

Title 15 Building Code

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Chapter 1: Building Code

Sec. 15-1-1 Building Code Established

- a) **Title.** This Chapter shall be known as the "Building Code of the Village of Adell" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- c) **Scope.**
 - 1) New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
 - 2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings.
 - 3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

Sec. 15-1-2 Building Permits and Inspection

- a) **Permit Required.**
 - 1) **General Permit Requirement.** No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
 - 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. Permits are required for re-siding.
 - d) Permits are not required for 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) Exempted are re-roofing 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.

- f) Any electrical wiring for new construction or remodeling.
- g) Any HVAC for new construction or remodeling.
- h) Any plumbing for new construction or remodeling.
- i) Exempt are normal repairs performed in Subsection (a)(l)e-g.
- j) Agricultural buildings in properly zoned districts are exempt.

2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:

- a) **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b) **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c) **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - d) **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e) **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- 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 the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been

dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board.

d) **Utilities Required.**

1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.

2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

e) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter COMM 20.09(4), Wis. Adm. Code.

f) **Waiver of Plans; Minor Repairs.**

1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).

2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than One Thousand Dollars (\$1,000.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

g) **Approval of Plans.**

1) If the Building Inspector determines that the building will comply in every respect 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. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/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 (business work) in advance by the applicant/contractor or property owner as applicable:

- a) Footing/foundation.
- b) Rough carpentry, HVAC, electric and plumbing.
- c) Drain tile/basement floor.
- d) Under-floor plumbing/electric service.
- e) Insulation.
- f) Final carpentry, HVAC, electric and plumbing.
- g) Erosion control.

2) 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 commenced within six (6) months or if construction has not been completed within eighteen (18) months from the date of issuance thereof.

j) Revocation of Permits.

1) The Building Inspector or the Village Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- a) a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
- b) Whenever the continuance of any construction becomes dangerous to life or property.
- c) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
- d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
- e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
- f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/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.
- 4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- k) **Report of Violations.** Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- l) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Adopted

a) Adoption of Codes.

- 1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs.	COMM	16-17	Electrical Code
Chs.	COMM	20-25	Uniform Dwelling Code
Ch.	COMM	26	Inspection Certification
Chs.	COMM	67	Rental Unit Energy Efficiency
Chs.	COMM	69	Barrier Free Design
Ch.	COMM	70	Historic Building Code
Chs.	COMM	81-86	Uniform Plumbing Code

- 2) Chapters COMM 50 through COMM 66, Wis. Adm. Code (Wisconsin State Building Code), COMM 75-79, Wis. Adm. Code (Existing Buildings Code) and COMM 70, Wis. Adm. Code (Historic Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept on file in the office of the Building Inspector.
- 3) By virtue of adopting COMM 61.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
 - a) **IBC.** The International Building Code® - 2000, subject to the modifications specified in COMM 61-62, Wis. Adm. Code.
 - b) **IECC.** The International Energy Conservation Code® — 2000, subject to the modifications specified in COMM 63, Wis. Adm. Code.
 - c) **IMC.** The International Mechanical Code® - 2000, subject to the modifications specified in COMM 64, Wis. Adm. Code.
 - d) **IFGC.** The International Fuel Gas Code® - 2000, subject to the modifications specified in COMM 65, Wis. Adm. Code.

- 4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Building Inspector's Office.
- b) **Scope of Uniform Dwelling Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of the following:
 - 1) **Additions.** Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
 - 2) **Detached Garages.** Detached garages greater than two hundred (200) square feet serving one and two family dwellings. Grade beam slabs are required for private, residential garages 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 (6 x 6) 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) **Other Detached Accessory Buildings.** Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow Subsection (2) above and/or COMM 21, Wis. Adm. Code.
- c) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
 - 1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - 2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
 - 3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - 4) Roof Coverings — whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
 - 5) Additions and alterations — any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- d) **Definitions.** The following definitions shall be applicable in this Chapter:
 - 1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - 2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - 3) **Department.** The Wisconsin Department of Commerce, formerly the Department of Industry, Labor and Human Relations.
 - 4) **Dwelling.**
 - a) Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or

- b) An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
 - 5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
 - 6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
 - 7) **Person.** An individual, partnership, firm or corporation.
 - 8) **Uniform Dwelling Code.** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:
 - Wis. Adm. Code Chapter COMM 20-Administrative and Enforcement
 - Wis. Adm. Code Chapter COMM 21-Constructive Standards
 - Wis. Adm. Code Chapter COMM 22-Energy Conservation Standards
 - Wis. Adm. Code Chapter COMM 23-Heating, Ventilating and Air Conditioning
 - Wis. Adm. Code Chapter COMM 24-Electrical Standards
 - Wis. Adm. Code Chapter COMM 25-Plumbing and Potable Water Standards
- e) **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 26.06, Wis. Adm. Code.
 - 2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
 - 3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
 - 4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
 - 5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the 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 dwellings shall be kept.

Sec. 15-1-4 *Construction Standards; Codes Adopted*

- a) **Portions of State Building Code Adopted.** Chapters COMM 50 through COMM 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Village Clerk-Treasurer.
- b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and COMM 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- c) **State Electrical Code Adopted.**
 - 1) Wis. Adm. Code COMM 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - 2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- d) **Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 *Electrical Permits and Inspections*

- a) **State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code. A copy of such code shall be kept on file in the office of the Village Clerk-Treasurer.
- b) **Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.
- c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall at once inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he/she finds that the work conforms to the State Electrical Code, he/she shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building

Inspector. No such electrical equipment shall be used until such certificate has been issued. Outside service is inspected by the Utilities Department.

Sec. 15-1-6 *Plumbing Permits and Inspections*

- a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:
- 1) As defined in Sec. 145.01(l)(a), (c), (d) and (e), Wis. Stats.
 - 2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- b) **Inspectors.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his/her examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of COMM 82.21, Wis. Adm. Code, is necessary, he/she may require a water or air test on all or part of the installation.
- c) **Applications and Permits.**
- 1) **Application.** No plumbing shall be installed in the Village without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the Village before such building may be connected to the Village sewer or water system. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed plumbers may receive such permits, except that a permit may be issued to a property owner to do plumbing repairs only in a single family residence which is owned and occupied by such owner as his/her home.
 - 2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish a bond when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.

Sec. 15-1-7 *New Methods and Materials*

- a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations) for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations). The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations).

Sec. 15-1-8 *Unsafe Buildings*

Whenever the Building Inspector or Village Board find any building or part thereof within the Village of Adell 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. 66.0413, Wis. Stats.

Sec. 15-1-9 *Disclaimer on Inspections*

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Adell. The inspections and the reports and findings issued after the inspections are and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "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."

Sec. 15-1-10 *Garages*

a) **Definitions.** As used in this Chapter:

- 1) **Attached Private Garage.** A private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or a private garage so constructed as to form an integral part of the principal building.
- 2) **Detached Private Garage.** A private garage entirely separated from the principal building.
- 3) **One-Hour Fire Resistive Construction.** Construction which shall include the following assemblies and materials:
 - a) Two (2) inch brick or stone veneer.
 - b) Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
 - c) Five-eighths (5/8) inch of vermiculite plaster board.
 - d) Five-eighths (5/8) inch fire code gypsum plaster board.

b) **Locations.**

- 1) Unless otherwise regulated under applicable zoning, detached garages of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the interior walls of such garage adjacent to a residence building are protected with not less than one (1) hour fire resistive construction.
- 2) Garages of masonry wall construction shall not be located less than five (5) feet from any residence building.

c) **Footings and Foundations.**

- 1) **Detached Garage.** Detached private garages, nine hundred (900) square feet or more in floor area, shall have footings and foundation walls to the established frost line. Detached private garages of less than nine hundred (900) square feet may be constructed on a reinforced concrete slab not less than four (4) inches in thickness, or be located on a floating slab.
- 2) **Attached Garages.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building.

