MINUTES OF THE COMMON COUNCIL MEETING HELD VIA ZOOM MEETING ON TUESDAY, AUGUST 18, 2020

A. Call to Order & Roll Call
The meeting was called to order by Mayor Neitzke at 7:00 p.m.
Present: Denise Collins, Bruce Bailey, Karl Kastner, Pamela Akers, Shirley Saryan
Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Kristi Porter, Community Development Manager; Darren Rausch, Health Officer/Director; Jennifer Goergen, City Clerk

B. Opening Prayer
An opening prayer was given by Pastor Steve Rogers.

C. Pledge of Allegiance

D. Approval of the July 21, 2020 Common Council minutes
Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to approve. On a roll call vote, motion carried unanimously.

E. Mayor's Report
Mayor Neitzke said the Whitnall School District will begin the school year in class. Ald. Akers said the Greenfield School District will start virtually and review their policy on Sept. 28, and bi-weekly thereafter.

Mayor Neitzke said the Parks and Recreation Dept. is hosting trivia nights at the AMP, and planning for a fall car show. Budget preparations are beginning, with projection for a flat budget with no increases, and a 2% pay raise due to police and fire contracts. It is too early to know if there will be an increase or decrease in health insurance, although utilization is down. The impact of COVID on city revenues is difficult to know. Departments are creating backup plans in case there is a second surge of COVID, to be able to continue to offer government services, including for the elections process. Mayor Neitzke thanked the Clerk Department and other departments who helped with the August primary.

F. Aldermanic Reports
Ald. Bailey said the stop light project at S. 84th St. and W. Cold Spring Rd. is done and looks nice.

G. Announcements
Mayor Neitzke thanked Jeff and Renee in the Department of Neighborhood Services for their work on Greenfield being designated as a Bee City.

Ald. Akers asked when S. 68th St. would be reopened. DNS director Jeff Katz said it would be open either August 21 or the following week.

H. Citizen Commentary

Andrew Drzewiecki, 3579 S. 45th St., presented five questions related to sewer backups near road reconstruction in the neighborhood south of W. Morgan Ave., around S. 44th through S. 47th streets and W. St. Francis Ave.:

1. What was the cause of the flooding?
2. How many homes were damaged and put on a list with the Greenfield Dept. of Public Works?
3. What remedies is the city pursuing to ensure this doesn't reoccur, and have they already been put in place?
4. Have driveways been installed correctly by the contractor? He knows of at least three that slope back toward the homes. Can the contractor be told to redo them if they've been installed incorrectly?
5. Who should homeowners file claims for damages with – the city, the Milwaukee Metropolitan Sewerage District, or the contractor? If the contractor, has the contractor been fined by the city?

Jessica Turtenwald Arenz, 3562 S. 44th St., said she was speaking on behalf of herself and her husband Eric Arenz. She reached out to Ald. Collins twice within 72 hours of the incident, and then spoke with Department of Public Works Superintendent John Laskoski but has not heard anything since. She would like to hear feedback, especially regarding question #5.

City Attorney Brian Sajdak said the cause of the flooding was that we had rainfall that at one point was equivalent to 8 inches an hour. City staff is looking into whether the flooding is due to natural causes or someone is at fault. Residents must decide for themselves who to file a claim or claims with – the city and/or the Milwaukee Metropolitan Sewerage District. Claims cannot be filed directly against the contractor; those claims would need to be filed with the city [in the City Clerk's office] because it is a city project. People should be proactive in advising the city of issues, such as the sloping driveways, otherwise it is hard for staff to be aware of and address the issues and investigate what has happened and who is responsible.

Mayor Neitzke said with regard to filing claims, there are statutory time limits for filing, facts need to be provided as to why the party is liable, and justification provided for the cost associated with the damage. The claim needs to be in writing, describe the facts, what someone did wrong, and describe and specify the damages. No one knows what the true extent of the damage is yet. It may be just a handful of homes were affected. The city tracks phone calls and complaints and all information related to flooding events.

I. Old Business

1. Appointments to various committees and commissions:

   a. <u>Mayor appointments, confirmed by Council</u>:

i. One alternate member to the Board of Review for a term to expire 5/1/25 (newly created position) – to be placed on the **NEXT AGENDA**.

ii. One member to the Tree Commission for a term to expire 5/1/21 (formerly Michael Wendt) – to be placed on the **NEXT AGENDA**.

iii. One member to the Public Library Board for term to expire 7/1/23 (formerly Mary Knasinski, Teri Ryan) – to be placed on the **NEXT AGENDA**.

b. Mayor appointments:

i. One alternate member to the Zoning Board of Appeals for a term to expire 5/1/21 (formerly Denise Kunz) – to be placed on the **NEXT AGENDA**.

J. New Business

1. Approve applications for 2020-2021 operator licenses.
Motion by Ald. Kastner, seconded by Ald. Collins, to approve. Motion carried unanimously.

2. Request to approve Impact Solutions maintenance contract for two new multi-function printers (Lemmers)
Motion by Ald. Kastner, seconded by Ald. Collins, to approve and authorize Mayor to sign. On a roll call vote, motion carried unanimously.

3. Discussion and decision to sign an agreement to allow a new fence in a permanent sanitary sewer easement in the rear yard of 4615 South River Ridge Blvd, Tax Key # 610-0133-000. (Katz)
Motion by Ald. Akers, seconded by Ald. Kastner, to approve Agenda Items J3-J6.

Ald. Bailey asked what area is being addressed by the contract in Agenda Item #6.

Mr. Katz said one area is on the south side near S. 30th St. and W. Ramsey; one is near S. 51st St., and another is on S. 27th St. between W. Edgerton Ave. and W. Grange Ave.

Ald. Akers asked if the no parking ordinance would be only for school days?

Mr. Katz said it only would be for one hour a day on school days. Elm Dale School is trying a new way for parents to pick up kids to relieve congestion around the school. Because of COVID, parents cannot come into the school building any longer and they want it to be safe.

On a roll call vote, motion carried unanimously.

4. Discussion and decision to adopt an ordinance amending Section 8.04 of the Greenfield Municipal Code designating no parking on portions of Honey Creek Drive and Grange Avenue. (Katz)
Approved under Agenda Item J3 [ordinance at end of minutes].

5. Discussion and decision to approve a conservation easement to the Milwaukee Metropolitan Sewerage District for Green Infrastructure. (Katz)
   Approved under Agenda Item J3.

6. Discussion and decision to award a contract for the project 1923 Sanitary Sewer Repairs to MJ Construction in the amount of $ 163,957.00. (Katz)
   Approved under Agenda Item J3.

7. Certified Survey Map to divide an existing parcel located at 5515 W. Cold Spring Rd., submitted by Angelica and Carlow Roman, owners. (Tax Key No. 602-9953-001) (PC-8/11/20 Kastner)
   Motion by Ald. Kastner, seconded by Ald. Collins, to approve Agenda Items J7-J12.

   Community Development Manager Kristi Porter said Agenda Item J10 is a tenancy change, with a recommendation to add grass between the curb and sidewalk.

   Mayor Neitzke said Agenda Item J9 is for a micro hospital that Ascension will be putting in the old Barnes and Noble building.

   Regarding Agenda Item J11, Ms. Porter said the owners are on board with changes recommended by the Plan Commission, including closing the easternmost access to the property for safety reasons.

   On a roll call vote, motion carried unanimously.

8. Certified Survey Map to divide an existing parcel located at 9530 W. Layton Ave., submitted by Michael Dilworth, d/b/a Ener-con Companies. (Tax Key No. 607-9967-000) (PC-8/11/20 Kastner)
   Approved under Agenda Item J7.

9. Certified Survey Map to divide an existing parcel located at 4935-75 S. 76 St., submitted by Douglas Jones, d/b/a ICA II Greenfield Venture, LLC. (Tax Key No. 616-8974-001) (PC-08/11/20 Kastner)
   Approved under Agenda Item J7.

10. Special Use Review and Site Plan Review for a tenancy change to Dep Automotive, an auto repair shop to be located at 5147 W. Forest Home Ave., submitted by Paulo Esqueda, d/b/a DEP Automotive, LLC. (Tax Key No. 530-1199-600) (PC-8/11/20 Kastner)
    Approved under Agenda Item J7.

11. Site and Architectural Plans for a deck addition to Friends on Forest Home, an existing business located at 5614 W. Forest Home Ave., submitted by Maureen Fox, d/b/a Friends on Forest Home. (Tax Key No. 556-9001-000) (PC-8/11/20 Kastner)
    Approved under Agenda Item J7.

