

## **CHAPTER 14 BUILDING CODE**

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## BUILDING CODE 14.01

**14.01 TITLE.** This chapter shall be known as the "Building Code of the City of Black River Falls" and shall be referred to in this chapter as "this code."

**14.02 PURPOSE.** This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings 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.

**14.03 SCOPE.** New buildings hereafter erected in, or any building hereafter moved within or into, the City shall conform to all the requirements of this code 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, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State pertaining to construction and use and ch. 17 of this Code to the date this chapter was adopted and in no way supersede or nullify such laws and ch. 17 of this Code.

**14.04 STATE CODES ADOPTED.** The following Wisconsin Administrative Codes are hereby adopted for City enforcement:

COMM14	General Hazards and Fire Prevention
COMM16-17	Electrical Code
COMM20-25	Uniform Dwelling Code
COMM26	Smoke Detectors
COMM50-64	Building and Heating, Ventilating and Air Conditioning Code
COMM66	Uniform Multi-Family Dwellings
COMM69	Barrier-Free Design
COMM70	Historic Building Code
COMM73	Illumination
COMM80-86	Uniform Plumbing Code
COMM160-164	Existing Building Code

**14-05 BUILDING INSPECTOR.** (1) APPOINTMENT. See sec. 1.03 of this Code.

(2) QUALIFICATIONS. (a) The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings.

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(b) The Building Inspector shall be certified by the Department of Commerce in all the required categories in Wis. Adm. Code COMM 5.61.

(c) The Building Inspector may appoint, as necessary, Deputy Inspectors. Any Deputy appointed to inspect buildings shall be certified under Wis. Adm. Code COMM 26 by the Department.

(3) DUTIES. The Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter. He shall coordinate the activities of the Plumbing Inspector and the Electrical Inspector.

(4) POWERS. The Building Inspector or his Deputy Inspectors may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the presentation 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 Inspector or his Deputy Inspectors while in the performance of their duties.

(5) RECORDS. The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make a quarterly report to the Council on the above matters.

(6) APPEALS. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may, within 20 days thereafter, appeal from such order or ruling to the Board of Zoning Appeals, such appeal to be in writing.

**14.06 BUILDING PERMITS AND INSPECTION.** (1) SUBMISSION OF PLANS. Two sets of building plans shall be submitted to the Building Inspector. If a new building or building addition is proposed, a plot plan showing such proposed work and existing buildings and property liens shall be submitted.

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(2) **ISSUANCE OF PERMIT.** The Building Inspector shall issue the requested permit after all State, County and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location. Permits are valid for 2 years.

(3) **OCCUPANCY PERMIT.** If no non-compliances are found by the Building Inspector, the Inspector shall issue an occupancy permit. If minor non-compliances other than health or safety items are in existence, the Inspector may issue a temporary occupancy permit for a specified term. Occupancy may not be taken until an occupancy permit is issued.

(4) **EXTERIOR FINISH REQUIRED.** All buildings shall have a weather--resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable.

(5) **MAINTENANCE OF BUILDINGS AND YARDS.** All buildings shall be maintained so that they do not lose value or become non-complying with applicable codes. Yards shall be kept free of weeds and trash.

(6) **INSPECTION OF WORK.** The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The Inspector shall perform the requested inspection within 48 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Inspector.

(7) **PERMIT LAPSES.** A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within 2 construction seasons, from the date of issuance thereof. In any event, all permits shall lapse 2 years from the date of issuance.

(8) **STOP WORK ORDER.** If 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 instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety.

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(9) **EROSION CONTROL PERMIT REQUIRED.** See ch. 17 of this Code.

(10) **REPORT OF VIOLATIONS.** The police or other City officers shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

**14.07 PERMIT FEES.** A schedule of permit fees has been established and is on file in the offices of the Building Inspector and the City Clerk. In the event work begins prior to obtaining a building permit, the fees shall be doubled.

**14.08 RESIDENTIAL GARAGES.** Residential attached garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Residential garages shall be located in accordance with ch. 17 of this Code and not less than 10 feet from any other building on the same premises when not a part of the building. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than 45-minute fire-resistive construction as specified in Wis. Adm. Code COMM 21.08.

**14.09 PRIVATE SWIMMING POOLS.** No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the City except in accordance with the following regulations.

(1) **DEFINITION.** "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 2 feet deep is contained and which is used primarily for the purpose of bathing or swimming.

(2) **PERMIT.** (a) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefor has first been obtained from the Building Inspector.

(b) Application. Application shall be on a form provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:

1. Location of pool on lot, distance from lot lines and distance from structures.
2. Location of septic tank, filter bed and sewer lines.
3. Pool dimensions and volume of water in gallons.
4. Location and size of fence and gate location.

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5. Existing overhead wiring relative to proposed pool.

(3) CONSTRUCTION REQUIREMENTS. (a) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by ch. 17 of this Code for permitted accessory building uses, and the waterline of any pool shall not be less than 5 feet from any setback line or building.

(b) No connection shall be made to the sanitary sewer or septic system.

