

CHAPTER 14

BUILDING CODE (Rep. & recr. #248)

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14.1.1 BUILDING CODE ESTABLISHED.

- (a) Title. This section shall be known as the “Building Code of the Village of Dousman” and will be referred to in this section as “this code,” this Section,” or “this Ordinance.”
- (b) Purpose. This section provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and use of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) Authority. These regulations are adopted under the statutory authority granted pursuant to §101.65, 101.651, 101.76, and 101.761 of the Wis. Stats.
- (d) Scope. This code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, agricultural buildings and residential accessory buildings. Not included are children’s play structures.

14.1.2 BUILDING PERMITS AND INSPECTION.

(a) PERMIT REQUIRED.

- (1) General permit requirements. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit from the municipal building inspector.
 - a. New buildings.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building’s heating, electrical or plumbing systems.
 - d. Replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
 - e. Any electrical wiring for new construction or remodeling.
 - f. Any HVAC for new construction or remodeling.

- g. Any plumbing for new construction or remodeling.
- h. Agricultural buildings.
- i. Swimming pool fences.

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(2) Exempt from permit requirements.

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- a. Exempted are normal repairs performed in Subsection (a)(1)e-g.
- b. Exempted are re-roofing, re-siding, and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
- c. Exempted are fences, except for swimming pool fencing as required in subsection 14-1-2(a)(1)(i).
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(b) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which is to be located, the name and address of the designer, the use of which said building is to be put and such other information as the Building Inspector may require.

(c) APPROVED STREET ACCESS REQUIRED. No building permit shall be issued unless the property has approved access to a public street, subject to the following additional requirements.

1. New Developments. No building permit shall be issued for a lot within the a subdivision plat or minor land division certified survey map unless the lot on which the building is proposed to be built abuts a public street that has been dedicated for street purposes, the plat or certified survey map is recorded with the Waukesha County Register of Deeds, and all required improvements are accepted by the Village Board or per the Developer's Agreement, unless the lot abuts an approved private street as described in subsection (2).
2. Private Streets or Drives. No building permit shall be issued for a lot that is served by a private drive, as defined in Section 17.13(3)(a) of this Code, unless the private street or private drive is built to the standards of Section 17.13(3) of this code, and is approved in writing by the Village Engineer, and all improvements required by the Village in approving the private street or drive, if any, are accepted by the Village Board or per the Developer's Agreement.
3. Existing Public Roads. Nothing in subsection (1) shall be interpreted to prohibit the issuance of building permits for lots abutting existing prescribed public roads or public roads duly created by means other than the recorded plat or certified survey map.
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(d) UTILITIES REQUIRED.

1. Residential buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and gravel are installed in the streets necessary to service the property for which the permit is required except as modified by the Village Board.

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2. Occupancy. No person shall occupy any building until sewer, water, grading and gravel are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
 - (e) SUBMISSION OF PLANS. Two (2) sets of building plans shall be submitted to the Inspector for any work which expands the size of a building, any new building or as required by the Building Inspector. If a new building or building addition is proposed, then a plat plan showing such proposed work and existing buildings and property line shall be submitted. A third set of commercial plans is required for the Fire Inspector.
 - (f) WAIVER OF PLANS: MINOR REPAIRS.
 - (1) Waiver. If the Building Inspector finds that the character of the work is sufficiently described in an application, he/she may waive the filing of plans for alterations or repairs, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00)
 - (g) APPROVAL OF PLANS: PERMIT ISSUANCE.
 - (1) Permit Issuance. If the Building Inspector determines that the building will comply in every aspect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. The Inspector shall issue the requested permit after all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned Ordinances laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
 - (2) Partial authorization. In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (h) INSPECTIONS.
 - (1) The following inspections shall be requested forty-eight (48) hours in advance or per Wisconsin Administrative Code by the applicant/contractor or property owner as applicable:
 - a. Footing.
 - b. Foundation.
 - c. Rough carpentry, HVAC, electric and plumbing.

- d. Drain tile/basement floor.
- e. Underfloor plumbing.
- f. Electric service.
- g. Insulation.
- h. Final carpentry, HVAC, electric and plumbing.