12. Special Use Review and Site Plan Review for an ownership change to the existing gas station (to be a BP), convenience store and automotive repair shop located at 8333

W. Layton Ave., submitted by Bilal Amjad, d/b/a Ali Petroleum Group, Inc. (Tax Key No. 616-8987-004) (PC-8/11/20 Kastner)
Approved under Agenda Item J7.

13. Discussion/decision to approve a Professional Services Contract by and between the City of Greenfield and ePlex, LLC for plan examination services. (Porter)
Motion by Ald. Saryan, seconded by Ald. Kastner, to approve.

Mayor Neitzke said this company can expedite plan reviews that are currently handled by the state.

Ms. Porter said now a portion of the fees that formerly went to the state will instead come to the city.

On a roll call vote, motion carried unanimously.

14. Ordinance to repeal and recreate Chapter 15 – Building Code. (Porter)

Ms. Porter said this is to: 1) Clean up some old verbiage and incorrect titles, such as changing references from the Wisconsin Dept. of Commerce to the Wisconsin Dept. of Safety and Professional Services; 2) Adoption of the Wisconsin Uniform Building Code and the Wisconsin Uniform Dwelling Code (UDC) – codes that Wisconsin cities are required to follow. The UDC allows flexibility to pre-1980 dwellings; 3) Verbiage declaring the city a "Delegated Municipality" which allows it to conduct plan review – which the city will contract with EPLEX to do.

Motion by Ald. Kastner, seconded by Ald. Collins, to adopt Ordinance No. 2956 [ordinance at end of minutes]. On a roll call vote, motion carried unanimously.

15. Approve Outdoor Special Event application for the CLG (Classic Lanes Greenfield) Fest event, to be located at 5404 W. Layton Ave., August 28-30, 2020. Application includes the following combination of licenses/permits: Extension of licensed premises to the parking lot for the Entertainment License and "Class B" beer and liquor license, Food, and Commercial building/plumbing/electrical. (Porter)

Health Officer/Director Darren Rausch said he has not had direct contact with the applicant regarding the public health aspect, but that he can check on it.

Motion by Ald. Akers, seconded by Ald. Kastner, to approve. Motion approved unanimously.

16. Approve Outdoor Special Event application for the House of Harley Rally at Exit 7 event, to be located at 6221 W. Layton Ave., September 3 – September 6, 2020. Application includes the following combination of licenses/permits: Temporary Class "B" Retailer's License (beer), Food, and Commercial building/plumbing/electrical. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Ms. Porter said the date range should be amended to Sept. 3 – Sept. 7, 2020.

Motion by Ald. Kastner, seconded by Ald. Saryan, to approve.

Ald. Collins said she has received several calls from people worried about no social distancing and people not wearing masks at previous Saturday events. She is concerned also, as she did drive by, and sees that it does get crowded, and this would be a big event.

Ald. Akers said she gets the phone calls that she always receives, about noise, crowds, and music.

Ald. Saryan said she received one complaint about noise.

House of Harley representative Kailen Mueller said once the mask mandate came into effect, they had signage on both entrances and at every outside table concerning it. At the event, they have a list of "House Rules" about respecting social distancing and face mask requirements, and the band makes announcements throughout the day. Bartenders wear face coverings. Each social media post and the website also reiterates the requirements. The barrel tables and other tables are all 6 feet apart.

Mayor Neitzke asked if they were expecting out of state traffic. Ms. Mueller said they are expecting decreased out of state traffic, with most coming from Wisconsin and a smaller portion from Illinois.

Ald. Akers asked about parking plans. The subdivision across the street tends to get the overruns.

Ms. Mueller said they have an agreement with JATC allowing use of their parking lot for overflow parking. There will be volunteers assisting with parking and as crosswalk guards. A letter will go out to notify the neighbors and businesses in the area of the upcoming event. They will make sure Harley attendees do not park in nearby business lots such as Board Game Barrister or Bunks and Beds.

Ald. Saryan asked if there has been loud outdoor music, and if it's been staying within decibel limits.

Ms. Mueller said Harley has had outdoor music events from noon to 3 p.m. on their summer music series. At the Rally, the music will end at 8 p.m. They have a decibel meter and check to make sure it stays within limits. The sound person knows to do this.

Ald. Akers asked if there have been any motorcycles set up to be revving really loud.

Ms. Mueller said there are no competitions to encourage that.

Ald. Akers said she has received complaints about loud announcements from people in the vicinity of S. 68th St. Ms. Mueller said she would monitor the sound levels for those also, and with fewer people attending that should not be a problem.

Harley representative Mark McClain said Verlo was under the mistaken impression that W. Layton Ave. would be closed; he has spoken with them. The road will not be closed, but the parking lanes will be used for motorcycle parking on the north and south sides of W. Layton Ave.

Ald. Akers asked if motorists can be helped to exit from her subdivision onto W. Layton Ave. Mr. McClain said the crossing guards will assist.

Ald. Collins asked if free masks would be available? Mr. McClain said masks will be for sale. A month into the mask mandate, people should have them, so "BYOM" – Bring Your Own Mask.

On a roll call vote, the motion carried 3-2, with Ald. Collins, Kastner and Saryan voting yes, and Ald. Bailey and Akers voting no.

Mayor Neitzke said Harley's responsibility for ensuring COVID safety requirements are followed is a serious one.

17. Approval of mileage reimbursement in the amount of $459.29.
    Motion by Ald. Saryan, seconded by Ald. Bailey, to approve Agenda Items J17-J24.
    On a roll call vote, motion carried unanimously.

18. Approval of schedules of disbursements in the amount of $6,744,784.76
    Approved under Agenda Item J17.

19. Investments and reinvestments for July 2020
    Approved under Agenda Item J17.

20. Accept June 2020 financial statements
    Approved under Agenda Item J17.

21. Discussion and decision to approve an agreement with Grota Appraisals, LLC for assessment services for a term ending July 31, 2023, with an option to extend to July 31, 2024 and 2025. (P. Schafer)
    Approved under Agenda Item J17.

22. Discussion and decision related to Service Agreement between the Greenfield Health Department and Milwaukee County Office of Emergency Management Emergency Medical Services Division for the Provision of Medical Services (Rausch)
    Approved under Agenda Item J17.

23. Discussion and decision related to Public Health Associate (Market Manager) position pay range (Rausch)
    Approved under Agenda Item J17.

24. Discussion/decision on Alverno College Internship Program Master Agreement with Greenfield Fire-Rescue. (Cohn)
    Approved under Agenda Item J17.

25. Motion by Ald. Akers, seconded by Ald. Collins, for Common Council to go into closed session at 8:18 p.m. pursuant to Wis. Stat. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

    a. Submission of bid at Sheriff's Sale for the purchase of the property located at 4362 S. 99th St. for public utility purposes.

    On a roll call vote, motion carried unanimously.

26. Motion by Ald. Akers, seconded by Ald. Collins, to adjourn closed session and reconvene into open session at 8:49 p.m.

27. Decision regarding submission of bid at Sheriff's Sale for the purchase of the property located at 4362 S. 99th St. for public utility purposes.

    Motion by Ald. Kastner, seconded by Ald. Akers, to proceed as directed. Motion carried unanimously.

    At this time, Mayor Neitzke proceeded to Agenda Item K.

    *On a roll call vote, the motion was re-approved.

    *At this time, Mayor Neitzke proceeded to Agenda Item L.***

K. Items for future agenda – budget, personnel issues. Committee of the Whole meeting for the Finance Committee will be needed in early September.

L. Motion by Ald. Kastner, seconded by Ald. Akers, to adjourn the meeting.

*Mayor Neitzke, on the advice of the City Attorney, proceeded back to Agenda Item J27 to take a roll call vote.**

**Motion to adjourn at 8:53 p.m. carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: August 21, 2020

08/13/2020

CITY OF GREENFIELD
OPERATOR LICENSE APPLICANTS

Amber Lynn Matthews	5574 S 25th ST	Milwaukee, WI 53221
Cassandra Mae Stroncek	5302 Radcliff DR	Greendale, WI 53129
Christina Marie Elliott-Pipp	7453 Highview DR	Greendale, WI 53129
Christopher Justin Case	3223 S 14th ST	Milwaukee, WI 53215
David Alexander Rewolinski	6308 W Leroy AVE	Greenfield, WI 53220
David Joseph Sorensen	3435 E Lunham AVE	Cudahy, WI 53110
Dominique Josephine Tarpley	2141 S 96th ST	West Allis, WI 53227
Hope Maureen Romine	2366 S 81st ST	West Allis, WI 53219
Kristi Kae Miller	900 Cedarwood CT	Waukesha, WI 53188
Lori Ann Jardanowski	3747 S 35th ST 202	Greenfield, WI 53221
Mark Lenz	3412 S 17th ST	Milwaukee, WI 53215
Matthew T Bird	S67W24325 Skyline Ave	Waukesha, WI 53189
Michael Edward Kellar	555 N 65th ST	WAUWATOSA, WI 53213
Molly Rose Duffy	4001 W Ramsey AVE	Greenfield, WI 53221
Nicole Marie Bettinger	1412 Willow LN	South Milwaukee, WI 53172
Rahul Kapila	4440 S 117th ST	Greenfield, WI 53228
Scott Edward Belongia	1960 S East LN	New Berlin, WI 53146
Shana Halverson	8148 W Forest Garden CT 12	Greenfield, WI 53220
Thomas David Sorensen	3439 E Lunham AVE	Cudahy, WI 53110
Trevor Jacob Palm	3047 N Bartlett AVE	Milwaukee, WI 53211
Viktor Coka	5243 Robinwood LN	Hales Corners, WI 53130