(c) Gaseous chlorination systems shall not be used for disinfecting pool waters.

(d) No aboveground pool shall be less than 5 feet from any septic system.

(4) PLUMBING AND ELECTRICAL REQUIREMENTS. (a) To Comply With Plumbing and Electrical Codes. All plumbing and electrical installations shall require separate permits and shall be governed by the City or State Plumbing and Electrical Codes.

(b) Pool Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

(5) FENCE REQUIREMENTS. All private residential swimming pools, whether in ground or aboveground, shall be enclosed with an adequate and secure fence at least 48 inches high above adjoining ground. Required fences shall be constructed so as to prohibit the passage of a 6-inch diameter sphere between fence members. Any gates installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least 30 inches above ground level. A pool dome or pool top fencing attached to the pool to extend at least 48 inches above the ground, or a pool cover capable of supporting 100 pounds per square foot of area, are acceptable substitutes for fencing. Pool covers shall be fixed securely in place at all times when pool is not supervised by a responsible person. Above ground pools with walls that are at least 48 inches high at all points around said pool or have platforms and railings that are 48 inches or more in height above ground are not required to be enclosed as provided in this section; however, all ladders and stairways providing access to such pools shall be adequately fenced and fitted with gates to prevent entry when the pool is not in use.

(6) USE OF POOL. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

(7) VARIANCES. The Board of Zoning Appeals may grant variances to the requirements of this section, pursuant to ch. 17 of this Code.

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**14.10 FENCES.** (1) **PERMIT REQUIRED.** No person shall construct, erect, reconstruct, alter, move or enlarge any fence within any residential area within the City limits without obtaining a permit from the Building Inspector. No permit shall be issued unless the proposed fence complies with the requirements of this section.

(2) **FENCE LOCATION AND HEIGHT.** (a) Residential Uses. Fences up to 6 feet in height are permitted in any yard area follows:

1. **Back and Side Setback.** Fences may be constructed on the property line.

2. **Front Setback.** No fence shall be constructed closer to the front of any residential lot than the front yard setback as established by ch. 17 of this Code. In those instances where a building has been "grandfathered" so as to be located in front of the required setback, fencing shall be permitted up to the point of the front building line of the principal building.

(b) Alley Right of Way. No fence may be constructed within 10 feet of any alley right of way.

(c) Vision Triangle. No fence shall be constructed in such a manner as to interfere with the vision triangle established in ch. 17 of this Code. Any fence constructed within such vision triangle shall be limited to 2-1/2 feet in height.

(3) **FENCE CONSTRUCTION REQUIREMENTS.** (a) Fence Materials. Fences may be constructed of approved materials such as commercial fence materials, concrete block or treated lumber, but may not include sheet metal, salvage materials or barbed wire, or be electrified.

(b) Finish. A wood or screening fence shall be installed in such a manner so that it has a finished surface that faces the exterior of the lot upon which the fence is located. In this paragraph, "finished surface" means that side of the fence which does not contain any exposed supporting posts or framing members, provided that, in the case of a double-sided fence where an equal amount of supporting posts and framing members are visible on both sides of the fence, each side shall be considered to be a "finished surface."

**14.11 NEW METHODS AND MATERIALS.** All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Department of Commerce. 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

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or conditions of use established by the Department of Commerce. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Department of Commerce.

### 14.12 BUILDING MAINTENANCE

(1) **UNSAFE BUILDINGS** Whenever the Building Inspector finds any building or part thereof within the City to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in §66.0413, Wis. Stats. Where the public safety requires immediate action, the Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

#### (2) PROPERTY MAINTENANCE STANDARDS

(a) **SCOPE** These standards apply to all structures located in a residential zoned area and to all structures and sites used for residential purposes but zoned for other uses.

(b) **MINIMUM STANDARDS** It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy for use of any building, structure or premises which does not comply with the requirements of this Code.

(c) **FOUNDATIONS, EXTERIOR WALLS AND ROOFS** The foundation shall be substantially water tight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be substantially water tight, weather tight, protected against rodents, kept in good condition and repair and shall be free of deterioration, holes, breaks, loose or rotting boards or timber, and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling. All exterior wood surfaces shall be protected by paint, stain or other water- and weather-resistant treatment. Every roof shall be water tight, weather tight, kept in good condition and repair, and have no dangerous defects. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, copings, parapets, moldings, belt courses, lintel, sills and similar projections shall be kept in good repair, free from cracks or defects which make them hazardous or dangerous.

(d) **WINDOWS, DOORS AND HATCHWAYS** Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware.



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Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good conditions and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.

(e) **SCREENS** From June 1<sup>st</sup> to September 15<sup>th</sup> screens shall be installed on doors or windows when they are required for ventilation. Screening shall be at least a fourteen (14) mesh and shall be attached to its frame in such manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frame so as not to allow the passage of insects or rodents. Screens shall be provided with positive attachment devices to insure that inserts will not fall from or be dislodged from the door or window frame. A self-closing device shall be provided for screen doors.