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- (2) Failure to request inspection. Failure to request any inspection will be the responsibility of the contractor and/or property owner.
- (i) PERMIT LAPSES. A building permit shall lapse and be void unless building operations are commences within six (6) months or if construction has not been completed within two (2) years from the date of issuance thereof.
- (j) RE-ISSUANCE OF PERMITS. After a permit has expired, a new permit may be issued at the discretion of the Building Inspector for a reduced time frame of one year or less. The permit fees shall be pro-rated base on the work completed of the finish construction as determined by the Building Inspector, but not less than the permit fee minimum. If an occupancy bond was deposited for the initial permit, the bond shall be forfeited to the Village and a new bond deposited at the full amount per the ordinance.
- (k) REVOCATION OF PERMITS.
- (1) The Building Inspector or the Village Board may revoke any building, HVAC, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Section and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with that that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is a violation of any conditions or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, HVAC, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant

of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.

- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.

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- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by the Section, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Section. However, such work as the Building Inspector may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (l) REPORT OF VIOLATIONS. Village officials shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Section.
- (m) DISPLAY OF PERMIT. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress or all times during construction or work thereon.
- (n) PERMIT FEES. If the Building Inspector has any questions regarding the issuance of a building permit to any applicant, the same shall be referred by the Building Inspector to the Plan Commission for commercial buildings and to the Boars for 1 & 2 family buildings for their review and determination. The Building Inspector shall follow the recommendations of the Plan Commission or Board in granting or refusing to issue such building permit.
- (o) PERMIT FEES. Permit feels shall be paid prior to permit issuance.

14.1.3 STATE CODES ADOPTED.

- (a) ADOPTION OF CODES. The Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Ch. COMM 5	Credentials
Ch. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 50-64	Commercial Building and Heating, Ventilating and Air Conditioning Code
Chs. COMM 66	Multi-Family Code
Chs. COMM 69	Barrier Free Design
Chs. COMM 70	Historic Building Code
Chs. 81-87	Uniform Plumbing Code
Chs. 75-79	Existing Building Code

(b) SCOPE OF UNIFORM DWELLING CODE EXPANDED. For the purpose of this Code, the Wisconsin Uniform Dwelling Code are the standards for construction of the following:

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- (1) Additions, alterations and major equipment replacements for one- and two-family dwelling built prior to June 1, 1980.
- (2) Detached accessory buildings (garages) greater than four hundred (400) square feet serving one- and two-family dwellings. Grade beam slabs are required for these buildings with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6x6) inch, number ten (10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost-free footings" for detached residential accessory buildings) COMM 22, Wis. Adm. Code, shall not apply.
- (3) Detached accessory buildings less than four hundred (400) square feet are not required to install concrete slabs, frost-free footings, etc., but if they are installed, they shall follow subsection (2) above and/or COMM 21, Wis. Adm. Code.

(c) METHOD OF ENFORCEMENT.

- (1) Certified inspector to enforce. The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 5, Wis. Adm. Code.
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinated as needed to administer this section.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this Section and the Uniform Dwelling Code.
- (4) Inspection power. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected

indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwelling shall be kept.

14.1.4 CERTIFIED MUNICIPALITY STATUS.

The Village of Dousman is a Certified Municipality as described in COMM 50.21 of the Wisconsin Administrative Code.

14.1.5 UNSAFE BUILDINGS.

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

14.1.6 DISCLAIMER ON INSPECTIONS.

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

14.1.7 REGULATION AND PERMIT FOR RAZING BUILDINGS.

- (a) DEMOLITION PERMIT REQUIRED. All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Village of Dousman shall apply for and obtain a demolition permit from the building inspector prior to undertaking any steps to demolish the structure.
- (b) APPLICATION. An application for a permit to demolish all or part of a building shall include the following information:
 - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;

- (3) The date upon which demolition is to commence;
- (4) The date by which demolition shall be complete;

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- (5) A list of hazardous waste and hazardous and toxic substances (as defined by the Wisconsin Administrative Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) DEMOLITION. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) CLEARING AND LEVELING THE SITE.
- (1) The site of any demolition shall be completely cleared of debris, rubbish and pavement and shall be graded and leveled to conform With the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
 - (2) Excavations from demolished buildings or structures shall not be filled with any material subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall with seventy two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy two (72) hours after written notice;

the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation.