ORDINANCE NO. 2955

AN ORDINANCE AMENDING SECTION 8.04 OF THE MUNICIPAL CODE OF THE CITY OF GREENFIELD

The Common Council of the City of Greenfield do ordain as follows:

PART I. Section 8.04 of the Greenfield Municipal Code is hereby amended to read as follows:

No parking on the north side of the street, from 3:00 p.m. to 4:00 p.m., on school days; on West Grange Avenue, from the centerline of South Honey Creek Drive, easterly for a distance of 700 feet.

No parking on the east side of the street, from 3:00 p.m. to 4:00 p.m., on school days; on South Honey Creek Drive, from the centerline of West Grange Avenue, northerly for a distance of 850 feet.

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of August, 2020.

APPROVED:

_____
Michael J. Neitzke, Mayor

ATTEST:

_____
Jennifer Goergen, City Clerk

Published: August 26, 2020

ORDINANCE NO. 2956

ORDINANCE TO REPEAL AND RECREATE CHAPTER 15 – BUILDING CODE

The Common Council of the City of Greenfield do ordain as follows:

PART I. CHAPTER 15 of the Municipal Code is hereby repealed and recreated to read as follows:

15.01 - Title.

This chapter shall be known as the "Building Code of the City of Greenfield" and will be referred to herein as "this Code".

15.02 - Purpose.

The purpose of this Chapter is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and to regulate the equipment, maintenance, use and occupancy of all buildings or structures.

15.03 - Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common usage.

Accessory building. A part of a principal building or a supplemental building located on the same lot with a principal building, and generally used for storage, private garage or other use customarily incident to a resident use.

Addition. Any new construction, whereby an existing building or structure, or building or structure in course of construction, is increased in area or cubical content.

Adjoining lot line. The line between adjoining lots, plots of land or parcels of land of different or same ownership.

Alley. A right-of-way which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.

Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of nonconforming type of construction which involves either the structural members of floors or roofs, beams, girders, columns, bearing or other walls, room heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits or any of the above. (Cr. #2057)

Apartment. A room or suite of rooms which is occupied, or which is intended or designed to be occupied, by one family for living and sleeping purposes.

Approved. As to materials and types of construction, refers to approval by the Building Inspector as the result of investigation and tests conducted by him/her, or by reason of accepted principles or tests by national authorities or technical or scientific organizations.

Area. As applied to dimensions means the maximum horizontal projected area of a building, structure, room, apartment of open space, not including overhangs.

Attic. A space, not suitable for human occupancy, under the roof and above the ceiling of the topmost story of any building or part thereof.

Bearing. That area of any structural unit of a building or structure which is in direct contact with the supports which receive the loads from that unit.

Building Inspector or Official. The City's Building Inspector charged with the administration and enforcement of this Chapter or his/her regularly authorized assistant.

Cubic contents. The actual cubic space enclosed within the outer surfaces of the outside or enclosed walls, outer surfaces of the roof and the finished surfaces of the lowest floors of a building or structure. Does not include the contents of courts which are open to the sky.

Dwelling. A building which is designed or used, or which is intended to be used, as a residence or place of abode.

Equipment. As specifically regulated by this chapter, includes heating, cooling, air conditioning and ventilating systems; plumbing and sanitary systems; electric light and power systems; telephone, electronic and radio signal and annunciator systems; dry-cleaning, dyeing and washing machines; elevators and dumbwaiters; gas pipe systems; standpipes; sprinkler systems; fire protection apparatus, fire extinguishers and pumps; oil burners, stokers and conveyors; refrigerating systems; devices, machinery and apparatus of every description; furnaces, boilers; high or low pressure steam system; gasoline pumps; all movable or portable containers of every description; all air pressure or other tanks; and all other self-contained systems used in conjunction with buildings or structures.

Existing. A building, structure, equipment or premises completed or in course of construction, or used or occupied, and for which a legal permit has been issued prior to the effective date of this Code, August 7, 1963.

Garage. A building, or portion thereof, in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired or kept.

Garage, private. A building, or a portion of a building, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Grade, building. Elevation of ground adjacent to the structure.

Grade, lumber. The classification of lumber in regard to stress and grade.

Habitable rooms. Rooms used for human occupancy; for example, but not confined to, the following:

(a) *Bedroom.* A bedroom is any room other than a living room, kitchen, dining room, bathroom, utility room or family room.

(b) *Kitchen.* A habitable room or space in a dwelling unit in which meals are cooked or prepared.

(c) *Living room.* The principal habitable room in a dwelling unit designed for, or appropriated to, the general occupancy or use of a family or household.

Loads.

(a) *Dead load.* The weight of the walls, floors, partitions, roofs and other structural parts of a building or structure.

(b) *Live load.* All imposed, transient, moving loads, or loads due to impact, and including movable partitions in a building or structure other than dead loads.

Lot. A parcel of land in a single ownership occupied, or to be occupied, by not more than one principal or main building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this or other codes, and having its principal frontage upon a street.

Lot line. A line or lines dividing one lot, plot of land or parcel of land from an adjoining lot, plot of land or parcel of land.

Nonconforming building, etc. A lawfully existing building, premises, structure, use, materials or equipment which does not conform to the requirements of this chapter.

Occupancy or use. The purpose for which a building, structure, equipment, materials or premises, or part thereof, is used or intended to be used as regulated by this chapter.

Person. The word "person" shall mean any individual, persons, partnerships, firm, organization, association, or corporation, their agents, heirs or assigns.

Principal building. A single main building or structure on a lot for specific use or occupancies.

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any change of construction.

Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which involve the structural portions of the building or structure or which affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which increase a given occupancy and use.

Required. Mandatory by provisions of this chapter.

Room. A space within a building or structure completely enclosed with walls, partitions, floor and ceiling, except for necessary openings for light, ventilation, ingress and egress.

Shall. As used herein is mandatory.

Stairway. Three or more risers shall constitute a stairway.

Story. The space in a building included between the surface of any floor and the surface of the next floor above or below or roof next above.

Structure. As specifically regulated by this chapter, anything which is constructed, erected and framed of component parts, and which is fastened, anchored or rests on a permanent foundation or on the ground for any occupancy or use whatsoever, excluding fencing and signs.

Walls. Walls shall be defined as follows:

(a) *Bearing wall.* A wall which supports any load in addition to its own weight.

(b) *Cavity wall.* Wall built of masonry units or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall and in which the facing and backing (inner and outer parts) of the wall are tied together with metal ties.

(c) *Exterior wall.* An outer enclosing wall of a building or structure.

(d) *Faced wall.* A wall in which the masonry facing and backing are so bonded as to exert common action under load.

(e) *Partition.* An interior vertical structure usually of light construction serving to enclose an area, room space or division, extended from floor to ceiling, and having wall surfaces of approved materials as permitted by this chapter.

(f) *Veneered wall.* Wall having masonry facing which is attached to the backing but not so bonded as to exert common action under load; also having outer facing for the purpose of providing ornamentation, protection, or insulation.

15.04 - Uniform Dwelling Code adopted.

(1) *Authority.* These regulations are adopted under the authority granted by Wis. Stat. § 101.65.

(2) *Purpose.* The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

(3) *Scope.* The scope of this ordinance includes the construction and inspection of one- and two- family dwellings built since June 1, 1980.

Notwithstanding SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under State jurisdiction, petitions for variance and final appeals under SPS 320.19 and 320.21, respectively, shall be decided by the municipal Zoning Board of Appeals. Petitions for variance shall be decided per SPS 32.19(intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the Zoning Board of Appeals approves petitions for variance, the Building Inspector is granted the power to apply the results to similar circumstances by precedent.

