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector.
- (b) **Plumbing Permits.** No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefore from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector.

- (c) **Licensed Plumber Required.** All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home, provided that a permit is issued and the work is done in compliance with the provisions of this Chapter.
- (d) **Inspection of Plumbing and Electrical Work.**
 - (1) Electrical Inspection. After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector who shall, at once, inspect or cause to be inspected the same. Upon completion of such wiring, the Inspector shall be notified and shall inspect the cause to be inspected the finished work. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.
 - (2) Plumbing Inspection. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall, at once, inspect or cause to be inspected the work. If he finds that the work conforms to the State Plumbing Code, he shall issue a certificate of compliance which shall contain the date and an outline of the results of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the Building Inspector.

SEC. 15-1-6 NEW METHODS AND MATERIALS.

- (a) **New Materials and Methods.**
 - (1) 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.
 - (2) 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, test and other evidence necessary to prove the

merits of such material, method of construction or device shall be determined by the State Department of Safety and Professional Services.

(b) **Earth Homes.**

- (1) Retaining Walls. Retaining walls shall be constructed no closer to the lot line than yard setbacks permitted in the City Zoning Code for conventional buildings.
- (2) Berms. Berms shall be so constructed as not to cause undue watershed to adjoining properties.
- (3) Plumbing and Electrical. Plumbing and electrical, heating and air conditioning installation shall comply with applicable City and State Codes.

SEC. 15-1-7 UNSAFE BUILDINGS.

Whenever the Common Council, upon the inspection and report of the Building Inspector, finds any building or part thereof within the City to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Council may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. The Council shall give specific reasons for its determination. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

SEC. 15-1-8 DISCLAIMER ON INSPECTIONS.

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

SEC. 15-1-9 GARAGES.

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

SEC. 15-1-10 REGULATION AND PERMIT FOR RAZING BUILDINGS.

- (a) No building within the City of Green Lake shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been

completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

- (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. Utility lines shall be properly capped as prescribed in Title 9, Chapter 2 of this Code.

SEC. 15-1-11 BASEMENTS; EXCAVATIONS.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two(2)consecutive publications at least ten (10) days before the time for compliance stated in

the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

- (d) **Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector shall give the owner thereof written notice to secure said building or structure and comply with City Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.05(2)(a), Wis. Stats.

SEC. 15-1-12 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 City and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging

storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

SEC. 15-1-13 REGULATIONS FOR 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 therefore 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 City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Common Council.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the

failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, 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 Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the 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 therefore shall give a bond to the City of Green Lake in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Common Council 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 judgment 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 Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall further be conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (f) **Insurance.** The Building Inspector shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum of not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

SEC. 15-1-14 FIRE DISTRICT REGULATIONS.

- (a) (1) F-1 Fire District. All parcels of land in the City of Green Lake which lie in the Commercial, (C), Light Industrial (LI), or Residential (R-3) District shown in the official zoning map for the City of Green Lake, Title 13 of the Municipal Code.
- (2) F-2 Fire District. All remaining parcels of land in the City of Green Lake except those in the F-1 Fire District.
- (b) **Definitions.** The terms "Fire-Resistive Construction," "Mill Construction," and "Fire Retardant Roof Coverings" shall have the meaning as defined in Chapter SPS 351 of the Wisconsin Administrative Code.
- (c) **Regulations Within Fire Districts.**
- (1) Requirements. Every building hereafter erected, enlarged or moved within or into the F-1 Fire District shall be of fire-resistive, mill, or ordinary construction, except as otherwise provided by this Section. Enclosing walls, division walls, and party walls shall be of four (4) hour, fire-resistive walls of a construction as provided in the Wisconsin Administrative Code, which is hereby by reference made a part of this Section with respect to all buildings and structures within the F-1 Fire District.
- (2) Exceptions. No building of frame construction shall be constructed within or moved within or into the F-1 Fire District, except the following:
- a. Buildings occupied as a private garage, not more than one (1) story in height nor more than seven hundred fifty (750) square feet in area, located on the same lot with the principal building, provided that any such building shall be placed in compliance with Title 13 of the Municipal Code of the City of Green Lake.
- b. Buildings of frame construction, except when used for a high hazard occupancy, not exceeding two thousand five hundred (2,500) square feet in area when used for a business occupancy or one thousand (1,000) square feet in area when used for other occupancies, nor more than one (1) story in height and having a horizontal separation of not less than ten (10) feet on all sides. Walls having a horizontal separation of less than ten (10) feet shall have a fire-resistance rating of not less than four (4) hours.
- c. Unattached structures open on the long side, not

more than fifteen (15) feet in height and located at least ten (10) feet from other buildings and five (5) feet from adjoining lot lines.