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Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Clerk at least forty-eight (48) hours before filling of the excavation commences.

- (e) REMOVAL AND DISPOSAL. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) RAZING PERMITS. Permits shall only be valid for a minimum of six (6) months.

14.1.8 BASEMENTS; EXCAVATIONS.

- (a) BASEMENT SUBFLOORING. First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) FENCING OF EXCAVATIONS. The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) CLOSING OF ABANDONED EXCAVATIONS. Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue to forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate

established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

14.1.9 DISCHARGE OF CLEAR WATERS.

- (a) DISCHARGE. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) NUISANCE. This discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining, or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.
- (c) GROUNDWATER. Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) STORM WATER. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collection, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) STORM SEWER LATERAL. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) CONDUCTING TESTS. IF the Building Inspector or his/her designated agent suspects and illegal clear water discharge as defined by this Section or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

14.1.10 DUPLEX SERVICE CONNECTIONS.

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

14.1.11 REGULATIONS FOR MOVING BUILDINGS.

(a). GENERAL REQUIREMENTS.

1. No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Village without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. Moving permit application shall contain all the information noted within this Section and a complete building permit application for the on-site construction for where the building is proposed to be moved. All moving permit applications require Village Board approval prior to issuance.
2. A report shall be made by the applicant to the Village with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk prior to issuance of the moving permit.
3. Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.

(b) MOVING DAMAGED BUILDINGS. No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation, garage and service connections in case of moved buildings) forty (40%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the fair market value of the building is not equal to or greater than the principal building of the abutting properties where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be equal or greater than the fair market value of the principal structure.

(c) CONTINUOUS MOVEMENT. The movement of buildings shall be a continuous operation during all hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept conspicuous places at each end of the building during the night.

(d) STREET REPAIR. Every person receiving a permit to move a building shall, within one (12) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the

permit was issued shall forthwith place them in good repair as they were before the permit was granted. In the failure of the said permittee to do so with ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

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- (e) **CONFORMANCE WITH CODE.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will do so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (f) **BOND.**
- (1) Before a permit is issued to move any building public way in the Village, the party applying therefore shall give a cash bond to the Village of Dousman in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars(\$5,000.00), to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.
 - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (g) **INSURANCE.** The Building Inspector shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Million Dollars (\$1,000,000.00) and for one (1) accident, aggregate not less than Five Million Dollars (\$5,000,000.00), together with property damage insurance in a sum not less than One Million Dollars (\$1,000,000.00), or such other coverage as deemed necessary.

(h) VILLAGE BOARD APPROVAL.

- (1) No such permit shall be issued unless it has been found as a fact by the Village Board of the municipality by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village Board, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
- (2) Upon application being made to the Building Inspector, he/she shall submit the application for a meeting of the Village Board to consider application for moving permits. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard. The village board shall, in writing, approve or deny the application based on the requirements of this section hereof and file it in the office of the Village Clerk, who shall send a copy of it to the Building Inspector.

14.1.12 SWIMMING POOLS.

- (a) PRIVATE SWIMMING POOLS. No person shall construct, install, or enlarge a swimming pool not enclosed in a permanent building in the Village except in accordance with the regulations of this Section.

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- (b) **DEFINITIONS.** The term private swimming pool is defined as a receptacle for water, or an artificial pool of water, having at any point of more than two feet, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, for bathing or swimming, and includes all appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 260 square feet in area and four feet in depth which are dismantled and removed for the winter are not included in this Section.
- (c) **PERMIT.** No person shall construct, install, enlarge or later any private swimming pool unless permits have first been obtained from the Building Inspector, and shall be accompanied by plans drawn to scale showing pool dimensions and volume of water in gallons, location and type of water waste disposal system, location of pool on lot and distance from lot lines, fencing and landscaping plan or a combination thereof and location of power lines [00fe] overhead and/or underground.
- (d) **CONSTRUCTION OF POOL.** A private swimming pool shall be constructed in accordance with the following requirements:
- (1) The pool shall not be nearer than 10 feet to ant residence or to an overhead electrical wire.
 - (2) The pool must be completely fenced before filling, by a fence or wall not less than 3 feet in height, constructed of a minimum number 9-gauge woven wire mesh, corrosion-resistant material, or enclosed wooden fence approved by the Building Inspector. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. A pool erected on top of the ground before filling shall have the pool construction completely and adequately screened from the view of abutting properties by means of a
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solid fence of redwood, basket-weave, landscaping, or a combination thereof, or other material approved as equivalent by the Building Inspector.
 - (3) Above ground pools with self-providing fencing or pool wall height of at least 3” feet to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence or wall height is of a minimum required height and design as heretofore specified. Permanent access from grade to above ground pools having stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates as are provided the pool proper.
 - (4) No direct connection shall be made to the stationary sewer or septic system.