- 3) **Floor Surface.** The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage.
- d) **Construction.**
- 1) **All Private Garages.** Private garages shall be constructed as follows:
- a) Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
 - b) Detached private garages of wood frame construction shall be constructed with the following minimum requirements:
 - (1) Studs may have a maximum spacing of twenty-four (24) inches on centers.
 - (2) Diagonal corner bracing may be applied on the inside surface of studs.
 - (3) Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
 - (4) Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
 - c) Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.
- 2) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:
- a) All walls in common with a principal building on attached private garage shall be of not less than one (1) hour fire resistive construction on garage interior.
 - b) An attached private garage may have a door connecting directly into the principal building, provided that the floor of that garage is at least eight (8) inches below the floor of such principal building. Such door shall be a self-closing metal clad door or solid wood door not less than one and three-quarter (1-3/4) inches in thickness.

Sec. 15-1-11 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 Adell 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.
 - 5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. 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(l)(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.
 - 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 properly cleared of debris, rubbish and pavement and shall be properly 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 same 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 materials 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 within 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. 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-Treasurer 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) **Miscellaneous Provisions.**
- 1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
 - 2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
 - 3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.

- 4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- 5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects there from during and after the razing operations.

Sec. 15-1-12 *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 (including for sewer and water lateral excavations) 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 before workers leave the job site.
- c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.
- d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

Sec. 15-1-13 *Discharge of Clear Waters*

- a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting,

draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of 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 collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- e) **Sump Pump Discharge.**
 - 1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall within sixty (60) days of installation discharge into a storm sewer wherever available. Storm sewers shall be considered "available":
 - a) In existing streets with storm sewers when storm sewer laterals are installed.
 - b) In non-existing streets and in existing streets without storm sewers when storm sewers are installed.
 - 2) Storm sewers shall not be considered "available" in existing streets with storm sewers until such time as sewer laterals are installed. If no storm sewer is available sump pumps shall discharge into an underground conduit leading to a drainage ditch, gutter, and dry well or onto the ground at a point which is not less than three (3) feet from the building and is above permanent grade.
 - 3) No sump discharge shall be allowed to flow on or across a public sidewalk. Sump discharge shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 each year.
 - 4) The provisions contained herein shall be in addition to those required and imposed by the State Plumbing Code, Chapters H81, H82 and H83, Wis. Adm. Code, and Chapter 145, Wis. Stats., and shall not amend or alter the provisions therein except insofar as is necessary for the application and enforcement of this Subsection.
- f) **Conducting Tests.** If the Building Inspector or his/her designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/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.

Sec. 15-1-14 Duplex Service Connections

- a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one (1) unit without disturbing the second unit.
- b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing other units.

- c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

Sec. 15-1-15 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 of Adell without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
 - 2) A report shall be made by Village employees 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-Treasurer prior to issuance of the moving permit.
 - 3) Issuance of moving permit shall further be conditioned on approval of the moving route by the 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 and service connections in case of moved buildings) fifty percent (50%) 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 equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Village Assessor.
- c) Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- d) Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the 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.
- 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 from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such

building shall be submitted to the Building Inspector, and he/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 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 over any public way in the Village, the party applying therefore shall give a bond to the Village of Adell in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.
- 2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, 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 (f)(I) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- 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 Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), 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 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 Fifty Thousand Dollars (\$50,000.00) 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 request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. 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, give such notice of hearing as they may deem sufficient. Such hearing may : be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (h)(l) hereof and file it in the office of Village Clerk-Treasurer who shall send a copy of it to the Building Inspector.

Sec. 15-1-16 Construction Sites; Maintaining Clean Streets

Village streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Village of Adell will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

Sec. 15-1-17 Fees

- a) **Permit Fees.** Fees for building, plumbing, HVAC and electrical permits shall be as established by resolution of the Village Board.
- b) **Failure to Obtain Permit.** In addition to the provisions of Section 15-1-19, failure to obtain the required permit, prior to commencing the work, for any work covered by this Chapter shall result in a penalty of double the fee established by this Section.

Sec. 15-1-18 Severability

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

Sec. 15-1-19 Penalties

- a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to

the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunction order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

- 1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(l)(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 runs shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - 4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- b) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- c) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Adell charged with the enforcement of this Chapter shall render himself/herself 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 Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

Chapter 2: Construction Site and Stormwater Runoff Management

Article A: Construction Site Erosion Control

Sec. 15-2-1 Authority

This Article is adopted pursuant to the guidelines in Sec. 61.354, Wis. Stats.

Sec. 15-2-2 Findings and Purpose

- a) **Findings.** The Village Board of the Village of Adell finds that soil erosion from land disturbing activities and subsequent development can disturb natural cover and land surfaces resulting in a change of run-off patterns that may have a detrimental effect on water quality and downstream uses. Land disturbing activities and subsequent development need to be strictly regulated to avoid damage to other properties and sensitive areas. Further, effective sediment and storm water management depends upon proper planning, design and timely installation of conservation practices, as well as continuing maintenance practices.
- b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment, soil loss, and other pollutants carried by runoff or discharge from land disturbing activities and subsequent development of the property to lakes, streams and wetlands.

Sec. 15-2-3 Applicability of Regulations

This Article applies to any land disturbing activity occurring anywhere within the territorial limits of the Village and publicly- or privately-owned lands within the extraterritorial plat review jurisdiction of the Village which involve an area in excess of four thousand (4,000) square feet or involve activity on a slope of greater than ten percent (10%) grade which may have off-site impacts, excluding agricultural activities. This Article shall not apply to construction sites regulated by the Wisconsin Uniform Dwelling Code ("UDC"), although the Village shall regulate these sites during the period that residential building permits are in effect under the provisions of Section 15-1-3 of this Municipal Code consistent with then-existing UDC regulations. In addition, this Article applies to activities unrelated to actual building construction such as, but not limited to, land disturbing activity prior to excavation for foundation work, landscaping, installation of driveways, parking areas and sidewalks, extensive earth work on sites not directly related to structural concerns, developments of ponds and channelized water courses, commercial parks and landing strips or airport runways. The Village may enter into intergovernmental cooperative agreements pursuant to Sec. 66.0301, Wis. Stats., with other governmental entities to enhance enforcement of these requirements.

Sec. 15-2-4 Definitions

- a) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- c) **Erosion Control Measure.** A control measure used to meet the requirements of Section 15-2-7 of this Code of Ordinances.

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

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

- o) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.
- p) **Soil Loss Rate.** The rate, measured in tons per acre per year, at which soil movement occurs as a result of sheet and rill erosion and does not apply to ditches or areas of concentrated flows.