- d. Builders' shanties for use only in connection with a duly authorized building operation.
- (d) **Bulk Oil Tanks Prohibited.** The storage of Class I and Class II flammable liquids, as defined in SPS 308.01, Wis. Adm. Code, in above-ground tanks outside of buildings is prohibited within the fire district.
- (e) **Razing Old or Damaged Buildings.** Any existing building of frame construction within the F-1 Fire District which may hereafter be damaged to an extent greater than one-half (1/2) of its value by fire, or which has deteriorated to an amount greater than one-half (1/2) of its value (exclusive of the foundation) as determined by the City Assessor shall not be repaired or rebuilt except in compliance with Subsection (c) and, if not so rebuilt in one (1) year, shall be ordered removed by the Building Inspector under the provisions of Sec. 66.05 of the Wisconsin Statutes.
- (f) **Fire-Retardant Roofing.**
 - (1) Every roof hereafter constructed within the fire district, including buildings listed in Subsection (c)(2), shall be covered with a roofing having a fire-resistive rating equivalent to Class "B" or better of the Underwriters' Laboratories, Inc., classification in their "List of Inspected Materials," which is hereby adopted by reference and incorporated in this Section as if fully set forth herein.
 - (2) No roofing on an existing roof shall be renewed or repaired to a greater extent than one-tenth (1/10th) of the roof surface, except in conformity with the requirements of Subsection (1) of this Section.
- (g) **Enforcement.** The Fire Chief is hereby authorized and it shall be his duty to enforce the provisions of this Section.

SEC. 15-1-15 FEES.

- (a) **Schedule of Fees.** The fees for the permits as required in this Title 15, Chapter 1, shall be set by Resolution of the Common Council and shall be kept on file at the office of the City Clerk.
- (b) **Payment of Fees.** All fees shall be paid to the City Clerk-Treasurer.
- (c) **Final Cost Report.** Upon completion of the work for which the permit was issued, the person holding the permit shall file with the City Clerk-Treasurer a report of the actual costs of such work, said report to be filed within fifteen (15) working days of completion and permit fees shall thereupon be adjusted to conform with actual costs.
- (d) **Issuance of Permits.** Upon approval by the Building Inspector and payment of fees, the Building Permit shall be issued to the owner or his agent.

SEC. 15-1-16 SEVERABILITY.

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

SEC. 15-1-17 PENALTIES AND VIOLATIONS.

- (a) Any building or structure hereafter erected, enlarged, altered, or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b)
 - (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. SPS 320.10(1)(c), Wis. Adm. Code.
 - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has run, all constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or

determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

- (d) Except as may otherwise be provided by the Statute or Ordinances, no officer, agent or employee of the City of Green Lake 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 City 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 City until the final determination of the proceedings therein.

CHAPTER 2

Construction Site Erosion Control

15-2-1	Authority
15-2-2	Findings and Purpose
15-2-3	Applicability of Regulations.
15-2-4	Definitions
15-2-5	Design Criteria, Standards and Specifications for Control Measures
15-2-6	Maintenance of Control Measures
15-2-7	Control of Erosion and Pollutants During Land Disturbance and Development
15-2-8	Permit Application, Control Plan and Permit Issuance
15-2-9	Inspection
15-2-10	Enforcement
15-2-11	Appeals

SEC. 15-2-1 AUTHORITY.

This Chapter is adopted pursuant to the guidelines in Sec. 62.2345, Wis. Stats.

SEC. 15-2-2 FINDINGS AND PURPOSE.

- (a) **Findings.** The Common Council finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and the City of Green Lake.
- (b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and City; and to protect and promote the health, safety, and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands.

SEC. 15-2-3 APPLICABILITY OF REGULATIONS.

This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the City and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All state funded or conducted construction is exempt from this Chapter.

NOTE: State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff", which contains similar requirements as contained in this Chapter, as a minimum.

SEC. 15-2-4 DEFINITIONS.