- (5) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be merited.

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- (6) There shall be an unobstructed concrete areaway around the entire pool of at least 3 feet on in-ground pools.
- (7) There shall be an unobstructed areaway around the pool of at least 3 feet on above-ground pools.
- (8) Heating units, pumps, and filter equipment shall in no case be less than 20 feet from any property line and shall be adequately housed and muffled. Requirements for heating units shall be equal to those required for residential installation.

14.1.13 OCCUPANCY PERMIT. (Rep. & recr. #260)

If no noncompliance's are found by the Building Inspector, then the Inspector shall issue an occupancy permit. Occupancy may not be taken until an occupancy permit is issued. Temporary Occupancy permits shall not be issued.

14.1.14 DITCH AND OCCUPANCY BOND.

DEPOSIT REQUIRED. No building permit shall be issued by the Building Inspector for construction of a building with a fair market value greater than \$15,000.00 on any land adjacent to a public street until a deposit in the amount of \$2,500.00 has been made by the applicant for such building permit. The deposit shall be made to the Building Inspector at the time of an application is made for issuance of the building permit. 4/9/18

The sums deposited shall be retained by the Village Clerk until after permanent landscaping of the street yard, the driveway approach is hard surfaced

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and any drainage ditch has been completed to the satisfaction of the Village Building Inspector and subject to all terms and conditions of this Section 14-45-14. If the property is subject to a Master Lot Grading Plan, the property owner shall demonstrate compliance with the Master Lot Grading Plan with grade elevations determined by a professional surveyor at the property owner's expense, to the satisfaction of the Village Building Inspector, before the deposit is refunded. In the event any damage is done to the drainage system or road servicing the property as a result of the construction activities, the deposit shall be used to defray the Village's expense to repair any such damage. The balance of the deposit, after deducting such expenses incurred by the Village to repair the damage, shall be returned to the property owner after the landscaping has been completed. The deposit is also subject to the project being complete with no non-compliances found by the Inspector, reflective address tiles permanently installed and visible from the road, the driveway approach being hard surfaced, and all other fees are paid. It may be forfeited if occupancy occurs before final inspection or occupancy extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within two (2) years of permit issuance. In the event application for reimbursement of a ditch bond is not made within two (2) years of issuance of final occupancy permit, or on the event application is made but refused because of the failure

of the applicant to comply with the ordinances of the Village of Dousman, such bond shall be forfeited, and the money shall be placed in the general fund of the Village of Dousman.

The Building Inspector shall receive a fee from the deposit, or such other sum as may be approved by the Village Board from time to time, to defer the cost of inspecting the premises to ensure compliance with the ordinance, as well as other applicable regulations and ordinances of the Village of Dousman.

14.1.15 SEVERABILITY.

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

14.1.16 PENALTIES AND VIOLATIONS.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Section shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Section or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty in the part of the Building Inspector or other Village officials constitutes a defense. Compliance with the provisions of this Section may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Section.
- (b)(1) If any inspection reveals a noncompliance with this Section or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Section or the Uniform Dwelling Code.
- (4) If any construction or work governed by the provisions of this Section or the Uniform Dwelling Code is commenced prior to this issuance of a permit, double fees shall be charged.

(5) A citation may be issued for the violation for each day and every day the violation continues following the general penalty section of the Municipal Code.