Sec. 15-2-5 *Design Criteria, Standards and Specifications for Control Measures*

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

Sec. 15-2-6 Maintenance of Control Measures

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

Sec. 15-2-7 Requirement for Specific Erosion Control Plans

a) **Applicability.** Activities on public lands and on all private lands shall be subject to this Article if:

- 1) There is a subdivision of land or land divisions, as those terms are defined in Chapter 236, Wis. Stats., and Title 14 of this Code of Ordinances.
- 2) An area of four thousand (4,000) square feet or greater will be disturbed by grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activities, or activities on a slope of ten percent (10%) or more.
- 3) Excavation, filling or a combination thereof exceeds four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
- 4) Any public street, highway, road or bridge is to be constructed, enlarged, relocated or substantially reconstructed.
- 5) Any public or private utility laying, repairing, replacing or enlarging an underground pipe or facility for a distance of three hundred (300) feet or more.

b) **General Plan Requirements.**

- 1) **Generally.** Erosion control plans required under Section 15-2-7(a) may include consideration of adjoining landowners' cooperative efforts to control transport of sediment, and shall include the items required in Section 15-2-7(c) or Section 15-5-7(b)(3) as applicable.
- 2) **Plan Elements.** All erosion control plans shall include the following elements:
 - a) Site boundaries superimposed on a USGS 7.5 minute topographical map;
 - b) Cross sections of road and drainage ditches;
 - c) Profiles within road and drainage ditches;
 - d) Culvert sizes;
 - e) Direction of flow of run-off;
 - f) Watershed size for each drainage area;
 - g) Design discharges for ditches and structural measures;
 - h) Run-off velocities for particular projects:
 - (1) The standard design shall include run-off velocities for the two (2) year twenty-four (24) hour storm event;
 - (2) Designs of detention basins shall include, in addition to the two (2) year twenty-four (24) storm, run-off velocities for the ten (10) year twenty-four (24) hour storm event;
 - i) Fertilizer, mulching and seeding rates and recommendations;
 - j) Time schedules for stabilization of ditches and slopes;
 - k) Plans shall adhere to the following minimum standards:
 - (1) Prevent gully erosion and limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative rate not to exceed fifteen (15) tons per acre per year for construction commencing between May 1 and October 31 each year and not to exceed seven and one-half (7.5) tons per acre per year for construction commencing between November 1

- and April 30 each year. Where sites are located adjacent to or directly drain into sensitive areas, the annual, cumulative rate shall not exceed seven and one-half (7.5) tons per acre per year regardless of the starting date for the project;
- (2) Plan compliance under Subsection (b)(2)k.i. shall be determined using the Soil Conservation Service technical guide or other commonly accepted soil erosion control methodology approved by the Village Engineer, which includes the following considerations: season of year; site characteristics; soil erodibility and slope; and
 - (3) For internally drained sites, erosion control measures for plan approval need not attempt to regulate soil transportation within the limits of the disturbed area.
- l) Description of methods by which sites are to be developed, indicating how the project will be phased to minimize the extent of area disturbed throughout the construction period;
 - m) A proposed timetable of steps to mitigate the erosion caused by land disturbing activity, in a manner consistent with accepted erosion control methods suitable to the specific site, including a timetable for prompt re-vegetation;
 - n) Provisions to ensure no increase in surface water drainage from sites during or after construction, unless water is discharged into existing, adequate drainage areas, specifying all storm water management controls such as outlet control structures or basins necessary to comply with maximum permitted discharges;
 - o) Provisions to prevent mud-tracking off-site onto public thoroughfares during the construction period;
 - p) Special provisions for erosion control practices and maintenance on sites with disturbed slopes greater than ten percent (10%); and
 - q) Special provisions for erosion control practices and maintenance on sites adjacent to wetlands or surface water bodies; and any proposed modifications to approved plans or alterations to accepted sequencing of land disturbing activities at the site shall be approved by the Village Engineer prior to implementation of said changes.
- 3) **Content of Standard Erosion Control Plan for Land Disturbing Activity.** Applicants submitting erosion control proposals not meeting the criteria for a simplified plan checklist under Section 15-2-7(c) shall submit the following:
- a) Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
 - (1) Site boundaries of adjacent lands which accurately identify site location;
 - (2) Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site;
 - (3) One hundred (100) year floodplains, flood fringes and floodways;
 - (4) Location of the predominant soil types;
 - (5) Vegetative cover;
 - (6) Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - (7) Locations and dimensions of utilities, structures, roads, highways and paving; and
 - (8) Site topography at a contour interval not to exceed two (2) feet.
 - b) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
 - c) Site Construction Plan. A site construction plan including:
 - (1) Locations and dimensions of all proposed land disturbing activities;
 - (2) Locations and dimensions of all temporary soil or dirt stock piles;

- (3) Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Article;
 - (4) Schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of erosion control measures needed to meet the requirements of this Article; and
 - (5) Provisions of maintenance of the erosion control measures during construction and until permanent cover is well established.
- c) **Simplified Plan Checklist.** Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices to be installed on sites, on a standard form approved by the Village, wherever the following conditions exist:
- 1) The site is not more than twenty thousand (20,000) square feet in area;
 - 2) The site is not adjacent to and does not directly drain into any sensitive areas nearby; and
 - 3) There is a slope of less than ten percent (10%) throughout the site.

Sec. 15-2-8 Administration

- a) **Application.** No person may begin a land disturbing or a land development activity subject to this Article, and no person shall receive a zoning permit without having received prior approval of an erosion control plan pursuant to Section 15-2-7. The applicant shall submit an application for an erosion control plan along with a proposed erosion control plan and pay an application fee. By submitting an application, the applicant authorizes Village enforcement officials to enter the site to obtain specific information required for an informed review of the erosion control plan.
- b) **Review.** Within twenty (20) days of receipt of the application, the Village shall review the application. A simplified plan checklist pursuant to Section 15-2-7(c) may be reviewed by the Zoning Administrator, other staff or a Building Inspector certified by the Wisconsin Department of Commerce to review such plans. In all other cases, erosion control plans shall be reviewed by the Village Engineer. If the application and proposed plan are deficient, the approving official shall inform the applicant, in writing, of any deficiency and may either ask for additional information or disapprove the plan, giving written reasons for the disapproval. All deficiencies in the application and in the erosion control plan shall be corrected before an erosion control permit or a zoning permit is issued.
- c) **Duration of Erosion Control Permit.** Any erosion control permit issued shall be valid for a period of one hundred eighty (180) days. Upon application, the Village Engineer may extend the period for an additional one hundred eighty (180) days, and may require additional erosion control measures as a condition for the extension if necessary to meet the requirements of this Article. The applicant shall not be required to pay any additional fee for any extension granted.
- d) **Surety.** As a condition of approval and issuance of an erosion control permit, the Village Engineer may require the applicant to deposit a surety bond, irrevocable letter of credit or other form of surety satisfactory in form and amount to the Village Attorney to assure execution of the approved erosion control plan and any conditions upon the erosion control permit.
- e) **Conditions of Permit.** All erosion control permits shall require the permittee to:
- 1) Notify the Building Inspector at least forty-eight (48) hours prior to commencing any land disturbing activity;

- 2) Notify the Building Inspector of completion of any erosion control measures within ten (10) days after their installation;
- 3) Obtain written permission from the Building Inspector and/or Village Engineer prior to modifying the erosion control plan;
- 4) Install all erosion control measures identified in the approved erosion control plan;
- 5) Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the erosion control plan;
- 6) Promptly repair any situation or erosion damage to adjoining services and drainageways resulting from the land disturbing or land developing activities regulated under the terms of the erosion control plan, initiating the repair within twenty-four (24) hours of notice of the situation or erosion damage;
- 7) Inspect the erosion control measures after each rain of one-half (1/2) inch or more and at least once per week, and to initiate repairs within twenty-four (24) hours;
- 8) Allow the Building Inspector and/or Village Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan and for performing any work necessary to bring the site into compliance with the erosion control plan;
- 9) Keep a copy of the erosion control plan on the site.