- (a) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock

- consumption and pasturing or yarding of livestock.
- (b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
 - (c) **Construction Site Control Measure.** A control measure used to meet the requirements of Sec. 15-2-7(b).
 - (d) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
 - (e) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector.
 - (f) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - (g) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas, and similar facilities.
 - (h) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
 - (i) **Landowner.** Any person holding title to or having any interest in land.
 - (j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
 - (k) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
 - (l) **Set of 1 Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin.

<u>Storm Duration</u> <u>(Hours)</u>	<u>Rain Intensity</u> <u>(Inches/Hour)</u>	<u>Average</u> <u>Total Rain</u> <u>(Inches)</u>
0	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (m) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

SEC. 15-2-5 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.

All control measures required to comply with this Chapter shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector.

SEC. 15-2-6 MAINTENANCE OF CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

SEC. 15-2-7 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

- (a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:
- (1) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
 - (2) Those requiring a certified survey approval or the construction of houses of commercial, industrial or institutional buildings on lots of approved certified surveys.
 - (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.
 - (4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
 - (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
 - (6) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the Building Inspector clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

- (b) **Erosion and Other Pollutant Control Requirements.** The following requirements shall be met on all sites described in Subsection (a).
- (1) Site Dewatering. Water pumped from the site shall be

treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydrocyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than one hundred (100) microns during dewatering operations, then no control is needed before discharge, except as determined by the Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

NOTE: There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low (1 gal/min), then an inclined or vertical enlargement pipe (about 8" in diameter for 1 gal/min) several feet long would be an adequate control device to restrict the discharge of one hundred (100) micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4-1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. With very large pumping rates (10,000 gal/min), sediment basins (about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three (3) feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydrocyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices described above, but they would not be required.

- (2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (3) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways.
- (4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.

- (5) Site Erosion Control. The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site:
- a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in Subsection (b) (5)c3. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one (1) year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

NOTE: Soil and Conservation Service guidelines for allowable velocities in different types of channels should be followed.

- a. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- b. Runoff from the entire disturbed area on the site shall be controlled by meeting either of the following:
 1. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching or covering, or other equivalent control measure.
- c. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of one (1) year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
- d. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
- e. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw

bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

SEC. 15-2-8 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.

- (a) **Permit Application.** No landowner or land user may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land development activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for a review of the control plan.
- (b) **Content of the Control Plan for Land Disturbing Activities Covering More Than One Acre.**
 - (1) Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
 - a. Site boundaries of adjacent lands which accurately identify site location;
 - b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
 - c. 100 year floodplains, flood fringes and floodways;
 - d. Location of the predominant soil types;
 - e. Vegetative cover;
 - f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - g. Locations and dimensions of utilities, structures, roads, highways, and paving; and
 - h. Site topography at a contour interval not to exceed five (5) feet.
 - (2) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
 - (3) Site Construction Plan. A site construction plan including:
 - a. Locations and dimensions of all proposed land disturbing activities;
 - b. Locations and dimensions of all temporary soil or dirt stockpiles.;
 - c. Locations and dimensions of all construction site

management control measures necessary to meet the requirements of this Chapter;

- d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and
- e. Provisions of maintenance of the construction site control measures during construction.

(c) **Content of Control Plan Statement for Land Disturbing Activities Covering Less Than One Acre, But Meeting the Applicability Requirements Stated in Section 15-2-7(a).**

An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of the Chapter.

- (d) **Review of Control Plan.** Within forty-five (45) days of receipt of the application, control plan (or control plan statement), and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this Chapter are met. The Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within thirty (30) days of receipt of needed information, the Building Inspector shall again determine if the plan meets the requirements of this Chapter. If the plan is disapproved, the Building Inspector shall inform the applicant in writing of the reasons for the disapproval.

(e) **Permits.**

- (1) Duration. Permits shall be valid for a period of one hundred eight (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.
- (2) Surety Bond. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.
- (3) Permit Conditions. All permits shall require the permittee to:
 - a. Notify the Building Inspector within forty-eight (48) hours of commencing any land disturbing activity.
 - b. Notify the Building Inspector of completion of any control measures within fourteen (14) days after their installation.
 - c. Obtain permission in writing from the Building Inspector prior to modifying the control plan;
 - d. Install all control measures as identified in the

- approved control plan;
- e. maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan;
- f. Repair any situation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
- g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;
- h. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and
- i. Keep a copy of the control plan on the site.

SEC. 15-2-9 INSPECTION.