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

14.1.17 EXTERIOR FINISH REQUIRED

All buildings shall have a weather-resistant, uniform and neighborhood compatible exterior finish. Tar paper or similar material is not acceptable.

14.1.18 ELECTRICAL CONTRACTOR'S LICENSE.

- (a) **REQUIRED.** No person shall install, alter, repair, remove, connect or disconnect any electrical wiring, fixtures, or apparatus for any purpose whatsoever in the Village of Dousman without first having procured a license therefore as hereinafter provided in this Section, except any person who is performing such work as a bona fide employee of and for the holder of a license.
- (b) **EXCEPTION-OWNER'S WORK.** A property owner may personally install electrical wiring in his/her own single-family residence owned by and occupied by provided that such owner shall:
 - (1) Apply for and secure a permit in accordance with succeeding sections.
 - (2) Pay required fees.
 - (3) Do the work himself or herself in accordance with this Section.
 - (4) Apply for inspections.
 - (5) Receive approval of the Electrical Inspector.
- (c) **LICENSE.** All such licenses shall be issued commencing on July 1 and expiring on June 30 of each year following their issuance, unless sooner revoked. If any license shall not be renewed on or before the first day of July of each year, such license shall be considered as having lapsed, and a new license application shall be filed, and fee paid.
- (d) **APPLICATION.**

- (1) Application for an electrical contractor's license shall be made out to the Village of Dousman on furnished forms. All applicants shall be required to possess a currently valid masters certification as issued by the State of Wisconsin.

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(2) Applicants shall place on file with the Village Clerk a certificate of insurance with minimum coverage of One Hundred Thousand Dollars (\$100,000.00) for injury to one person, One Million Dollars (\$1,000,000.00) for injury to more than one person in any accident and One Hundred Thousand Dollars (\$100,000.00) for damage to property.

(e) **SUSPENSION OR REVOCATION OF ELECTRICAL CONTRACTOR'S.** Any electrical contractor's license may be suspended or revoked by the Electrical Inspector. When the Electrical Inspector determines that the Electrical Contractor involved is not following the provisions

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of this code with reference to any electrical installations in the Village; has violated the Wisconsin Administrative Code and any statutory provisions with reference to the installation of electrical equipment in the Village; has installed any electrical work in the Village in a careless and negligent manner so as to make the same dangerous to users thereof; or has not paid for permit fees; the Electrical Inspector shall give notice in writing of such suspension or revocation to the electrical contractor involved.

(f) **ENFORCEMENT.** In all cases where any action is taken to enforce the regulations of this Section, such action or act shall be considered as done in the name of and on behalf of the Village. The Village shall not be judged as liable for any damage that may accrue to any person or persons or property as a result of any such action or act committed in the discharge of its duties.

(g) **FEES; PAYMENT.** Fees for all licenses shall be paid to the Village, and no license shall be issued or held valid unless signed by the Electrical Inspector and stamped as paid by the Village in the amount required by such license.

(h) **LICENSE SUSPENSIONS.** The Electrical Inspector shall notify the Village Board within thirty (30) days of the date of any suspension or revocation of an electrical contractor's license of such suspension or revocation

(i) **RIGHT OF ENTRY.** The Electrical Inspector shall have the authority to enter all buildings and premises in the discharge of his/her official duties.

(j) **SALE OF ILLEGAL EQUIPMENT.** No person, firm or corporation shall keep or offer for sale or sell for use within the Village any apparatus, equipment or fixtures, designed or intended to be used for the production, transmission or utilization of electrical current or power, if said apparatus, equipment or fixtures when installed for use would be in violation of any of the provisions of this Section or would be unsafe or dangerous.

14.1.19 AUTOMATIC SPRINKLER SYSTEMS. (Cr. #278)

- (a) **ADOPTION OF APPLICABLE CODES.** The Village of Dousman adopts COMM 61.05, Wis. Adm. Code, including such amendments as may be made thereto from time to time in the future as part of this Code. The Village of Dousman also adopts the standards for automatic fire sprinkler systems of the National Fire Protection Association (NFPA), including such amendments as may be made thereto from time to time in the future, as part of this Code

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14.1.20 DRIVEWAY CONSTRUCTION IN STREET RIGHT-OF-WAY. (Cr. #358)

The following standards apply for driveways hereafter constructed or reconstructed in the Village of Dousman. If the driveway is paved with materials other than asphalt, the pavement shall be installed no closer to the roadway than the edge of the right of way, and the portion of the driveway that is within the right of way shall be paved with asphalt.