NOTE: These standards conditions shall be stated on the face of any permit issued by the Village.

- f) **Implementation of Plan.** The erosion control plan shall be implemented prior to the start of any land disturbing or land developing activity, and shall be maintained throughout the entire term of such activity. The applicant is responsible for successful completion of the erosion control plan as approved. Upon issuance of the permit, the permittee shall be liable for any and all costs incurred resulting from noncompliance with the permittee's approved plan. When a permittee seeks to transfer an interest in property subject to an approved erosion control plan prior to completion of the steps necessary to attain soil stabilization, the permittee must secure approval from the Village to transfer any portion of the permittee's responsibility for implementing the approved plan to another party.

Sec. 15-2-9 *Enforcement*

- a) **Inspections.** As part of the plan approval process, the Building Inspector shall establish a minimum number of inspections to be conducted consistent with the land disturbing or land developing activity proposed to be undertaken.
- b) **Verification.** Within ten (10) days after completion of installation of all required erosion control measures in an approved plan, and when soil stabilization has been achieved, the permittee shall notify the Village to arrange a final inspection to verify plan compliance. This inspection shall not relieve the permittee from the responsibility to maintain erosion control measures or uphold plan requirements as set forth in Section 15-2-7(b).
- c) **Noncompliance.**
 - 1) If an inspection reveals any noncompliance with an approved erosion control plan, the Building Inspector shall notify the permittee by certified or registered mail of all specific instances of noncompliance. The notice shall describe the nature of the violation, remedial actions needed, a schedule of remedial action and additional enforcement action which may be taken.
 - 2) Upon receipt of written notification from the Building Inspector, the permittee shall bring the work into compliance with the erosion control plan as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice. The

permittee shall initiate such corrective action within twenty-four (24) hours of notification by the Village.

- 3) If violations of this Article are likely to result in damage to properties, public facilities or waters of the Village and/or state, the Building Inspector or designee may enter the land and take emergency actions necessary to prevent such damage. The cost incurred by the Village, plus interest and legal costs, shall be billed to the owner of record title of the property and, if not paid, shall be entered on the tax rolls and collected as a special charge pursuant to Sec. 66.0627, Wis. Stats.

d) **Stop Work Orders.**

- 1) The Building Inspector shall issue and post a stop work order under either of the following circumstances:
 - a) Any land disturbing or land developing activity regulated under this Article is being undertaken without a permit;
 - b) Any noncompliance with an approved erosion control plan in which the permittee has failed to initiate corrective action within twenty-four (24) hours or to follow the specifications and schedule set forth by the Building Inspector under Section 15-2-9(c), above;
 - c) The Building Inspector may revoke approval of the plan issued under this Article for noncompliance with the provisions of this Article;
 - d) Any erosion plan revocation, stop work order or cease and desist order shall remain in effect unless retracted by the Building Inspector or of a Court of competent jurisdiction;
 - e) The Building Inspector is authorized to refer any violation of this Article, or of a stop work order or cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- 2) Upon issuance of a stop work order, the only permissible activity on the project shall be actions to bring the project into compliance with the approved plan following the specifications and schedule set forth by the Building Inspector, or actions to assure issuance of an approved erosion control plan until such time as the Building Inspector certifies compliance.

- e) **Injunction.** Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by an action for an injunction by the Village pursuant to Sec. 62.23(8), Wis. Stats. It shall not be necessary for the Village to prosecute for forfeiture pursuant to Section 15-2-9(f) before resorting to injunction proceedings.

- f) **Forfeitures.** Any person violating any of the provisions of this Article shall also be subject to forfeiture, with penalties as provided in Section 1-1-6.

g) **Transfers of Ownership.**

- 1) When a permittee transfers ownership, possession or control of property subject to an uncompleted erosion control plan, the party who is successor in interest to any portion of said real estate shall bear responsibility to control soil erosion on that portion of the real estate under the successor's ownership, possession or control, and shall comply with the standards provided in this Article.
- 2) When ownership, possession or control of property subject to an uncompleted erosion control plan is transferred from one (1) party to another, the former owner shall notify the party taking possession as to the current status of compliance with the approved erosion control plan, also providing a copy of said notice to the Building Inspector, and shall provide a copy of the approved erosion control plan to the purchaser if the soil on the property being transferred has not been stabilized prior to the date of transfer.

- 3) Transfers of interest in real estate subject to an approved, uncompleted erosion control plan may be completed consistent with this Article under any of the following circumstances:
- a) The transferee shall file a new, approved erosion control plan;
 - b) The transferee shall obtain an approved assignment from the Village as sub-permittee to complete that portion of the approved erosion control plan for the transferred property; or
 - c) The permittee shall provide the Village with a surety or a cash deposit in an amount sufficient to complete the work proposed in the approved plan. At the time of transfer, the permittee may seek to reduce any prior surety to the amount necessary to complete the remaining work. If the permittee enters into escrow agreements with transferees to complete an approved plan, such escrowed amounts shall be available to the Village to attain plan compliance. When an approved erosion control plan is not completed as proposed, the Building Inspector may obtain the surety to complete remaining work to achieve plan compliance.

Sec. 15-2-10 Appeals

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

Article B: Stormwater Runoff Management

Sec. 15-2-20 Authority

- a) This Article is adopted by the Village Board under the authority granted by Sec. 61.354, Wis. Stats. This Article supersedes any conflicting and contradictory stormwater management regulations previously enacted under Sec. 61.35, Wis. Stats. Except as specifically provided for in Sec. 61.354, Wis. Stats., Sec. 61.35, Wis. Stats., applies to this Article and to any amendments to this Article.
- b) The provisions of this Article shall not limit any other lawful regulatory powers of the Village Board.
- c) The Village Board hereby designates the Building Inspector to administer and enforce the provisions of this Article.
- d) The requirements of this Article do not limit any additional stormwater management requirements that may be imposed by WPDES Storm Water Permits issued by the Wisconsin Department of Natural Resources under Sec. 147.021, Wis. Stats.

Sec. 15-2-21 Findings and Purpose

- a) **Findings of Fact.** The Village Board finds that uncontrolled stormwater runoff from land development activity has a significant impact upon water resources and the health, safety, general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled stormwater runoff can:
 - 1) Degrade physical stream habitat by increasing bank erosion, increasing stream bed scour, diminishing groundwater recharge, and diminishing stream base flows;
 - 2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing loadings of nutrients and other urban pollutants;
 - 3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
 - 4) Reduce the quality of groundwater by increasing pollutant loading;
 - 5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities;
 - 6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;
 - 7) Undermine floodplain management efforts-by increasing the incidence and levels of flooding.
- b) **Purpose.** The general purpose of this Article is to set forth stormwater requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of stormwater from land development activity. Specific purposes are to:
 - 1) Further the maintenance of safe and healthful conditions;
 - 2) Prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish and aquatic life;
 - 3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; prevent conditions that endanger downstream property;

- 4) Control building sites, placement of structures, and land uses, and promote sound economic growth.
- c) **Intent.** It is intent of the Village Board that this Article manage the long-term post-construction stormwater discharges from land development activities. The Village Board recognizes that the preferred method of addressing stormwater management problems is through the preparation of comprehensive stormwater management system plans for sub watershed areas which are designed to meet the purpose and intent of this Article. Where such system plans have been developed and approved by the Village Board, it is the intent that all land development activities, as defined in Section 15-2-23(e), will include stormwater management measures that meet performance standards set forth in those approved plans. Where such stormwater management system plans have not been developed or approved by the Village Board, it is the intent of the Village Board that the generic stormwater management standards set forth in Sections 15-2-26(a) and 15-2-26(b) be applied unless otherwise excepted by the Village Board. This Article shall not apply to lands on which the only structures are buildings existing on the effective date of this Article which are not redeveloped in a manner that increases discharge volume after the effective date of this Article.