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least two (2) times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the Building Inspector shall enter the land pursuant to the provisions of Sections 66.122 and 66.123, Wis. Stats.

SEC. 15-2-10 ENFORCEMENT.

- (a) The Building Inspector may post a stop-work order if:
 - (1) Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
 - (2) The control plan is not being implemented in a good faith manner; or
 - (3) The conditions of the permit are not being met.
- (b) If the permittee does not cease the activity or comply with the control plan or permit conditions within ten (10) days, the Building Inspector may revoke the permit.
- (c) If the landowner or land user where no permit has been issued does not cease the activity within ten (10) days, the Building Inspector may request the City Attorney to obtain a cease and desist order.
- (d) The Building Inspector or the Board of Appeals upon appeal may retract the stop-work order or the revocation.
- (e) Ten (10) days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this Chapter. The Building Inspector may go on the land and commence the work after fourteen (14) days from issuing the notice of intent. The costs of the work performed by the Building Inspector, plus interest at the rate authorized by the Building Inspector shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount

due, the City Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Section 66.60(16), Wis. Stats. Any person violating any of the provisions of this Chapter shall be subject to a forfeiture as provided in Section 1-1-7. Each day a violation exists shall constitute a separate offense.

- (f) Compliance with the provisions of this Chapter may also be enforced by injunction.

SEC. 15-2-11 APPEALS.

- (a) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this Chapter. Upon appeal, the Board of Appeals may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. The Board of Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.
- (b) **Who May Appeal.** Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector in administering this Chapter.

CHAPTER 3

Fair Housing

15-3-1	Statement on Fair Housing
15-3-2	Definitions as Used in This Chapter
15-3-3	Unlawful Practices
15-3-4	Exemptions
15-3-5	Enforcement

SEC. 15-3-1 STATEMENT ON FAIR HOUSING.

It is hereby declared to be the policy of the City of Green Lake to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

State Law Reference: Section 66.432, Wis. Stats.

SEC. 15-3-2 DEFINITIONS AS USED IN THIS CHAPTER.

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations,

including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

- (i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (g) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (h) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

SEC. 15-3-3 UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the City for a person, owner, financial institution, real estate broker or real estate salesman or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease

- when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mail, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination.
 - (g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or
 - (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
 - (1) The lowering of property values in the area;
 - (2) An increase in criminal or antisocial behavior in the area; or
 - (3) A decline in the quality of schools serving the area.
 - (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
 - (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
 - (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or
 - (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or
 - (m) By canvassing, to commit any unlawful practices prohibited by

- this Chapter; or
- (n) Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
 - (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
 - (p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

SEC. 15-3-4 EXEMPTIONS.

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption

granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:

- (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
 - (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
 - (3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

SEC. 15-3-5 ENFORCEMENT.

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Common Council within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Common Council or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Common Council to forward the complaint and findings to appropriate state and federal agencies.

CHAPTER 4

Grievances Regarding Access to Public Buildings by Handicapped Persons

15-4-1 Grievances Procedures Regarding Access to Public Buildings by Handicapped Persons

SEC. 15-4-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS

- (a) **Statement of Purpose.** The City of Green Lake is committed to providing adequate access by handicapped or visually impaired persons to City-owned public buildings. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Section 504 states, in part, that "no otherwise qualified handicapped individual ... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."
- (b) **Complaint Procedure.**
 - (1) Complaints should be filed with the City Clerk-Treasurer, who has been designated to coordinate Section 504 Compliance.
 - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.
 - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the City Clerk-Treasurer who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
 - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
 - (6) The Section 504 coordinator shall maintain the files and records of the City relating to the complaints filed.
- (c) **Appeals.**
 - (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the City Clerk-Treasurer.
 - (2) The grievance shall be heard by the Common Council within ten (10) working days after the filing of an

appeals request. The grievance shall be heard at the City Hall at a convenient time fixed by the Common Council. The City Clerk-Treasurer shall give at least three (3) days' written notice to the applicant by first class mail of any such grievance hearing.

- (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.
- (4) The decision of the Common Council on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Council shall be rendered within three (3) working days of the close of the hearing and the Common Council shall immediately upon rendering the decision, mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the City Clerk-Treasurer.

- (d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.

- (e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City complies with Section 504 regulations.