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- (b) **CONTROL AND SUPERVISION.** The Fire Chief of the Dousman Fire District shall have jurisdiction to inspect and enforce the requirements adopted in subsection (a) above.

1 & 2 FAMILY RESIDENTIAL PROPERTY MAINTENANCE CODE

14.2.1 MINIMUM PROPERTY MAINTENANCE STANDARDS.

- (a) **POLICY.** There exists in the Village of Dousman, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted areas conditions and, if such conditions are not curtailed and

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removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property as values of the neighborhoods in the Village of Dousman.

- (b) **PURPOSE.** The purpose of this Section is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Section does not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. This Section is meant to be remedial and this Section shall be liberally construed to

effectuate the purposes stated herein. Violation of the minimum standards set forth in this Section shall be deemed to be a public nuisance.

- (c) SCOPE. These standards apply to all structures located in a residential zoned area and to all structures and sites used for residential purposes but zoned for other uses.
- (d) MINIMUM STANDARDS. It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy for use any building, structure or premises which does not comply with the requirements of this Section.

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14.2.2 DEFINITIONS.

For purposes of this Section, the following definitions shall be applicable:

- (a) **ABANDONED DWELLING.** A dwelling which is not occupied, and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
- (b) **ACCESSORY STRUCTURE.** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (c) **BLIGHTED AREA.** Any area in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (d) **BUILDING.** Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- (e) **DETERIORATION.** The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (f) **DILAPIDATED.** Describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- (g) **DWELLING.** Any enclosed space which is wholly or partly used to intended to be used for having or sleeping by human occupants.
- (h) **NUISANCE.** Any public nuisance know at common law or in equity jurisprudence or as provided by the Statutes of the State of Wisconsin or the Village of Dousman Code of Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public or
- (2) In any other way render the public insecure in life or in the use of property.

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- (i) OCCUPANT. Any person living, sleeping or having actual possession of a building.
- (j) OWNER. Any person who, along or jointly or severally with others:
 - (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Section and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (k) PERSON. Any natural individual, firm, trust, partnership, association or corporation.
- (l) PREMISES. A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
- (m) REFUSE. All putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- (n) RUBBISH. Non-putrescible solid wastes (excluding ashes) consisting of either:
 - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood or
 - (2) Noncombustible wastes such as tin cans, glass or crockery.

14.2.3 PROHIBITION OF LITTER, RUBBISH OR DEBRIS.

No owner or occupant shall, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material on such property which present a lighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn or ground cover of vegetation, hedges or bushes. All areas not covered by any of dust particles into the air. All trees, bushes, or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

14.2.4 HOUSING APPEARANCE.

(a) **MINIMUM STANDARDS.** No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with particular requirements of the following Subsections.

(b) **FOUNDATION, EXTERIOR WALLS AND ROOFS.** No person shall be an owner or occupant of any premises which does not comply with the following requirements:

- (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
- (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces.

When the building has more than thirty percent (30) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application. Paint or stain shall be uniform in color.

- (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from crack and defects which make them hazardous or unsightly.
- (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
- (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
- (6) The foundation shall be substantially watertight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points.
- (7) Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls.

(c) **WINDOWS, DOORS AND HATCHWAYS.** Every window shall be fully supplied with transparent or translucent windowpanes which substantially without cracks or holes, shall substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames

shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.