Sec. 15-2-22 *General Applicability of Regulations*

This Article applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats.

Sec. 15-2-23 *Definitions*

- a) The following definitions are applicable in this Article:
- 1) **Agricultural Land Activity.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption; pasturing or yarding of livestock; growing and tending of gardens and trees; harvesting of trees.
 - 2) **Business Day.** A day on which the Village offices are routinely and customarily open for business.
 - 3) **Cease and Desist Order.** An order issued by the Building Inspector or by a Court to halt land developing activity that is being conducted without the required permit.
 - 4) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
 - 5) **Common Plan of Development on Sale.** All lands within the boundary of a certified survey or plat created for the purpose of development or sale of property where multiple, separate and distinct land developing activity may take place at different times and on different schedules.
 - 6) **Control Plan.** Plan containing the necessary calculations and design implementation procedures to assure the requirements of this Article will be met.
 - 7) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total rainfall depth.
 - 8) **Discharge Volume.** The quantity of runoff discharged from the land surface as the result of a rainfall event.
 - 9) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - 10) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantee submitted to the Village by the permit

holder to assure that requirements of this Article are carried out in compliance with the Stormwater management plan.

- 11) **Gross Aggregate Area.** The total area, in acres, of all land located within the property boundary containing the land development activity.
- 12) **Groundwater Enforcement Standard.** A numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.07, Wis. Stats., and NR 140.10, Wis. Adm. Code, or Sec. 160.09, Wis. Stats., NR 140.12, Wis. Adm. Code.
- 13) **Groundwater Preventive Action Limit.** A numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.15, Wis. Stats., and NR 140.10, 140.12 or 140.20, Wis. Adm. Code.
- 14) **Impervious Surface.** A surface that releases the rainfall as surface runoff during a large portion of the design rainfall event. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surfaces.
- 15) **Infiltration.** The process by which rainfall or surface runoff percolates or penetrates into the underlying soil.
- 16) **Land Developing Activity.** The construction or re-development of buildings, roads, parking lots, paved and unpaved areas and similar facilities, but not including agricultural activity.
- 17) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- 18) **Landowner.** Any person holding title to or having any interest in land.
- 19) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
- 20) **Maintenance Agreement.** A legal document that is filed with the County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of Stormwater management practices.
- 21) **Non-Storm Discharge.** A discharge to the storm sewer system created by some process other than Stormwater runoff.
- 22) **Non-Structural Measure.** A practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in Stormwater that does not require the design or installation of fixed Stormwater management facilities.
- 23) **Off-Site.** Located outside the property boundary described in the permit application for land development activity.
- 24) **On-Site.** Located within the property boundary described in the permit application for the land development activity.
- 25) **Other than Residential Development.** Development of the following land uses: commercial; industrial; government and institutional; recreation; transportation, communication and utilities.
- 26) **Peak Flow Discharge Rate.** The maximum rate of flow or surface water at which a unit volume of Stormwater is discharged resulting from a storm event.
- 27) **Pervious Surface.** A surface that infiltrates rainfall during a large portion of the design rainfall event. Well managed lawns, fields and woodlands are examples of pervious surfaces.
- 28) **Post-Construction Stormwater Discharge.** Any Stormwater discharged from a site following the completion of land disturbing construction activity and final site stabilization.

- 29) **Post-Development Condition.** The extent and distribution and land cover types, anticipated to occur under conditions of full development that will influence Stormwater runoff and infiltration.
- 30) **Pre-Development Condition.** The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- 31) **Pre-Treatment.** The treatment of Stormwater prior to its discharge to the primary Stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.
- 32) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- 33) **Site Restriction.** Any physical characteristic which limits the use of a Stormwater best management practice as prescribed in the Wisconsin Storm Water Manual.
- 34) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded. [The ten (10) year storm is a storm with a frequency of ten (10) years and would be equaled or exceeded, on the average, once every ten (10) years. A ten (10) year storm would have a ten percent (10%) probability of being equaled or exceeded in any given year.]
- 35) **Stormwater Drainage System.** All facilities used for the conducting of runoff to, through or from a drainage area to the point of final outlet including, but not limited to, the following: conduits, canals, channels, ditches, streams, culverts, reservoirs, detention ponds, storm sewers and pumping stations.
- 36) **Stormwater Management Plan.** A document that identifies what actions will be taken to reduce Stormwater quantity and pollutant loads from land development activity to levels meeting the purpose and intent of this Article.
- 37) **Stormwater Management System Plan.** A comprehensive plan developed to address Stormwater drainage and non-point source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this Article.
- 38) **Stormwater Runoff.** That portion of the precipitation falling during a rainfall event, or that portion of snow-melt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.
- 39) **Structural Measure.** Source area practices, conveyance measures, and end-of-pipe treatment that are designed to control Stormwater runoff pollutant loads, discharge volumes, and peak flow discharge rates.
- 40) **Wetlands.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include natural, mitigated and restored wetlands.
- 41) **Wetland Functional Value.** The type, quality and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education.
- 42) **WPDES Stormwater Permit.** A permit issued by the Wisconsin Department of Natural Resources under Sec. 147.021, Wis. Stats., that authorizes the point source discharge of Stormwater to waters of the state.

Sec. 15-2-24 *Applicability and Jurisdiction*

- a) **Applicability.** This Article applies to land development activities which meet the applicability criteria specified in this Section. The Article also applies to land development activities that

are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets any of the following applicability criteria, even though multiple, separate and distinct land development activities may take place at different times on different schedules:

- 1) Residential land development with a gross aggregate area of five (5) acres or more;
 - 2) Residential land development with a gross aggregate area of at least three (3) acres, but less than five (5) acres, if there are at least one and one-half (1.5) acres of impervious surfaces;
 - 3) Land development, other than a residential land development, with a gross aggregate area of one and one-half (1.5) acres or more, or any nonresidential land development which creates an impervious area of one-half (.5) acres or more;
 - 4) Land development activity of any size that, in the opinion of the Village Engineer, is likely to result in stormwater runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter or which endangers property or public safety;
 - 5) Land development activity with a gross aggregate area of one-half (.5) acres or more, but less than the area of Subsection (a)(1), (2) or (3) above is subject to payment of fees in lieu of on-site stormwater management practice pursuant to Section 15-2-26(d).
- b) **Jurisdiction.** This Article applies to land development activities within the boundaries of the Village. This Article also applies to all lands located within the extraterritorial plat approval jurisdiction of the Village, even if plat approval or land division is not involved.

Sec. 15-2-25 *Design Criteria Standards and Specifications*

Unless prior authorization is given by the Building Inspector, the following methods shall be used in meeting the requirements of this Article:

- a) **Water Quality Components.** The following methods shall be used in designing components of stormwater structures needed to meet the water quality standards of this Article:
 - 1) Practices shall be designed in accordance with the methods set forth in the latest edition of the Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's as published and amended by the State of Wisconsin Department of Natural Resources.
 - 2) Runoff volumes and peak flow rates used in designing the water quality components of stormwater structures shall be calculated using the "Small Storm Hydrology" method set forth in the latest edition of the Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's as published and amended by the State of Wisconsin Department of Natural Resources.
- b) **Water Quantity Components.** The following methods shall be used in designing components of stormwater structures needed to meet the water quantity standards of this Article.
 - 1) Peak flow reducing components and all other stormwater management structures shall be designed in accordance with standard engineering practice.
 - 2) Runoff volumes and peak flow rates used in designing the water quantity components of storm water structures shall be based on the principles of the document entitled "Urban Hydrology for Small Watersheds" (Technical Release 55: Engineering Division, Soil Conservation Service, United States Department of Agriculture, June 1992)."