(f) **STAIRWAYS AND PORCHES** Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.

(g) **CHIMNEYS** Every chimney and chimney flue shall be in good and safe condition and repair.

(h) **GRADING AND DRAINAGE OF LOTS** Every yard, court driveway or other portion of the lot shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

(i) **YARDS** Yards shall be kept substantially clear of debris and shall be provided with adequate lawn or ground cover of vegetation, hedges or bushes. All areas not covered by any of the foregoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

(j) **INFESTATION** Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under the exclusive control except where more than one (1) unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.

(k) **EXTERIOR APPEARANCE** Every building and structure shall be kept neat and attractive in appearance. All wooden portions shall be painted, stained or receive other similar treatment as often as necessary to maintain such appearance. Stone, brick or other masonry shall be kept adequately painted and maintained.

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**(l) REFUSE, GARBAGE AND RUBBISH STORAGE REQUIREMENTS**

Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxes, lumber, metal or other materials which may provide harborage for rodents or vermin.

**(m) ACCESSORY STRUCTURES** Every accessory structure shall be kept in good condition and repair, shall not obstruct light and air of doors or windows, shall not obstruct a safe means of access to any building or structure, shall not create fire or safety hazards and shall not provide rat or vermin harborage. All accessory structures which are in deteriorated conditions and which are not repairable shall be removed.

**(n) MAINTENANCE OF PROPERTY COMPLAINT** Complaints alleging a violation of this Chapter shall be commenced by service of written notice of noncompliance upon the property owner.

**(o) ENFORCEMENT** Enforcement of this Section may also be in accordance with Section 14.19 and 14.20 of this Code.

**14.13 MOVING BUILDINGS.** See ch. 8 of this Code.

**14.14 SATELLITE TELEVISION ANTENNAS.** (1) **PERMIT REQUIRED.** No person shall install a satellite television antenna within the City until a permit is obtained from the Building Inspector. However, pursuant to §62.23(7)(em), Wis. Stats., no permit is required for a satellite dish less than 2 feet in diameter.

(2) **APPLICATION.** Application for a permit shall be made on a form provided by the Building Inspector.

(3) **PERMIT FEE.** See sec. 14.07 of this chapter.

(4) **DEFINITIONS.** (a) Satellite Television Antenna. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

(b) Usable Satellite Signal. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

(5) **SIZE AND HEIGHT LIMITATIONS.** (a) Antennas shall not extend more than 10 feet above the height limit established for a zone in which the structure is located.

(b) Antennas shall not exceed 11 feet in diameter in a residential zone.

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(6) **LOCATION AND CONSTRUCTION REQUIREMENTS.** (a) Subject to par. (d) below, in any business, commercial, agricultural or manufacturing zone, such antenna may be located anywhere on the lot or building thereon.

a. In a residential zone, subject to the provisions contained herein, such antenna shall be located either in the rear yard of any lot or on the roof. If usable satellite signal cannot be obtained from such rear yard or roof, the antenna may be located on the side or front yard of the property, subject to the requirements contained herein.

b. Ground-mounted antenna shall be located at least 5 feet from the nearest part of the main building on the same lot and at least 5 feet from any rear, front or side property line.

c. No antenna on a corner lot shall be constructed within a vision triangle contrary to ch. 17 of this Code.

d. Except in business, commercial, agricultural or manufacturing zones, antenna shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.

e. Not more than one satellite antenna shall be allowed in any residential zone on any lot less than one acre in size.

f. All antennas and the construction and installation thereof shall conform to applicable regulations and requirements of the this chapter and the Electrical Code.

g. Antenna shall meet all manufacturers' specifications, shall be on noncombustible and corrosive-resistant materials, and shall be erected in a secure, wind-resistant manner.

h. Every antenna must be adequately grounded for protection against a direct strike of lightning.

(7) **LOCATION, CONDITIONAL.** The construction, location, installation and erection of a satellite antenna shall be on a conditional basis and, in the event said satellite antenna interferes with radio or television reception on adjacent properties, such satellite antenna shall be moved or shielded to eliminate said interference.

(8) **TEMPORARY PLACEMENT PERMITTED.** Satellite antennas may be temporarily located on a lot or parcel for the purpose of testing reception for a period not to exceed 10 days in any calendar year without a permit, provided that the provisions of this section are complied with.

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(9) PREVIOUSLY ERECTED ANTENNAS. Subject to sub. (7) above, this section shall not affect any satellite antenna erected prior to the adoption of this section.

**14.15 HOUSE NUMBERING SYSTEM.** See sec. 8.12 of this Code.

**14.16 NON-ASSUMPTION OF LIABILITY** This chapter shall not be considered as assuming any liability on the part of the City or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing or electric wiring or equipment.

**14.19 ENFORCEMENT.** The Building Inspector or officers of the City Police Department, in cooperation with the Building Inspector, may issue citations for violations of this Chapter.

**14.20 PENALTIES AND VIOLATIONS** Any building or structure hereafter erected, enlarged, altered, repaired or moved, 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 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, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 25.04 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.