CHAPTER 5

Minimum Housing Codes

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service
15-5-5	Safe and Sanitary Maintenance of Property
15-5-6	Quantity, Location and Use of Space in Residential Buildings
15-5-7	Fixing the Responsibility of Owners, Operators, and Occupants
15-5-8	Inspection
15-5-9	Designation of Unfit Dwellings and Legal Procedure Therefor
15-5-10	Enforcement, Service of Notices, and Orders and Hearings

SEC. 15-5-1 TITLE.

This Chapter shall be known as the Minimum Housing Code for the City of Green Lake.

SEC. 15-5-2 INTENT AND PURPOSE.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes among others, physical, aesthetic, and monetary values.
- (b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

SEC. 15-5-3 RULES AND DEFINITIONS.

- (a) **Rules**. In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
 - (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.
 - (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases

"arranged for," "designed for," "intended for,"
"maintained for," and "occupied for."

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) Adequate - "Adequate" shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Chapter. "Adequately" shall mean the same as adequate.
- (2) Apartment - "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (3) Approved -- "Approved" shall mean approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law or this Chapter.
- (4) Attractive Appearance - "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (5) Basement -- "Basement" shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (6) Boarding House - See "Lodging House" and "Lodging Room."
- (7) Building - "Building" means a combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (8) Capacity in Persons - The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
- (9) Cellar - "Cellar" shall mean a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (10) Dwelling - "Dwelling" is a place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- (11) Dwelling Unit - "Dwelling Unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (12) Extermination - "Extermination" shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any

other effective elimination procedure.

- (13) Family - A "family" is an individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than two (2) roomers.
- (14) Good Working Condition - "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (15) Habitable Space - "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- (16) Impervious to Water - "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (17) Infestation - "Infestation" means the sustained presence of household pests, vermin, or rodents.
- (18) Living Room - "Living room" shall mean a room primarily for living, dining, or cooking purposes.
- (19) Lodging House - "Lodging house" is a dwelling containing lodging rooms that will accommodate three (3) or more persons not members of a family.
- (20) Lodging Room - "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.
- (21) Mixed Occupancy - "Mixed occupancy" shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- (22) Occupant - "Occupant" means one who occupies or has actual possession of usable space.
- (23) Operator - "Operator" shall mean any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- (24) Owner - The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.
- (25) Person - A "person" shall mean and include any individual, firm, corporation, association or partnership.
- (26) Properly - "Properly" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (27) Provided - "Provided" shall mean furnished, supplied, paid for or under control of the owner.
- (28) Residential Building - A "residential building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not

limited to the following types:

- a. Single-family dwellings.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Lodging houses.
 - e. Fraternity and sorority houses. (For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)
- (29) Rooming House - See "Lodging House" and "Lodging Room."
- (30) Sleeping Room - A "sleeping room" shall mean a room used for sleeping purposes.
- (31) Structure - "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (31) Supplied - "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

SEC. 15-5-4 MINIMUM STANDARDS FOR BASIC EQUIPMENT, LIGHTING, VENTILATION, HEATING, AND ELECTRICAL SERVICE.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage and other refuse, safe means of egress, provision of light, air, heat, and electrical service.
- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
- (1) Basic Plumbing Requirements. Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in the State Plumbing Code.
 - (2) Water Heating Facilities. Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
 - (3) Refuse Storage. The owner of every residential building

shall be responsible for supplying such building with garbage and refuse storage facilities, the type and location of which is approved by the City.

- (4) Egress. Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street, except as provided in Section 15-5-6(b)(4). Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum size of three (3) feet by four (4) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in the Wisconsin Administrative Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.
- (5) Plumbing. Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each eight (8) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- (6) Windows and Ventilation.
 - a. Every living and sleeping room shall have available for natural light and ventilation windows, sky lights, or glazed doors opening to sky, street, court, alley, or approved yard area on the same lot with the building. The area required for natural light shall be equal to ten percent (10%) of the floor area but not less than nine (9) square feet and at least fifty percent (50%) of the required area shall be openable for natural ventilation where there is no mechanical air conditioning. Openable areas in adjacent rooms may serve kitchens or alcoves without exterior windows, provided that the area of connecting opening is not less than twenty percent (20%) of the area served and the outside opening shall be based on the total included floor area.
 - b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4)

- square feet and more than two (2) square feet is openable directly to the exterior of the building.
- c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, annually during May before June 1 and maintained until storm windows are installed in autumn.
 - d. In all non-owner occupied dwelling units, where heat is not paid for by the landlord, all exterior doors and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15, but not later than November 15, annually, except where permanent and openable.
 - e. Habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure. Ductless recirculating fans may be used if approved by the Building Inspector.