Sec. 15-2-26 Stormwater Management Standards

a) **Stormwater Discharge Quantity.** Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the peak flow rates of Stormwater discharged from the site. Infiltration of Stormwater runoff from driveways, sidewalks, rooftops, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows. On-site management practices shall be used to meet the following minimum performance standards:

- 1) The peak flow discharge rates of Stormwater runoff from the development shall not exceed those calculated for the series of design storms specified in Section 15-2-26(a)(2) and pre-development conditions specified in Section 15-2-26(a)(3). Discharge velocities must be non-erosive to discharge locations, outfall channels and receiving streams.
- 2) At a minimum, the two (2) year/twenty-four (24) hour, the ten (10) year/twenty-four (24) hour and twenty-five (25) year/twenty-four (24) hour design storms shall be used in comparing peak flow discharge rates for pre-development and post-development conditions.
- 3) Pre-development conditions for land developing activities shall assume a "good" level of land management. The Natural Resource Conservation Service TR-55 Method shall be used to calculate peak flow discharge rates and runoff volumes for the pre-development condition, for the Village of Adell area. NRCS curve numbers shall not exceed the following:

NRCS Curve Number for Meadow	58
NRCS Curve Number for Woodland	55
NRCS Curve Number for Pasture/Grain	61
NRCS Curve Number for Paved Roadways with Open Ditches*	89
NRCS Curve Number for Commercial/Business Districts*	92
NRCS Curve Number for Industrial Districts*	88
NRCS Curve Number for Residential Districts	75

*For use with re-development projects only.

- 4) Increases or decreases in the hydrology of wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using a methodology acceptable to the Village Engineer and in conformity with NR 103, Wis. Adm. Code. Significant degradation of wetland functional values shall be avoided.

b) **Stormwater Discharge Quality.** Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the quality of Stormwater discharged from the site. On-site management practices shall be used to meet the following minimum standard:

- 1) Stormwater discharges shall be treated to remove, on an average annual basis, a minimum of eighty percent (80%) of the total suspended solids load. To achieve this level of control, Stormwater practices shall be designed to accommodate, at a minimum, the runoff volume resulting from one and one-half (1.5) inches of rainfall.
- 2) Discharge of urban Stormwater pollutants to wetlands shall be minimized. Where such discharges are proposed, the impact of the proposed discharge on wetland functional values shall be assessed using a method acceptable to the Village Engineer and in

conformity with NR 103, Wis. Adm. Code. At a minimum, Stormwater discharges shall be pre-treated prior to discharge to wetlands. Significant degradation of wetland functional values due to Stormwater pollutant loads shall be avoided.

- 3) Stormwater discharges shall be pre-treated prior to infiltration where necessary to prolong maintenance of the infiltration practice and to prevent discharge of Stormwater pollutants at concentrations that will result in exceedance of groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in NR 140, Wis. Adm. Code. Stormwater shall not be injected underground through excavations or openings that would violate NR 812.05, Wis. Adm. Code.
- 4) Stormwater ponds and infiltration devices shall not be located closer to water supply wells than indicated below without first notifying the Building Inspector:
 - a) One hundred (100) feet from a well serving a private water system or a transient, non-community public water system;
 - b) One thousand two hundred (1,200) feet from a well serving a municipal public water system, an other-than municipal water system, or a non-transient non-community public water system;
 - c) The boundary of a recharge area to a wellhead identified in a wellhead area protection plan.
- c) **Exceptions.** The Building Inspector may establish Stormwater management requirements either more stringent or less stringent than those set forth in Sections 15-2-26(a) and (b), provided that at least one (1) of the following conditions applies:
 - 1) The Village Engineer determines that an added level of protection is needed to protect sensitive resources.
 - 2) The Village Engineer determines that the land development activity is covered by an approved stormwater management system plan that contains management requirements consistent with the purpose and intent of this Article.
 - 3) Provisions are made to manage stormwater by an off-site facility, provided that all of the following conditions for the off-site facility are met:
 - a) The facility is in place.
 - b) The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the requirements of this Article.
 - c) The facility has a legally obligated entity responsible for its long-term operation and maintenance.
 - 4) The Village Engineer finds that meeting the minimum on-site management requirements of this Article is infeasible due to space or site restrictions.
- d) **Fee in Lieu of On-Site Stormwater Management Practice.**
 - 1) Where the site meets the size criteria of Section 15-2-24(a)(5), or the Building Inspector otherwise determines that it would be inappropriate to require a site to meet the minimum stormwater management requirements on site pursuant to Section 15-2-26(c), the applicant shall pay a fee to the Village, to be used by the Village exclusively for the cost of land, engineering design, construction and maintenance of stormwater management practices.
 - 2) The fee shall be based upon the differing costs and requirements for managing stormwater arising from residential, commercial or industrial development. Based upon a study by the Village Engineer, the following fees in lieu of on site stormwater management practices are hereby established:

Land Use	Construction Cost Per Acre (\$)	Land Cost per Acre (\$)	Total Cost per Acre *\$)
Residential	890	400	1290
Commercial & Industrial	0640	1010	2650

- 3) The fee shall be adjusted annually as of January 1 of each year by the Building Inspector, utilizing the Consumer Price Index — All Urban Consumers for Small Metro Areas prepared by the United States Department of Labor.
 - 4) All such fees collected shall be placed in a designated fund to be used exclusively for the regional stormwater management practices to be constructed.
- e) **General Consideration for On-Site and Off-Site Stormwater Management Measures.**
The following considerations shall be observed in managing stormwater runoff:
- 1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this Section.
 - 2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

Sec. 15-2-27 Permitting Requirements; Procedures and Fees

- a) Permit Required. No landowner or operator may undertake a land development activity subject to this Article without receiving a permit from the Building Inspector prior to commencing the proposed activity.
- b) **Permit Application and Fee.**
 - 1) Unless specifically excluded by this Article, any landowner or operator desiring a permit shall submit to the Building Inspector a permit application made on a form provided by the Building Inspector for that purpose.
 - 2) Unless otherwise excepted by this Article, a permit application must be accompanied by the following in order that the permit application be considered by the Building Inspector: a stormwater management plan, a maintenance agreement, and a non-refundable permit administration fee.
 - 3) The stormwater management plan shall be prepared to meet the requirements of Section 15-2-28, the maintenance agreement shall be prepared to meet the requirements of Section 15-2-29, and the financial guarantee shall meet the intent of Section 15-2-30.
- c) **Review and Approval of Permit Application.** The Building Inspector shall review any permit application that is submitted with a stormwater management plan, maintenance agreement and the required fee. The following approval procedure shall be used:
 - 1) Within five (5) business days, the Building Inspector shall determine whether the applicant has submitted a complete permit application, including all items required by Section 15-2-27(b)(1). If the materials are incomplete, the Building Inspector shall inform the applicant regarding what additional materials are required.
 - 2) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by Section 15-2-27(b)(1), the Building Inspector shall inform the applicant whether the application, plan and maintenance agreement are approved or

disapproved. The Building Inspector shall base the decision on requirements set forth in Sections 15-2-26, 15-2-28 and 15-2-29.