Notwithstanding SPS 320.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

(4) *Wisconsin Uniform Dwelling Code Adopted.* The Wisconsin Uniform Dwelling Code, SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

(5) The Building Inspector and his/her delegated representatives shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional Services, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

15.045 – Wisconsin Uniform Building Code adopted. The Wisconsin Uniform Building Code, Ch. 30.00 – 30.60, is incorporated by reference into this Chapter, subject to the modifications specified in this Chapter.

15.05 - Commercial Building and Heating, Ventilating and Air Conditioning Code.

Wisconsin Enrolled Commercial Building Code SPS 361 - 366, inclusive, [Wis. Adm. Code] and all amendments thereto, now and in the future, are adopted and incorporated in this Chapter by reference and made a part of this Chapter as though fully set forth herein.

15.06 - Scope.

(1) *New buildings.* New buildings or structures hereafter erected in the City shall conform to all requirements of this Chapter; and all requirements in this Chapter, unless specifically provided, shall apply to new buildings.

(2) *Existing buildings.* The following specified requirements shall apply to existing buildings which, for any reason, do not conform to the requirements of this Chapter for new buildings.

(a) *Major alterations and repairs.* If alterations or repairs in excess of 50 percent of the value of an existing building are made to such building within a period of 12 months, the entire building shall be made to conform with the requirements given herein for new buildings; provided, however, that any existing building which, for any reason, requires repairs at any one time in excess of 50 percent of the value thereof, not deducting from such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this Chapter for new buildings, or shall be entirely demolished. The value of a building shall be determined by taking its assessed valuation and dividing by

the ratio of assessed value to the recommended value as shown on the last preceding report by the State Supervisor of Assessments.

(b) *Minor alterations and repairs.* Every alteration or repair to any structural part or portion of an existing building shall, when deemed necessary in the opinion of the Building Inspector, be made to conform to the requirements of this Chapter for new buildings. Minor alterations, repairs and changes not covered by paragraphs (a) and (b), may be made with the same materials of which the building is constructed, provided that not more than 25 percent of the roof covering of any building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of this Chapter for new buildings.

(c) *Changed use.* If the existing use or occupancy of an existing building is changed to a use or occupancy which would be permitted in a similar building hereafter erected, the entire building shall be made to conform with the requirements given herein for new buildings provided, however, that if the use or occupancy of only a portion or portions of any existing building is changed, only such portion or portions of the building need be made to comply with such requirements, and further that the Building Inspector may approve any change in the use or occupancy of any existing building even though such building is not made to fully conform to the requirements of this Chapter when it is obvious that such a change in the use or occupancy of the existing building will not extend or increase any nonconformity or hazard of the building.

(d) *Maintenance.* The requirements contained in this chapter covering the maintenance of buildings shall apply to all buildings and structures now existing or hereafter erected. All buildings or structures, and all parts thereof, shall be maintained in a safe condition and all devices or safeguards which are required by this Chapter at the erection, alteration or repair of any building shall be maintained in good working order.

(e) *Removal or nonmaintenance.* The provisions herein shall not be construed as permitting the removal or nonmaintenance of any existing devices or safeguards unless authorized in writing by the Building Inspector.

15.07—15.09 - Reserved.

15.10 - Department of Neighborhood Services—Inspection Services and Zoning Division.

There is hereby established a Department of Neighborhood Services which shall include the Inspection Services and Zoning Division and which shall include an inspector or inspectors and such employees as the City Council may, from time to time, provide to supervise the construction of buildings and permanent equipment of buildings.

15.11 - Building Inspector.

The Building Inspector shall be appointed by the City Council and shall hold office until his/her successor be appointed and qualified.

15.12 - General Authority of Building Inspector.

(1) The Building Inspector shall have the necessary ability to supervise the general construction and permanent equipment of buildings. He/she shall not be interested, either directly or indirectly, in the construction of buildings or in the preparation of plans and

specifications thereof, or permanent building equipment, except as may be authorized by the City Council.

(2) The Building Inspector shall have the general authority and control of all matters pertaining to building inspections and shall enforce all State laws and City ordinances related to building inspections and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment.

(3) The Building Inspector may pass upon any question arising under the provisions of this Chapter relating to buildings, subject to conditions contained in this Chapter.

(4) The Building Inspector shall carry out the duties of this office and shall perform inspections and such other duties as may be prescribed and as provided in Wis. Stat. § 145.05(1), under general supervision of the Community Development Manager.

15.13 - Records and reports.

The Building Inspector shall keep a record of all applications for building permits for such purpose and regularly number each permit in the order of issuance. He/she shall keep a record showing the number, description and size of all buildings erected during his/her 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/she shall keep a record of all inspections made and of all removal and condemnation of buildings, and a record of all fees collected by him/her showing the date of their receipt and delivery to the City Treasurer.

15.14 - Powers and duties of Building Inspector.

(1) *Enforcement.* The Building Inspector shall enforce all of the provisions of this Chapter.

(2) *Power to inspect premises.* The Building Inspector, or his/her authorized representative, may enter any building or premises for the purpose of inspection, or to prevent violation of this Chapter upon presentation of the proper credentials. He/she may require the production of the permit for any building, electrical or plumbing work or the required license therefore. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter.

(3) *Power to stop building work.* Whenever any building work is being done contrary to the provisions of this Chapter, or is being done in an unsafe or dangerous manner, the Building Inspector may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work, and any such person shall forthwith stop such work until authorized by the Building Inspector to recommence and proceed with the work.

(4) *Power to order building to be vacated.* Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Inspector shall order such use or occupancy discontinued, and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or portion thereof within 10 days after receipt of such notice, or make the building or portion thereof comply with the requirements of this chapter provided, however, that in the event of an emergency the following section shall apply.

(5) *Authority to withhold and deny permits.* The Building Inspector may withhold approval of an application for a building permit to any person who has not complied with a lawful order of the Building Inspector. Bad faith or unreasonable delay in the performance of work or

failure to respond to official communications shall constitute sufficient reason for withholding permits and/or issuing new permits.

(6) *Appeal.* Any person feeling himself/herself aggrieved by any order or ruling of the Building Inspector, may appeal from such ruling to the Zoning Board of Appeals within 20 days after written notice of such ruling shall have been delivered to him/her. Such appeal is to be in writing, setting forth the order appealed from and the respects in which such person feeling himself/herself aggrieved claims that the order or ruling is erroneous or illegal. Such notice of appeal shall be filed with the Clerk, who shall thereupon notify the Building Inspector of the appeal, and the appeal shall be heard at the next meeting of the Zoning Board of Appeals. The Zoning Board of Appeals, after consideration thereof, shall affirm, reverse or modify the ruling as is just. The ruling or order of the Inspector shall be enforced until changed by the Zoning Board of Appeals.

15.15 - Condemnation of buildings.

(1) Whenever any building or portion thereof is, in the judgment of the Building Inspector, so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy and use, and it would be unreasonable to repair, the Building Inspector may order the owner of the premises upon which such building is located to raze and remove such building or part thereof; or, if it can be made safe by repairs, to repair or raze and remove at the owner's option. The order shall specify a time within which to comply and specify repairs, if any, and shall be served upon the owner or agent in charge of the building and the holder of any encumbrance of record.

(2) If the owner fails or refuses to comply within the time prescribed, the Building Inspector shall cause the building, or part thereof, to be razed and removed or closed if unfit for human habitation, use or occupancy. The cost of such razing and removal or closing shall be charged against the real estate upon which the building is located, and shall be a lien upon such real estate and the amount thereof shall be certified by the Building Inspector to the City Treasurer, which shall be collected as a special tax.

(3) If the building, or part thereof, is unsanitary and unfit for human habitation, occupancy or use, and is not in danger of structural collapse, the Building Inspector shall placard the premises as follows: "This Building Cannot Be Used for Human Habitation, Occupancy, Or Use."

15.155 - Construction site cleanup.

(1) It shall be the responsibility of all building contractors for residential, commercial or major remodeling jobs constructing new homes within the City to provide a dumpster on site for the collection of all building debris. The dumpster shall be placed on site immediately after the completion of backfilling or above ground framing. Failure to comply with this provision will subject the contractor to a Stop Work Order and/or penalty under the general penalty provision of Chapter 25 of the Municipal Code.

(2) It shall be the responsibility of all building contractors performing residential or commercial remodeling to provide a dumpster on site for the collection of all building debris, as deemed necessary by the Building Inspector. The dumpster shall be placed on site immediately upon commencement of the work.

(3) At the time application is made for the permit, the Building Inspector shall have the authority to designate the size of the dumpster necessary to carry out the purpose of this section.

15.16 - New materials and methods.

(1) *Materials, methods.* All new materials, methods of construction, devices and equipment, shall be approved by the State of Wisconsin Department of Safety and Professional Services ("DSPS").

(2) *Prefabricated dwellings or accessory buildings.* Per DSPS regulations.