(7) Electrical.

- a. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit.
- b. Every habitable room of such dwelling shall contain at least two (2) separate, floor or wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- c. Convenience outlets are to be located to prevent

use of extension cords (NEC 400-8). All cords, temporary wiring, and exposed abandoned wiring shall be removed.

(8) Heating.

- a. All habitable rooms shall be provided with a permanently connected heating system complying with the City ordinances.
- b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent of the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the windchill factor. The outdoor temperature for the City shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(9) Lighting.

- a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
- b. Every residential building that will accommodate transients, four (4) or more families, or thirty (30) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "**EXIT**" or "**OUT**" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

(10) Cooking Areas Restricted. The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.

(11) Emergency Repairs. Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers

shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

SEC. 15-5-5 SAFE AND SANITARY MAINTENANCE OF PROPERTY.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- (b) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:
 - (1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five(5) feet where possible or by other means such as eaves, troughs and downspout extensions.
 - (2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefore as a special charge against the benefited property.
 - (3) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) Fences, Walks, Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings.
 - (5) Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - (6) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from

accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized businesses carried out on the premises), debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, ice shanties, or building materials not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in a business carried out on the premises. Boats/trailers/shore stations/ATVs/snowmobiles/jet skis or any other recreational vehicles should not be stored for the winter season in the front yard. These items can be stored on the side or rear yards only. Front yards are defined as the side of the home where the front door/front sidewalks are located. Winter season is defined as November through March. Generators and air conditioning units must be placed in the side or rear area of the home or business. The City Inspector should approve the location of these units.

(7) General Requirements.

- a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
- b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.

(8) Windows and Doors.

- a. Every window, exterior door, interior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- b. Each main entrance door into a non-owner occupied dwelling unit shall contain an approved door viewer, except where a window in the door, or a

- window immediately adjacent to the doorway, provides a clear view of the entrance.
- c. All doors into each dwelling unit shall be equipped with door hinges so arranged as to be inside the dwelling unit or with approved locking pin hinges.
 - d. All doors into each dwelling unit shall have a keyed deadbolt lock with a minimum of one (1) inch throw, which is openable with a key on the exterior side of the door and a knob on the interior side of the door. The strike plat shall be held in place by two and one-half (2-1/2) inch screws. Patio doors shall have an approved secondary locking device[i.e., locking pins or two by four's (2x4's) of proper length].
 - e. All basement, first and second story windows and all other windows accessible by balconies, fire escapes, trees, or other existing means shall be provided with sash fasteners.
 - f. All double-hung and sliding windows and doors below the second story and all other double-hung and sliding windows accessible by balconies, fire escapes, trees or other existing means shall be equipped with approved window ventilating sash fasteners to allow each window to be located at one (1) to five (5) inches open. Such window ventilating bolts or locks shall be moveable to permit the window to be fully opened from the inside of the dwelling unit.
 - g. Alternative locking devices to equally resist illegal entry may be substituted with the approval of the Board of Zoning Appeals.
- (9) Stairs. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) Plumbing Fixtures. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (11) Bathrooms. Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (12) Supplied Facilities.
- a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for

- the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
- c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (13) Equipment Removal Restricted. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
- (14) Removal of Debris.
- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
- b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

SEC. 15-5-6 QUANTITY, LOCATION, AND USE OF SPACE IN RESIDENTIAL BUILDINGS.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (b) **Size of Dwellings and Rooms.**
- (1) Detached Single-Family Dwellings. Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
- (2) Size of Rooms.
- a. Apartments. The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
- b. Lodging Rooms. The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
- (3) Excluded Spaces. The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and

- common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
- (5) Hallways. Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
 - (6) Cellar Space. No cellar space shall be used as a sleeping room.
 - (7) Basement Use as a Sleeping Area. No basement space shall be used for a sleeping room unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

SEC. 15-5-7 FIXING THE RESPONSIBILITY OF OWNERS, OPERATORS AND OCCUPANTS.

- (a) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.
- (b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:
 - (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
 - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse and garbage in the containers required by Section 15-5-4(b)(3).
 - (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.
 - (4) Every owner of a residential building shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. In all residential buildings, except for single-

family dwellings and owner-occupied two (2) family dwellings, extermination services shall be performed by a licensed exterminator.