- 3) If the stormwater permit application, plan and maintenance agreement are approved, or if payment of fees in lieu of stormwater management practices is made when allowed, the Building Inspector shall issue the permit.
 - 4) If the stormwater permit application, plan or maintenance agreement is disapproved, the Building Inspector shall detail in writing the reasons for disapproval.
- d) Permit Conditions. All permits issued under this Article shall be subject to the following conditions, and holders of permits issued under this Article shall be deemed to have accepted these conditions. The Building Inspector may suspend or revoke a permit for violation of a permit condition, following written notification of the permittee. An action by the Building Inspector to suspend or revoke this permit may be appealed in accordance with Section 15-2-33.
- 1) Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state and local laws and regulations.
 - 2) The permit holder shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - 3) The permit holder shall notify the Building Inspector at least two (2) business days before commencing any work in conjunction with the stormwater management plan, and within ten (10) days upon completion of the stormwater management practices. If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the Building Inspector so that practice installations can be inspected during construction.
 - 4) Stormwater management practice installations required as part of this Article shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and this Article. The administering authority shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - 5) The permit holder shall notify the Building Inspector of any significant modifications it intends to make to an approved stormwater management plan. The Building Inspector may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution.
 - 6) The permit holder shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Village, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - 7) The permit holder authorizes the Village to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special charge against the property as authorized under Sec. 66.0627, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-2-30.
 - 8) If so directed by the Building Inspector, the permit holder shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by stormwater runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

- 9) The permit holder shall permit property access to the Building Inspector or designee for the purpose of inspecting the property for compliance or for performing work to bring the property into compliance with the approved stormwater management plan and this permit.
 - 10) Where a stormwater management plan involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Building Inspector may require the permittee to make appropriate legal arrangements with adjacent property owners concerning the prevention of endangerment to property or public safety.
 - 11) The permit holder is subject to the enforcement actions detailed in Section 15-2-31 if the permit holder fails to comply with the terms of this permit.
- e) **Permit Duration.** Permits issued under this Section shall be valid from the date of issuance through the date the Building Inspector notifies the permit holder that all stormwater management practices have passed the required final inspection. If work is not commenced within one hundred eighty (180) days, the permit shall expire. The Building Inspector may attach additional conditions before reissuing a permit.

Sec. 15-2-28 Stormwater Management Plans

- a) **Plan Requirements.** The stormwater management plan required under Section 15-2-27(b) shall contain any information the Village may need to evaluate the environmental characteristics of the area affected by land development activity, the potential impacts of the proposed development upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this Article. Unless specified otherwise by this Article, stormwater management plans shall contain at a minimum the following information:
- 1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - 2) A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat. Include a USGS seven and one-half (7.5) minute topographical map showing the property boundaries of the proposed development.
 - 3) Pre-development site conditions, including:
 - a) One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at the scale not to exceed two (2) feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes from the site; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the one hundred (100) year floodplain; location of wells located within one thousand two hundred

- (1,200) feet of stormwater detention ponds, infiltration basins, or infiltration trenches; delineation of wellhead protection areas delineated pursuant to NR 811.16, Wis. Adm. Code.
- b) Computations of peak flow discharge rates and discharge volumes for the two-(2) year/twenty-four (24) hour, ten- (10) year/twenty-four (24) hour, and twenty-five- (25) year/twenty-four (24) hour design storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- 4) Post-development site conditions, including:
- a) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - b) Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and Village ordinances.
 - c) One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing: revised pervious land use including vegetative cover type and condition; impervious land use including all buildings, structures, and pavement; revised topographic contours of the site at a scale not to exceed two (2) feet; revised drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes; any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 - d) Computation of the runoff volume resulting from the one and one-half (1.5) inch rainfall, and computations of peak flow discharge rates and discharge volumes for the two- (2) year/twenty-four (24) hours, ten- (10) year/twenty-four (24) hours and twenty-five- (25) year/twenty-four (24) hours storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - e) Results of investigations of soils and groundwater required for the placement and design of Stormwater management measures.
 - f) Results of impact assessments on wetland functional values.
 - g) Design computations and all applicable assumptions for the Stormwater conveyance (open channel, closed pipe) system.
 - h) Design computations and all applicable assumptions for Stormwater quality practices (sedimentation type, filtration-type, infiltration-type) as needed to show that practices are appropriately sized to accommodate runoff from the one and one-half (1.5) inch rainfall. For practice designs that depart from those specified in the "Wisconsin Storm Water Manual, Part 2," the results of continuous simulation modeling, conducted

according to the guidelines established in this manual, shall be presented in such a way as to show the reduction in average annual total suspended solids loading from the developed site.

- i) Detailed drawings including cross-sections and profiles of all permanent Stormwater conveyance and treatment practices.
- 5) A Stormwater practice installation schedule.
- 6) A maintenance plan developed for the life of each Stormwater management practice including the required maintenance activities and maintenance activity schedule.
- 7) Cost estimates for the construction, operation, and maintenance of each Stormwater management practice.
- 8) Other information as needed by the Building Inspector to determine compliance of the proposed Stormwater management measures with the provisions of this Article.
- 9) All site investigations, plans, designs, computations, and drawings shall be certified by a competent engineer, to be prepared in accordance with accepted engineering practice and in accordance with The Wisconsin Storm Water Manual, Part Two: *Technical Design Guidelines for Storm Water BMP's* (latest edition).
- b) Exceptions. The Building Inspector may prescribe alternative submittal requirements for applicants seeking an exemption to on-site Stormwater management performance standards under Section 15-2-26(c).

Sec. 15-2-29 *Maintenance Agreement*

- a) **Maintenance Agreement Required.** The maintenance agreement required for Stormwater management practices under Section 15-2-27(b) shall be an agreement between the Village and the permittee to provide for maintenance of Stormwater practices beyond the duration period of this permit. The agreement shall be recorded with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.
- b) **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions:
 - 1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - 2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan.
 - 3) Identification of the landowner(s), organization or municipality responsible for long-term maintenance of the stormwater management practices.
 - 4) The landowner(s), organization, or municipality shall maintain stormwater management practices in accordance with the schedule included in the agreement.
 - 5) The Village is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - 6) The Village shall maintain public records of the results of the site inspections, shall inform the party responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - 7) That if the Village notifies the party responsible for maintenance of the stormwater management system of maintenance problems which require correction, the specified

corrective actions shall be taken within a reasonable time frame as set by the Building Inspector.

- 8) The Village is authorized to perform the corrected actions identified in the inspection report if the party responsible for maintenance does not make the required corrections in the specified time period. The Village Clerk-Treasurer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Sec. 66.0627, Wis. Stats.