(3) *Identification of products.* All materials shall be identified by approved label, grade mark, trade mark or by other approved manufacturer's identification.

15.17 - Inspections.

(1) *Duty to inspect.* The Building Inspector shall inspect, or cause to be inspected, at various intervals during the erection, construction, enlarging, alterations, repairing, moving, demolition, conversion, occupancy and underpinning, all buildings or structures referred to in this chapter and located in the City. A final inspection shall be made of every building, and if so delineated on the issued permit, rough inspection(s) may be required.

(2) *Specified inspections and when to be made.* The Building Inspector, upon notification from the permit holder or his/her agent, shall make or cause to be made the following inspections of buildings, and shall either approve that portion of the construction, as completed, or shall notify the permit holder or his/her agent wherein the same fails to comply with the law.

(a) *Footing inspection.* After excavations are made and the necessary forms are erected, and when all reinforcing steel is in place, all the materials, separate and mixed, shall be approved by the Building Inspector for the footings.

(b) *Foundation inspection.* After the necessary forms are erected and all reinforcing steel is in place, all materials for the foundations, separate and mixed, shall be approved by the Building Inspector. Final foundation inspection shall be made after the foundation is in place and before the superstructure is placed thereon.

(c) *Frame inspection.* Frame inspection shall be made after the roof, all framing, fire blocking and bracing is in place and all pipes, chimneys and vents are complete.

(d) *Insulation inspection.* After wall insulation is in place and the vapor barrier has been applied, but before the drywall is in place.

(e) *Ceiling grid inspection.* After grid is suspended and all lights and HVAC grilles/diffusers are installed and secured to grid.

(f) *Basement drain tile.* After tile work, gravel base course, and vapor retarder is placed.

(g) *Final inspection.* To be made after building is completed and is ready for occupancy.

(h) *Inspection of reinforcing steel or structural work.* No reinforcing steel or structural framework of any part of any building or structure shall be covered or concealed in any manner whatsoever without first obtaining the approval of the Building Inspector.

(3) *Written approval.* No work shall be done on any part of the building or structure beyond the point indicated on each successive inspection without first obtaining the written approval of the Building Inspector. Such written approval shall be given only after an inspection shall have been made for each successive step in the construction as indicated by each of the above inspections.

15.18, 15.19 - Reserved.

PERMITS

15.20 - Application for permit.

(1) Method of application.

(a) No person shall excavate for, erect or construct any building or structure, nor add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, or cause the same to be done without first obtaining a building permit therefore from the Building Inspector.

(b) Any person desiring a building permit as required by this Chapter shall file with the Building Inspector an application therefore in writing on Division-approved form, to be furnished for that purpose.

(c) Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot, block or tract, or similar description that will readily identify and definitely locate the proposed building or work.

(d) Every such application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the Building Inspector.

(e) Every such application for a permit shall be accompanied by plans and specifications, and a plot plan bearing a certificate from a surveyor that the lot has been surveyed. Such plans and specifications and plot plan shall be filed in duplicate, or as otherwise required, with the Building Inspector.

(f) Prior to issuance of a building permit, the Building Inspector shall secure in writing from the Fire Department, written requirements relating to fire safety measures of proposed development. Developers shall submit one set of plans for Fire Department use. This shall apply to all new buildings in the City excluding the construction of buildings on land zoned R-1, R-2, R-3, R-3A, and R-4. Change of use or modifications of existing buildings shall follow the same procedure.

(g) Prior to issuance of an occupancy permit, the Fire Department shall certify in writing to the Building Inspector that a thorough inspection has been made of the premises, and all required systems are installed and functioning properly.

(2) *Seal of registered engineer or architect.* All plans, data and specifications for the construction of any building or structure, or for any construction in connection with existing buildings and structures, other than one-family and two-family residences, containing more than 50,000 cubic feet, total volume, submitted with an application for permit, shall bear the seal of the registered architect or registered engineer, or both, if the structural parts of the building or structure are designed by a registered engineer. The plans shall also be stamped as approved as required by the State of Wisconsin Department of Safety and Professional Services. Such building or structure shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the approved plans. No permit shall be granted for such structure unless such construction will be under the continuous supervision of an architect or engineer, as required by the Wisconsin Statutes. A written statement to this effect shall be filed with the application for permit by the architect or engineer with the Building Inspector. Plans of any size shall be

submitted to either DSPS or to the City of Greenfield, as authorized under SPS 361.60 (5) (b), for review and approval.

(3) *Required permits.* The following permits shall be required:

(a) Building.
(b) Plumbing.
(c) Heating.
(d) Electrical.
(e) Air conditioning.
(f) Wrecking or razing.
(g) Moving of buildings.
(h) Billboards or signs.
(i) Wells. New, operation and closure.
(j) Siding.
(k) Occupancy.
(l) Incinerator.
(m) Alterations and repairs.
(n) Erosion.
(o) Filling station island.
(p) Filling station pump.
(q) Oil and gasoline tanks.
(r) Private garages and accessory buildings.
(s) Gas piping.
(t) Retaining walls above 24 inches in height.
(u) Commercial parking lot repaving.

(4) *Permit to be kept at site; alteration of plans.* One copy of the approved plans and specifications, together with a signed permit and weatherproof card, shall be kept at the site of the operation during all times the work is in progress and until the completion of the building. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this chapter.

(5) Lapse of permit.

(a) The building permit shall become null and void unless operations are commenced within 4 months from the date thereof, or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of 60 days. No construction shall commence or resume unless a time extension is granted. The Building Inspector shall make the final determination as to if the permitted work has not started or has been suspended or abandoned. The permit shall not be considered expired until the Inspector has notified the permit holder in writing and offered a time extension.

(b) In any event, except the work required to construct a one-family or two-family residence, all work requiring a permit shall be completed within 12 months of the issuance of the building permit. Completion requires the passing of a final inspection. A 6-month extension may be granted by the Community Development Manager. Before any work is commenced or recommended after the permit has lapsed under subsections (a) or (b), a new permit shall be issued at the regular rate and fees.

(6) *Laterals.* All new construction within the City which is being constructed on lands which are not served by municipal sewer or water, shall make provisions for the future connection to municipal sewer or water by the installation of service laterals from the new construction to the curb line. The application for a building permit where municipal sewer or water is not immediately available shall be referred to the City Engineer for his/her approval as to the placement of such service laterals and he/she shall keep an adequate record of the locations of such service laterals.

(7) Construction site cleanup.

(a) All building contractors for residential, commercial or major remodeling jobs constructing new homes within the City shall provide a dumpster on site for the collection of all building debris. The dumpster shall be placed on site immediately after the completion of backfilling or aboveground framing. Failure to comply with this provision will subject the contractor to a Stop Work Order and/or penalty under Section 25.04 of the Municipal Code.

(b) All building contractors performing major residential or commercial remodeling shall also provide a dumpster on site for the collection of all building debris as deemed necessary by the Building Inspector. The dumpster shall be placed on site immediately upon commencement of the work.

(c) At the time application is made for the permit, the Building Inspector shall have the authority to designate the size of the dumpster necessary to carry out the purpose of this subsection.

15.21 - Certified plot plan.

(1) *Generally.* A certified plot plan shall be submitted with the application. The certified plot plan shall show the location and size of the proposed building or structure, easements, and every existing building or structure thereon, together with the widths and grades of adjoining streets, sidewalks and alleys at the elevation at the front corners, and at any point in between, where the grade changes from the street and from the lot line common to both lots, and distances between proposed buildings or structures and existing buildings or structures and the lot lines.

(a) *Exceptions.* The requirements of the last preceding sentence shall not apply to lots adjoining the rear line of the lot to be built upon, except in the case of corner lots. The plot plan shall be furnished in triplicate with an application.

(b) *Certification.* The plot plan must be certified by an accredited engineer or surveyor. Further, a registered surveyor must inspect and certify to the Building Inspector that the footing forms are in place and that the location of the proposed building, and the grade thereof, will conform to the plot plan as previously approved by the Building Inspector. The Building Inspector's office shall not make a footing inspection until such certification is filed with such office. City datum elevations must be used.

(c) *Minimum-maximum grades.* All residential buildings hereinafter erected shall be set at a grade as determined by the City Engineer, providing at least a 12-inch pitch from the grade line of the building to the front line. Denial of a permit for noncompliance with the grade dimensions may be appealed to the Zoning Board of Appeals, which may grant relief from hardship by reason of terrain and other unusual circumstances. In no event shall a residential driveway have a slope of less than 2% slope nor greater than 8% slope. Driveways outside of this range will not be approved without acceptance by

the owner of the issues related to driveway slope. Driveways shall never be greater than 12% slope.