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- (d) **SCREENS.** From June 1st to September 15th, screens shall be installed on doors and windows when they are required for ventilation. Screening shall be at least a fourteen (14) mesh and shall be attached to its frame in such manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frames so as not to allow the passage of insects or rodents. Screens shall be provided with positive attachment devices to ensure that inserts will not fall from or be dislodged from the door or window frame. A self-closing device shall be provided for screen doors.
- (e) **STAIRWAYS AND PORCHES.** Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.
- (f) **GRADING AND DRAINAGE OF LOTS.** Every yard, court, vent passageway, driveway and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (g) **ACCESSORY STRUCTURES.** All accessory structures shall be maintained in a state of good repair, vertical alignment and comply with items listed above. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated and dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- (h) **ABANDONED DWELLINGS.** The owner of any abandoned dwelling shall:
- (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
 - (2) Lock all exterior doors and windows of said dwelling;
 - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weather tight, waterproof, rodent proof, structurally sound, and in good repair such that they comply with Subsection (b);
 - (4) Maintain the yard and accessory structures such that they comply with this Section.
- (i) **NUISANCES.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

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

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- (k) **REFUSE, GARBAGE, AND RUBBISH STORAGE REQUIREMENTS.** Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxed, lumber, metal or other materials which may provide harborage for rodents or vermin.

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14.2.5 NOTICE AND REMEDY.

- (a) Upon determination by the Building Inspector of a violation of this Section, the Village shall notify the owner and, if difference from the owner, the occupant of the premises of such violation. Complaints alleging a violation of this section shall be commenced by service of written notice of noncompliance upon the property.
- (b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed 30 days, to correct the violation. The notice shall be service upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
- (c) The person so notified shall have the right to appeal the decision of the Building Inspector to the Village Board within 30 days of the date of notice.
- (d) If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Building Inspector may file an action in the name of the Village in the Circuit Court for Waukesha County, Wisconsin, in accordance with the provisions of Ch. 823, Wis. Stats. As amended from time to time.
- (e) A citation may be issued for the violation for each and every day the violation continues following the general penalty section of the Municipal Code.
- (f) Reinspection Fee. To compensate for inspection and administrative costs, a Reinspection fee may be imposed, pursuant to §3.14 of this Code. (Cr. #299)

14.2.6 OTHER METHODS NOT EXCLUDED.

Nothing in this Section shall be construed as prohibiting the abatement of public nuisance by the Village of Dousman or its officials in accordance with the laws of the State of Wisconsin or Village ordinances.

14.2.7 COST OF ABATEMENT.

In addition to any other penalty imposed by this section for erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance

by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

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COMMERCIAL PROPERTY EXTERIOR MAINTENANCE CODE

14.3.1 TITLE.

This Section shall be known as the Village of Dousman Commercial Property Exterior Maintenance Code.

14.3.2 INTENT AND PURPOSE.

- (a) This Section is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village of Dousman and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people.

14.3.3 SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY.

- (a) **PURPOSE.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.
- (b) **MINIMUM REQUIREMENTS.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
 - (1) **Drainage.** All courts, yards, or other areas on the premise shall be properly graded to divert water away from any building or structure.
 - (2) **Weeds.** All exterior property areas shall be kept from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge as a special assessment against the benefited property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish, or garage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.

- (4) Fences, Walks and Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.

- (5) Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premise), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
- (7) General Requirements. Every foundation, exterior wall, and roof shall be reasonably weather tight, watertight, and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that it safely and properly removed the products of combustion from the building.
- (8) Windows and Doors. Every window, exterior door, and basement hatchway shall be reasonably weather tight and rodent proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
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- (9) Outside Stairs and Porches. Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) Removal of Debris.

- a. No person shall dispose of rocks, trees, stumps, waste build material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.

- b. No landowner shall allow accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than 10 days.
- c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

(11) Abandoned Signs. (Cr. #306)

- a. Abandoned signs are prohibited and shall be removed by the tenant or property owner within 30 days after a business, commercial enterprise or industry closes or ceases to operate. In this subsection “removed” requires the removal of any information, logo, words or pictures related to the closed business, commercial enterprise or industry and does not necessarily require the removal of the sign structure unless the information and structure cannot be separated.
- b. The failure of a tenant to remove abandoned signs in compliance with this subsection does not relieve the property owner from such obligations.
- c. “Abandoned sign” means a sign which no longer correctly directs, informs or advertises any person about a bona fide business, lessor, owner, product or activity conducted or available on the premises where the sign is displayed.

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14.3.4 FIXING RESPONSIBILITY OWNERS, OPERATORS AND OCCUPANTS.

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

14.3.5 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Section or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore and commence an enforcement action pursuant to Sections 14.2.5 through 14.2.7.