- (5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and the occupancy is limited to the maximum permitted thereby.
- (7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.
- (8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

SEC. 15-5-8 INSPECTION.

- (a) The Building Inspector is authorized and empowered to inspect all residential buildings within the City for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- (b) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

SEC. 15-5-9 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE THEREFOR.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designed and placarded by the Building Inspector:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
 - (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
- (b) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- (c) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- (d) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placards as such, except as herein provided.
- (e) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Building Inspector under the procedure set forth in Section 15-5-10.

SEC. 15-5-10 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

- (a) (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall:
- a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he is served with such notice by any other method

authorized or required under the laws of this state.

- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- (b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.
- (c) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten(10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (d) Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served. Following a hearing in the case of any notice suspending any permit required for this Chapter or by a rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.
- (e) The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek

relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

- (f) Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, or modify it or revoke it.

CHAPTER 6

Commercial and Exterior Maintenance Code

15-6-1	Title
15-6-2	Intent and Purpose
15-6-3	Rules and Definitions
15-6-4	Safe, Sanitary and Attractive Maintenance of Property
15-6-5	Fixing Responsibility of Owners, Operators and Occupants
15-6-6	Enforcement, Service of Notices and Orders and Hearings

SEC. 15-6-1 TITLE.

This Chapter shall be known as the Commercial Exterior Maintenance Code for the City of Green Lake.

SEC. 15-6-2 INTENT AND PURPOSE.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among other, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

SEC. 15-6-3 RULES AND DEFINITIONS.

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise:
 - (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.
 - (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.**
 - (1) Adequate - "Adequate shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority

designated by law or this Chapter. "Adequately" shall mean the same as adequate.

- (2) Approved - "Approved" shall mean approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law or this Chapter.
- (3) Attractive Appearance - "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (4) Commercial -- "Commercial" shall mean not residential.
- (5) Commercial Use - "Commercial use" shall mean any nonresidential use.
- (6) Building - "Building" means a combination of material to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Code, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (7) Good Working Condition - "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (8) Impervious to Water - "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (9) Mixed Occupancy - "Mixed occupancy" shall be occupancy of a building in part for commercial use and in part for some other use not accessory thereto.
- (10) Occupant - "Occupant" means one who occupies or has actual possession of usable space.
- (11) Operator - "Operator" shall mean any person who has charge or control of a commercial property or part thereof.
- (12) Owner - The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.
- (13) Person - A "person" shall mean and include any individual, firm, corporation, association or partnership.
- (14) Properly - "Properly" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.

- (15) Provided - "Provided" shall mean furnished, supplied, paid for or under control of the owner.
- (16) Structure - "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (17) Supplied - "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

SEC. 15-6-4 SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
 - 1. Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure. Adjacent ground surface shall be sloped away from any building or structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
 - 2. Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Director of Public Works shall perform said weed cutting and process the charge therefore as a special assessment against the benefitted property.
 - 3. Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - 4. Fences, Walks, and Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to building or structures.
 - 5. Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other

- preservative shall be applied in a workmanlike fashion.
6. Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
 7. General Requirements. Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
 8. Windows and Doors. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All doors and window hardware shall be installed and maintained in proper working condition.
 9. Outside Stairs and Porches. Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
 10. Removal of Debris.
 - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
 - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c. All land filling operations shall be leveled off to permit the mowing of weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

SEC. 15-6-5 FIXING RESPONSIBILITY OF OWNERS, OPERATORS AND OCCUPANTS.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

SEC. 15-6-6 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore and commence an enforcement action pursuant to Section 15-5-10.

CHAPTER 7

ARTISTIC MURALS

15-7-1 ARTISTIC MURALS

A. Definitions

1. Artistic Mural: A one-of-a-kind, hand-produced, or digitally printed work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the building owner.
2. Mural Attribution: Information located within a mural that identifies the artist's name(s) and/or artist's business name. Mural Attributions must meet the following requirement.
 - a. Attribution may contain only the artist's name(s) and date.
 - b. Number of Attribution area shall be one (1) for each mural.
 - c. Attribution placement shall be included within a mural and shall not include the name of a sponsor(s).
 - d. Size of Attribution to be determined by the City of Green Lake Common Council.
3. Sponsor Recognition: Information that identifies the mural sponsor's name or sponsor's business or association name. It shall be determined by the City of Green Lake Common Council if it is included in the mural.