(d) *Private garages.* No building permit shall be issued for construction of a private garage where the elevation of the floor at any point of the garage is to be less than 3 inches above the grade of the street, sidewalk, alley or other public way from which access by motor vehicle is to be made.

(e) *Commercial and industrial buildings.* No building permit shall be issued for the construction of a commercial or industrial building where the elevation of the top of the basement or foundation wall is to be lower than the grade for the sidewalk on the street, or other public way, at a point directly out from the front or main entrance. The plot plans for proposed commercial, industrial or apartment complex shall show the proposed grades and shall be stamped approved by the City Engineer.

15.22 - Plans and specifications.

(1) Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the law will be complied with. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when requested by the Building Inspector.

(2) Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the Building Code" or "to the satisfaction of the Building Inspector" shall be deemed imperfect and incomplete and every reference to this Chapter shall be to the section or subsection applicable to the material to be used or to the method of construction proposed.

(3) The specific format of plans shall be specified by the Inspection Services Division and may change depending on the data tracking or processing needs of the Division. The plans submittal requirements shall be determined by the permit issuing agent. The plans may consist of paper or electronic format, or both. The plans shall be drawn to a scale and the essential parts shall be drawn to a scale of not less than 1/8 inch to 1 foot.

(4) All plans shall bear the name of the architect, structural engineer or designer.

(5) Plans and specifications shall be kept on file in the office of the Building Inspector, until the completion of the building and for two (2) years thereafter. The owner or contractor may have the plans and specifications returned to him/her after the 2 years, provided the Building Inspector has no further use for them. Plans and specifications not called for within 6 months thereafter may be destroyed.

(6) The Building Inspector may authorize the issuance of a permit without plans and specifications for small or unimportant work.

15.23 - Landscaping.

(1) All front/rear/side yard areas containing a dwelling unit for which an occupancy permit has been issued shall be put into a lawn (except for such areas set aside for trees, shrubbery and gardens), within one year after an occupancy permit has been issued.

(2) Site shall be stabilized for erosion control in accordance with City requirements prior to an occupancy permit being issued.

15.24 - Permit fees.

(1) *Fee schedule.* Before receiving a permit, the owner or his/her agent shall pay into the City Treasury a fee in accordance with section 3.12(9)(a) of this Code.

15.25 - Engineering and inspection fees.

Before the City will incur any liability for engineering or inspection fees, such fees shall be paid to the City Treasurer.

15.26 - Issuance of permits.

(1) Plan approval.

(a) *Purpose.* To promote the safe and efficient use of land, to further enhance the value of property in the City, to ensure that newly developed properties and redeveloped properties are compatible with adjacent users, and to ensure that safety, traffic, over-crowding and environmental problems are minimized to the extent possible.

(b) *Inspector approval required.* No building permit shall be issued until the necessary plans and specifications have been approved by the Inspector for those items enumerated under section 15.06.

(c) *Common Council approval required.* No building permit shall be issued for developments in lands zoned MFR1, MFR2, MFR3, C-1 thru C-5, O, BP, M-1, I and PUD unless the plans have been approved by the Common Council.

(d) *Site and landscape plans required.* All proposed development, redevelopment and exterior revision, other than construction of detached single-family and two-family residential structures or structures accessory thereof, shall submit site and landscape plans to the Community Development Division for Plan Commission review and Common Council approval. Plans must meet the minimum requirements of the City's "Adopted and Official Site Development Standards" and all other applicable local, state and federal regulations. The Plan Commission may recommend approval with conditions. No proposed development, redevelopment or exterior revision may commence prior to such approval.

(e) *Moving permits.* The Building Inspector shall refer all applications for a moving permit to the Plan Commission.

(f) *Architectural review.* All exterior modifications to exterior structures proposed to be constructed or moved, will conform to the City's "Architectural Review Principles and Standards." The Planning Commission may recommend Common Council approval with conditions.

(g) *Appeal to the Zoning Board of Appeals.* If the staff, Plan Commission or Common Council, for any reason, refuses to submit, forward or approve respectively, plans required to commence proposed development, redevelopment or exterior revisions, the applicant may appeal such determination to the Zoning Board of Appeals in accordance with the provisions in Chapter 21 of this Code. Failure to file an appeal shall be deemed to constitute a withdrawal of the application.

(2) Streets.

(a) *Grade must be established.* (No building permit shall be issued for the construction of any building other than a temporary building, which shall be removed within 6 months after the date of issuance of the permit, on land abutting on any street or public way on which the grade has not previously been fixed by Chapter 20 of this Code.

(b) *Access required.* No building permit shall be issued unless the lot abuts upon a passable graded street which will allow access for fire, police, and other municipal services and equipment.

(3) Sewage disposal.

(a) *Area requirements.* No building permit shall be issued for the construction of a building upon a lot for which City sanitary sewer is not available.

(4) *Water supply.* No building permit shall be issued for the construction of any building on a lot which is not served by the City water supply, unless the applicant shall obtain a permit for a private well under Chapter 16 of this Code.

(5) Building Inspector to issue permit.

(a) If the Building Inspector finds that the proposed building will comply in every respect with this Chapter, and all laws of the State and lawful orders issued pursuant thereto, he/she shall issue a building permit. 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, except with the written consent of the Building Inspector filed with such application.

(b) If adequate plans are presented, the Building Inspector, at his/her discretion, may issue a permit for a part of the building before receiving the plans and specifications for the entire building. No person shall commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from requiring the correction of errors in such plans and specifications, or from preventing building operations being carried on thereunder when in violation of any ordinance of the City, laws of the State or lawful orders issued pursuant thereto.

(c) For the construction of buildings requiring approval of Department of Safety and Professional Services, no permit shall be issued until such approved plans are received by the Building Inspector.

(6) *Plumbing and electrical permits.* No plumbing or electrical permit shall be issued for new or alteration work, unless first approved by the Building Inspector or unless a building permit has been previously issued.

(7) Issuance of building permits withheld for areas of planned public improvements.

(a) Whenever the Common Council shall determine that an expressway, grade separation project or other public improvement is being planned by the federal government, State government, Milwaukee County, Milwaukee County Expressway Commission or the City, involving any real estate within the City, the Common Council may direct the Building Inspector to withhold the issuance of any building permit relating to proposed improvements to such real estate, for a period not to exceed 90 days, to enable such governmental unit or agency to acquire such property by purchase or condemnation.

(b) To provide for the orderly acquisition of property for permanent improvement projects contemplated by the City; to minimize the cost thereof by avoiding further improvements thereon, the cost of which would ultimately be borne by the City at the time of purchase or condemnation; to insure the prompt and least expensive acquisition of properties necessary for public improvements; to aid in the most economical acquisition of property in the City by other governmental organizations; and to best serve the general interest, convenience and necessity, this subsection is enacted to expedite and systemize the purchase of such property.

(8) *Inspector may revoke permits.* The Building Inspector may revoke any 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 there is a violation of any regulation of this Chapter or of any other ordinance, law, or Wisconsin Statute relating to the same subject matter.

(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 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 any new materials, equipment, methods of construction devices or appliances.

1. The notice revoking a permit, certificate of occupancy or approval, shall be in writing and may be served upon the applicant for the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
2. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
3. After the notice is served upon the persons as aforesaid and posted, no person shall proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been revoked shall be null and void. 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 regulations of this Chapter.

15.27 - Certificates of occupancy.

(1) Residences.

(a) No residence shall be occupied within the City; no City permit or license as regulated by this Chapter which involve the use or occupancy of any premises, building, structure or equipment, or any part thereof, shall be issued by any other City department or officer until approved by the Building Inspector, to the effect that the use or occupancy of such premises, building, structure, equipment, or any part thereof, will be in compliance with all of the pertinent regulations of the City; and provided further that a certificate of occupancy has been first procured from the Building Inspector for the use or occupancy of such building, structure, premises, equipment or any part thereof.

(2) *Commercial and industrial buildings.* The Building Inspector shall make a final inspection of all factories, warehouses, stores and other commercial buildings, additions and alterations, and buildings vacant for 30 days or more. If no violation of this Chapter or any other provision or lawful order can be found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building, including tenant spaces, is to be used, also the maximum load and maximum number of persons that may be accommodated on each floor thereof. No building or part thereof shall be occupied until such certificate has

been issued, except with the written consent of the Building Inspector, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

(a) *Posting of capacity placards.* The holder of the certificate of occupancy or licensee, if any, of any building or structure or part thereof, now used or hereafter to be used, for theater, worship, instruction, amusement, entertainment, recreation or public assembly purposes, tavern, dining (except where fixed seats are installed), and for factory, mercantile or manufacturing purposes, shall securely post and maintain in designated places as directed and provided by the Building Inspector, placards indicating the approved maximum number of persons permitted in such occupancies as regulated in this chapter. Such placards shall be made of durable material, not more than 20 square inches in size, to be placed on the inner face of the entrance doors to places of assemblage, unless permission is secured from the Building Inspector to place them elsewhere.

(b) *Overcapacity buildings prohibited.* No person shall permit in any building or structure, or part thereof, regulated in paragraph (a), a greater number of persons than the number indicated on placards as posted pursuant to this action, and further, no person shall alter, deface, obstruct from view, or remove any such placards.

15.28 - Gas piping systems.

(1) National Fuel Gas Code adopted.

(a) The National Fuel Gas Code, ANSI Z223.1-2015, NFPA 54-2015, including all amendments subsequently made thereto, is hereby adopted by reference and incorporated into this article with the same force and effect as though fully set out in this section, and failure to comply with any provision of the National Fuel Gas Code shall constitute a violation of this subdivision.

(2) Permit and inspection required.

(a) No person shall do any gas piping work in the City until after a permit therefor has been issued. All gas piping system work under permit shall be inspected and approved prior to the concealment of work.

(b) 16,045 – Gas piping system permit by licensed master plumber or licensed HVAC contractor.

Only a master plumber or HVAC contractor, licensed by the State of Wisconsin Department of Safety and Professional Services, may apply for and be issued a gas piping system permit. The master plumber or HVAC contractor shall be responsible for code compliance, and issuance of permit shall not relieve the designer of the responsibility for designing a safe gas piping system or component.

(3) Submission of plan.

(a) At the discretion of the Building Inspector or other qualified Inspector, a gas piping plan shall be submitted for all new installations, additions and alterations to a gas piping system involving 10 or more gas fixture outlets to be installed in public buildings.

(4) Plans and specifications.

(a) Plans and specifications for gas piping to be installed in and outside of all buildings, structures, parks, areas or complexes, shall be submitted to the Inspection Services Division and written approval must be received before commencing work.

(5) Bad faith; unreasonable delay.

(a) Bad faith or unreasonable delay in the performance of gas piping work or failure to respond promptly to official communications shall constitute sufficient reason for withholding permits and/or issuing new permits.

15.29—15.61 - Reserved.

FRAME CONSTRUCTION

15.62 - Stairways.

(1) Exit and openings.

(a) *Exterior stairways.* Exterior stairways other than to the first floor and basement shall not be allowed.

(b) *Access.* Access to each dwelling unit shall be provided without passing through any part of any other dwelling unit. In dwelling units, every habitable room shall have access to every other habitable room without passing through a bathroom or toilet room.

(c) *Corridors and hallways.* Corridors and hallways between rooms shall be not less than 36 inches wide.

(d) *Attics, access thereto.* In every building and structure having an attic, there shall be provided permanent access thereto by means of a scuttle, disappearing or permanently installed stairway; minimum size opening 24" × 24".

(2) Toilets and bathrooms.

(a) In every dwelling, there shall be provided in each dwelling unit, and connected to a plumbing system, at least:

1. One water closet.
2. One bathtub or shower.
3. One lavatory.

(b) Plumbing fixtures as stated above shall be smooth, nonabsorbent, resistive to detrimental action of conveyed wastes and free from concealed fouling surfaces.

(c) Each bathroom or toilet room shall be provided with a door. No bathroom or toilet room shall open directly into a kitchen, nor shall such room provide sole access to any other room.

(d) Bathrooms and toilet rooms shall be provided with means of ventilation as required by this chapter for habitable rooms.

15.63—15.87 - Reserved.

PRIVATE GARAGES

15.88 - Floor area.

The square footage content of any garage shall conform to the requirements of Chapter 21 of the Municipal Code.

15.89 - Number of vehicle entrances.

In no case shall there be more than two (2) vehicle entrance doorways for a two (2)-car garage or more than three (3) doors for a three (3)-car garage.

15.90 - Private garages attached and detached.

When a garage is located beneath, or attached to a dwelling, the following regulations as to its construction shall be rigidly observed.

(1) One-hour fire resistive construction.

(a) When a garage is located beneath any occupied part of a dwelling, it shall have a one-hour fire resistive ceiling, and partitions and enclosing walls shall be one-hour fire resistive partitions as defined by the State Building Code or Underwriters' Laboratories, Inc.

(b) When a garage is attached to a dwelling, the garage side of walls separating the garage from the dwelling shall be of one-hour fire resistive construction as herein above defined and shall extend to roof sheathing.

(2) *Opening from dwelling.* Openings from dwelling to garage shall be restricted to a single doorway.

(3) *Floors.* Garage floors shall be of concrete or equally fire resistive and impervious material.

15.91—15.92 - Reserved.

GENERAL PROVISIONS

15.93 - Residences.

(1) *Lots to conform to zoning ordinance.* No residence shall be erected on a lot which does not conform to Chapter 21 of the Municipal Code.

(2) *Square footage and cubical content.* The square footage content of any residence shall conform to the requirements of the zoned classification as provided in Chapter 21 of the Municipal Code. In determining the cubical content of residences without a basement, in addition to the cubical content of the living quarters, credit shall be given for the number of cubic feet represented by the length of the house times the width of the house times a depth of four (4) feet six (6) inches.

(3) *Exterior surfaces.* All exterior surfaces of a new house, and all exterior surfaces applied to old houses, shall be of natural stone, manufactured stone, brick, new wood siding, stucco, wood shingles, 3/8 -inch exterior plywood, aluminum siding stopped, backed and shaded as frame siding, on studs 16-24 inches on center or other material approved by the Building Inspector. Concrete, cement or exterior surfacing may be used for trim only. Aluminum siding with backing to be a minimum of .019-inch thick.

(4) *Room areas.* Room sizes for one-family and two-family dwellings shall be equal to or greater than those listed in the table in subsection (5). Multiple-family buildings shall have room sizes as approved by the municipality.

(a) Minimum dimension of living rooms shall be 11 feet and kitchens shall be 6 feet. Minimum room areas shall not include areas used for storage or closet purposes.

(b) Rooms and spaces, not herein regulated as to area, shall be connected to a living or other habitable room. Rooms and spaces not herein regulated, and of areas less than the minimum areas herein required, shall not be used for living, dining, sleeping, or kitchen purposes.

(c) No additional dwelling units shall be created or maintained by rearranging room suites, by subdividing rooms or by alterations in any existing building or structure,

unless such dwelling units have been authorized by permit and comply with this and Chapter 21 of the Municipal Code.

(d) There shall be one complete kitchen per dwelling unit consisting of a sink and space for a refrigerator and stove. An additional space for food preparation in a rec room/great room will be allowed and limited to a bar sink, microwave space, dishwasher, and refrigerator.

15.94 - Moving of buildings.

(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 fee required.

(2) Applications for moving of building shall be subject to Section 15.26 of this Chapter.

(3) Any person, in the moving of a building, shall cause same to be a continuous operation during all the hours of the day, and day by day and at night, if the Building Inspector shall so order, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted barricades shall be kept in conspicuous places at each end of the building during the night.

(4) Every person receiving a permit to move a building shall, within one (1) day after such building reaches its destination, report that fact to the Building Inspector, who shall thereupon, in the company of the Public Works Division, inspect the streets and highways over which such building has been moved and ascertain their condition. If the movement of such 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 permittee to do so within 10 days thereafter, to the satisfaction of the Public Works Division, such Division shall repair the damage done to such streets and hold the person obtaining the permit and the sureties on his/her bond responsible for the payment of same.

(5) No permit shall be issued until the Building Inspector has made an examination of such building, either at its former location and prior to a separation thereof from its foundation and service connections or, if it be a new building which had not previously been located upon any premises or which had no service connections, then prior to the time it shall enter the City limits.

(6) Before a permit is issued to move any building over any public way in this City, the party applying therefore shall give a bond to the City in the sum of $50,000.00, such bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Building Inspector, conditioned upon, among other things, the indemnification to the City for costs or expenses incurred by it in connection therewith, arising out of the movement of the building for which the permit is issued, and also conditioned upon compliance with all conditions imposed by the Building Inspector.

(7) In every case in which, in the opinion of the Building Inspector, the building to be moved is likely to be upon any public way for a longer period than the daylight hours of one day, he/she shall require, in addition to such bond above indicated, public liability insurance covering injury to one person in a sum not less than $50,000.00 and for one accident, in a

sum not less than $100,000.00, together with property damage insurance in a sum not less than $20,000.00.

15.95 - Filling of lands.

No person shall fill, elevate or otherwise raise with earth, or with any other means, the grade of lands within the City to more than 24 inches above the street grade. Special permission to fill more than 24 inches, because of hardship by reason of terrain or other unusual circumstances, may be granted by the Zoning Board of Appeals.