B. Mural Contract. Proof of contract between building owner and sponsor outlining specific expectations, execution, and management of mural.

C. Mural Permit. No mural shall be installed unless a mural permit is obtained by the owner or their agent from the City of Green Lake after approval by the City of Green Lake Common Council.

D. Application Requirements. Permit application shall contain, but not limited to, the following information:

1. Site plan drawn to scale showing the lot and building dimensions and indicating the proposed location of the mural.
2. Pictures of the building elevations.
3. A scaled drawing of the building elevation showing the proposed size and placement of the mural.
4. A colored draft of the proposed mural.
5. A description of the proposed maintenance schedule that includes the timeframe for the life of the mural and method for removal, if applicable.
6. Mural material and how it will be attached - painted or affixed.
7. Copy of Mural Contract.

E. Fee. The Mural Permit application fee shall be established by resolution by the City Council.

F. Prohibited Mural Types.

1. Murals or other representations which imitate or appear to imitate any official traffic sign or device

which appears to regulate or direct the movement of traffic, or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

2. Murals are prohibited in all Residential Zoning Districts: Single Family Residential Lakeshore District (R), Single Family Residential District (R1), Two Family Residential District (R2), Multi-Family Residential District (R3). Murals are also prohibited in the Recreational Business District (RB).
3. Murals affixed, applied, or mounted above, upon or suspended from any part of the roof of a structure that would diminish the structural integrity.
4. Murals shall not project from the wall surface, other than the minimum necessary protrusion to mount the mural to the wall or structure.
5. Murals containing true threats (a serious expression of an intent to commit an act of unlawful violence).
6. Murals containing religious or political content.
7. Murals containing obscene content. For purposes of this section, any material is obscene if applying contemporary community standards:
 - (a) The predominant appeal is to a prurient interest in sex; and
 - (b) The average person would find the material depicts or describes sexual content in a patently offensive way; and
 - (c) A reasonable person would find the material lacks serious literary, artistic, political, or scientific value.

G. Maintenance.

1. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the City of Green Lake Common Council.
2. The display surface shall be kept clean and neatly painted and free from corrosion.
3. The building owner shall be notified by the City of Green Lake Common Council or designated City staff member if the mural has not been maintained, has faded, or is in disrepair. If no action plan is taken to remediate the mural within thirty (30) days, the mural shall be removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material as ordered by the City of Green Lake. If the owner does not remediate the mural within said 30 days, the City and its agents may go onto the property and take the necessary remediation actions and any costs incurred by the City, and not paid by the property owner, may be assessed against the real estate as a special charge or tax and placed on the tax roll.

H. Mural Permit Approval.

1. A mural permit shall be approved if the requirements of this Ordinance of the Municipal Code has been fulfilled.
2. Permit Denial. A mural permit applicant may appeal the decision of the City of Green Lake to deny a mural permit. Said appeal shall be made in writing to the City of Green Lake and said appeal shall be made within thirty (30) days of the decision by the City of Green Lake to deny the permit. Appeals will be heard by the City of Green Lake Board of Appeals to determine if the permit is consistent with the provisions of this Section of the Municipal Code.

I. Violations.

1. All artistic murals constructed or maintained in violation of any of the provisions of this Ordinance are hereby declared public nuisances within the meaning of the Code of Ordinances. In addition to penalty provisions for violations of this Ordinance, the Common Council or its designee may bring action to abate the nuisance in a manner set forth by Wisconsin Statutes.
 - (a) **Penalty.** In addition to any other enforcement provisions provided in this Ordinance, any person who shall violate any provision of this Ordinance or any order, decision, rule or regulation made hereunder shall be subject to a penalty as provided in Section 1-1-7 of the Code of Ordinances of the City of Green Lake.
 - (b) **Citations.** The Building Inspector and Chief of Police or their authorized agents are hereby authorized to issue citations for violations of this Ordinance.
 - (1) Each day a mural remains in violation of this Ordinance shall constitute a new offense.
 - (c) **Injunctions.** The City Attorney is authorized to seek injunctive relief in a court of competent jurisdiction for the enforcement of this Ordinance.
 - (d) **Any person,** firm or corporation who violates any provisions of this Ordinance shall be subject to the penalties prescribed in this Code of Ordinances. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.