15.96 - Skateboard ramps.

(1) *Generally.* The Common Council has determined that the unregulated use and construction of skateboard ramps or pipes in the City can be detrimental to the health, safety and welfare of residents in the City and that regulation of the same is essential.

(2) *Skateboard ramps defined.* Skateboard ramps shall refer to all outdoor structures designed and principally intended to permit persons on skateboards to move continuously from one side to the other, commonly known as ramps or pipes.

(3) *Height of ramps.* No person shall construct, erect, place or maintain a skateboard ramp on any property within the City, which ramp exceeds six (6) feet in height.

(4) *Location.* No person shall construct, erect, place or maintain a skateboard ramp on any property within the City in the front yard of the property and within 20 feet of the property lines on either side or in the rear thereof.

(5) *Use in residential districts.* In any residential district, no person shall charge or receive any consideration for the use of a skateboard ramp or use or operate a skateboard ramp in any commercial manner.

(6) *Hours of use in residential areas.* In any residential area in the City, no person shall use any skateboard ramp between the hours of 9:00 p.m. and 7:00 a.m. of any day.

(7) *Applicability of provisions; compliance.* In order to protect the health, safety and welfare of the citizens of the City, these provisions shall apply to any skateboard ramps constructed, erected, placed or maintained on or after the effective date of this section and also shall apply to any skateboard ramp in existence as of the effective date of this section, although it may have been erected, placed or maintained prior to the effective date of this section. In the case of existing skateboard ramps, the owner or property owner upon which the ramp is located shall have a period of 30 days from the effective date of this section to either remove the ramp or bring it into compliance with the provisions of this section.

15.97 - Special exceptions.

(1) *Prohibited uses.* The following uses of land are specifically prohibited except as provided under this chapter; sex bookstores, coin-operated motion picture devices showing sex movies and cabarets featuring nude or seminude dancers, strippers or similar type entertainment.

(2) *Purpose and intent.* This chapter is intended to protect the public health, safety, welfare and morals of the community, to promote the stability of property values and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood, adversely affect the property values and increase crime and violence. In recognition of the protections afforded to the citizens under the First and

Fourteenth Amendments, it is not the intent of this chapter to inhibit freedom of speech, press or expression.

(3) *Definitions.*

Specified anatomical areas.

1. Less than completely and opaquely covered:
   a. Human genitals pubic region.
   b. Buttock.
   c. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities.

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(4) *Book sales.* No person shall establish any bookstore or book department of a store in which a substantial or significant portion of its stock in trade is in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified activities or specified anatomical areas," except as provided in subsection (7).

(5) *Minimotion displays.* No person shall offer for viewing through coin-operated motion picture devices any movie or other form of display which has significant displays of specified sexual activities or specified anatomical areas, except as provided in subsection (7).

(6) *Cabarets.* No person shall feature or permit topless dancers, bottomless dancers, exotic dancers, strippers or persons engaged in specified sexual activities or similar entertainers, except as otherwise provided in subsection (7).

(7) *Exceptions.* Such use or uses as prohibited in this chapter may be waived, provided that such building is not located within 1,000 feet of any residentially zoned district, school or church. In addition to that condition, any such use shall be subject to a special use permit and shall comply with the requirements of Chapter 21 of the Municipal Code.

DELEGATED MUNICIPALITY STATUS

15.98 – Delegated Municipality Status.

(1) Delegated Municipality. The municipality has adopted the Delegated Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
   1. Responsibilities. The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
      a. Provide inspection of commercial buildings with certified commercial building inspectors.
      b. Provide plan examination of commercial buildings with certified commercial building inspectors.
   2. Plan Examination. Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures and other

structures exempted in SPS 361.03(3), to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

a. A new building or structure.
b. An addition to a building, structure, or building system such as fire alarm, sprinkler, plumbing, or HVAC system.
c. An alteration of a building space, element, or structure. Including alteration of an existing fire alarm system, fire sprinkler system, plumbing system, HVAC system or replacement of equipment or fixtures within those systems.
d. A certified or delegated municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
e. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

3. Plan Submission Procedures. All commercial buildings, structures and alterations, including new buildings and additions require plan submission as follows:

a. Building permit application
b. Application for review – State of Wisconsin forms as applicable based on trade submitted or Municipal Equivalent.
    i. Fees per municipal fee schedule
    ii. Fees apply to all commercial projects

AND one of the following options

c. 4 sets of plans
    i. Signed and sealed per SPS 361.31
    ii. (1) set of specifications
    iii. Component and system plans
    iv. Calculations showing code compliance

OR

d. 1 sets of plans with 3 Project cover sheets
    i. Signed and sealed per SPS 361.31
    ii. (1) set of specifications
    iii. Component and system plans
    iv. Calculations showing code compliance

(2) Submission of Plans

The owner or contractor shall, with respect to any proposed construction or demolition, submit sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, a plat of survey stamped by a surveyor licensed by the State of Wisconsin, drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. Another set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

1. The above-described "plot plan" for a new building shall be a parcel survey (one original with Surveyor's signature and stamp plus two copies). Said survey shall show the flowing:
    a. Location and dimensions of all existing and proposed buildings
    b. Lot dimensions and all lot corner elevations using U.S.G.S. datum
    c. Building set backs
    d. Location and elevation using U.S.G.S. datum (must be in accordance with the approved grading plan)
    e. Elevation of the lot and relation to sidewalk, street, etc. using U.S.G.S. datum
    f. Elevation and setback of adjacent buildings using U.S.G.S. datum
    g. Types of monuments at lot corners (i.e., I.P.)
    h. Water courses, easements and drainage pattern
    i. Seal and signature of surveyor licensed in the State of Wisconsin.

VIOLATIONS AND PENALTIES

15.99 - Violations and penalties.

(1) *Violations.* No person shall erect, construct, enlarge, alter, repair, move, demolish, convert, equip, use or occupy or maintain any building or structure in the City contrary to, or in violation of, any provision of this Chapter, or cause, permit or suffer the same to be done.

(2) *Issuance of permit does not permit violation.* The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter. No permit presuming to give authority to violate or cancel the provisions of this Chapter shall be valid, except insofar as the work or use which it authorizes is lawful.

(3) *Building inspector may require corrections.* The issuance of a permit upon plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in such plans and specifications, or from preventing building operations being carried on thereunder when in violation of this chapter or any other regulation.

(4) *When permit void.* Every permit issued by the Building Inspector under the provisions of this chapter, shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced for a period of six (6) months. Before such work can be recommenced, a new permit shall first be obtained and the fee therefore shall be one-half the amount required for a first permit.

(5) Excavations.

(a) All excavations for buildings and structures, and parts thereof, shall be protected and guarded against danger to life or injury to persons or property.

(b) No trench for sewer or other excavations shall be made below any foundation wall nearer than 3 feet to any corner of such foundation. No trench for sewer or other excavations shall be made nearer to any column or pier footing than 1½ times the depth of the excavation below the footing.

(c) When the owner of any lot or plot of land, or the municipality, in making improvements, is about to excavate or cause an excavation to be made, which excavation in any way affects any building or structure on any adjoining lot, a notice shall be given to all owners of adjoining lots at least 10 days prior to commencing the excavation. Such notice shall describe the extent and character of the excavation work about to be done and the adjoining owners shall thereafter be given a reasonable opportunity to protect their property in compliance with this chapter.

(d) Whenever an excavation, or foundation for building purposes, has remained open for a period of six (6) months with no work having been done at the site for such period, the Building Inspector shall serve a notice upon the owner of the property that work at the site be commenced forthwith or that the excavation be filled to grade. The order shall be served upon the owner or his/her agent and upon the holder of any encumbrance of record as provided in Wis. Stats. § 66.05. If the owner fails to comply with the order within 15 days after service thereof upon him/her, the Building Inspector shall cause the excavation to be filled to grade and the cost charged against the real estate as a special charge as provided in Wis. Stats. § 66.05. In addition to filling the excavation, any person who violates this section is subject to the provisions of Section 25.04 of the Municipal Code.

(6) Citations; *Penalties.* Any person who shall violate any provision of this Chapter, or any order, rule or regulation made hereunder, shall be subject to a penalty as provided in Section 25.04 of the Municipal Code. The provisions of this article shall be enforced by the Building Inspector, or designee, and the Sheriff's Department. The use of citations as described in Sec 25.04 of the Code is hereby authorized.

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of August, 2020.

APPROVED:

_____

Michael J. Neitzke, Mayor

ATTEST:

_____
Jennifer Goergen, City Clerk

Published: August 26, 2020 (by notice)