Sec. 15-2-30 *Financial Guarantee*

- a) **Establishment of the Guarantee.** The Village may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Attorney. The financial guarantee shall be in an amount determined by the Building Inspector, to be the estimated cost of construction and the estimated cost of maintenance during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village the authorization to use the funds to complete the project if the landowner defaults or does not properly implement the approved stormwater management plan.
- b) **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
 - 1) The Building Inspector shall release the portion of the financial guarantee established to assure installation of stormwater practices, minus any costs incurred by the Village to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Building Inspector may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - 2) The Building Inspector shall release the portion of the financial security established to assure maintenance of stormwater practices, minus any costs incurred by the Village, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Sec. 15-2-31 *Enforcement and Penalties*

- a) Any land development activity initiated after the effective date of this Article by any person, firm, association, or corporation subject to the Article provisions shall be deemed a violation unless conducted in accordance with said provisions.
- b) The Building Inspector shall notify the responsible owner or operator by certified or registered mail of any non-complying land development activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- c) Upon receipt of written notification from the Building Inspector, the permit holder shall correct work which does not comply with the stormwater management plan or other provisions of this permit. The permit holder shall make corrections as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice. The permit holder shall initiate such corrective action within twenty-four (24) hours of notification by the Village.
- d) If the violations to this Article are likely to result in damage to properties, public facilities or waters of the state, the Building Inspector or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village, plus interest and legal costs, shall be billed to the owner of title of the property, and if not

paid, shall be entered on the tax rolls and collected as a special charge pursuant to Sec. 66.0627, Wis. Stats.

- e) The Building Inspector is authorized to post a stop work order on all land development activity in violation of this Article, or to request the Village Attorney to obtain a cease and desist order.
- f) The Building Inspector may revoke a permit issued under this Article for non-compliance with Article provisions.
- g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Building Inspector or by a Court of competent jurisdiction.
- h) The Building Inspector is authorized to refer any violation of this Article, or of a stop work order or cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- i) Any person, firm, association, or corporation who does not comply with the provisions of this Article shall be subject to forfeiture as specified in Section 1-1-6.
- j) Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by injunction order at the suit of the Village pursuant to Sec. 62.23(8), Wis. Stats. It shall not be necessary to prosecute for forfeiture before resorting to injunction proceedings.
- k) When the Building Inspector determines that the holder of a permit issued pursuant to this Article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Building Inspector or a party designated by the Building Inspector may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Building Inspector shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guarantee posted pursuant to Section 15-2-30. Where such a guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property pursuant to Sec. 66.0627, Wis. Stats., and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 15-2-32 Appeals

- a) **Board of Appeals.** The Board of Appeals, created under Section 13-1-260, pursuant to Sec. 62.23(7) (e), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in administering this Article. The Board of Appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals.
- b) **Variations.** The Board of Appeals may authorize variations from the provisions of this Article which are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Article will result in unnecessary hardship.

Sec. 15-2-33 Severability

If any section, clause, provision or portion of this Article is judged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Article shall remain in force and not be affected by such judgment.

Article C: Fees

Sec. 15-2-40 Fees

- a) **Fees for Erosion Control Plans.** Each applicant desiring to undertake a regulated activity subject to this Chapter shall submit to the Building Inspector a fee required by the following fee schedule:
- 1) **Simplified Plan Checklists.** One Hundred Dollars (\$100.00)
 - 2) **Sites Larger Than Twenty Thousand (20,000) Square Feet in Area and Two (2) Acres or Less in Area.** One Hundred Fifty Dollars (\$150.00)
 - 3) **Sites Larger Than Two (2) Acres in Area and Five (5) Acres or Less in Area.** Two Hundred Fifty Dollars (\$250.00)
 - 4) **Sites Larger Than Five (5) Acres in Area.** The applicant shall be responsible for paying a fee equal to the actual cost to the Village for all engineering work and inspections incurred by the Village in connection with review of the erosion control plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay an estimated fee of Five Hundred Dollars (\$500.00). Following review of the plan, the Village Engineer shall estimate the total cost of the Engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the Five Hundred Dollars (\$500.00) deposited with the application, the Building Inspector shall require the applicant to deposit with the Village Clerk-Treasurer, in escrow, the remaining sum required by the Village Engineer's estimate.
- b) **Fees for Stormwater Management Plans.** Each applicant desiring an activity regulated by Title 15, Chapter 5, Article B, shall submit to the Building Inspector a fee required by the following schedule:
- 1) **Stormwater Management Plan without detention plan.** Twenty-five Dollars (\$25.00)
 - 2) **Stormwater Management Plan with detention plan.** Fifty Dollars (\$50.00)
- c) **Payment; Accountability.** The Village Clerk-Treasurer shall pay bills submitted for engineering and inspection out of the funds escrowed under Section 15-2-40(a)(4). In the event the amount deposited with the Village Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Building Inspector shall require the permittee to replenish the escrow to the original amount required hereunder. Upon final acceptance of implementation of the erosion control plan, the amounts remaining in the escrow shall be refunded to the applicant. An accounting of all fees paid by the Village and the status of the escrow shall be provided to the permittee at least quarterly. In the event the applicant or permittee defaults in establishing or replenishing the escrow, the Village may take enforcement action as contemplated under Section 15-2-9.

Chapter 3: Historic Preservation

Sec. 15-3-1 Declaration of Public Policy and Property

The Village Board hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

- a) Safeguard the cultural resources of the Village of Adell by preserving sites, structures, landmarks and districts which reflect elements of the Village's cultural, social, economic, political, visual or architectural history.
- b) Protect and enhance the Village's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- c) Foster civic pride in the beauty and notable achievements of the past.
- d) Enhance the visual and aesthetic character, diversity and interest of the Village.
- e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the Village with respect to the cultural, civic, architectural and historic heritage of the Village.

Sec. 15-3-2 Definitions

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- a) **Committee.** The Historic Preservation Committee created hereunder, which for purposes of this Chapter shall be the Plan Commission.
- b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the Village, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- c) **Historic District.** An area of the Village which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the Village zoning map.
- d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Village Board; this includes prehistoric aboriginal sites.
- e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
- f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the Village.

Sec. 15-3-3 Power and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts

- a) **Composition.**
 - 1) Unless a Historic Preservation Committee is created by the Village Board, the Plan Commission shall serve in that capacity for purposes of this Chapter.

- 2) In the event the Village Board decides not to have the Plan Commission serve in this capacity, the Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Committee will act in an advisory capacity to the Village Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village.
 - 3) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a) Active interest in the historic preservation of the Village of Adell.
 - b) Knowledge of the history of the Village and its environs.
 - c) Expertise and knowledge concerning architecture and archeology.
 - d) Ability to utilize authoritative resources concerning historic preservation.
 - 4) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new appointment or reappointment shall be made by the Village Board for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.
 - 5) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - 6) The Historic Preservation Committee shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
 - 7) The Village Board and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- b) **Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-3-4 below.
 - c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
 - d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
 - e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof.

- f) **Assistance with Other Registrations.** The Historic Preservation Committee shall provide encouragement; information and assistance to owners of Village designated historic properties that show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
- g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.
- h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.
- i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

Sec. 15-3-4 *Criteria for Determining Eligibility*

In determining the eligibility of any area, site, place, building, structure or district within the Village as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- a) Its character, interest or value as a part of the history or cultural heritage of the Village, State or United States.
- b) Its association with the persons or events which have made a significant contribution to the cultural heritage.
- c) It's potential to yield information important in history or prehistory.
- d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the Village.

Sec. 15-3-5 *Register of Historic Sites, Structures, Landmarks and Districts*

The Village of Adell shall maintain a register of historic sites, structures, landmarks and districts.

Sec. 15-3-6 *External Alteration of Designated Property*

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in The Secretary of the Interior's Standards for Rehabilitation.

Sec. 15-3-7 *Transfer of Historically Designated Property*

- a) The Village Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.
- b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

Sec. 15-3-8 *Review of Permits*

- a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Village Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Village Board concerning the proposed permit.
- b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Village Board within thirty (30) days. The Village Board will vote to decide if the permit will be issued or denied.
- c) The Village Board, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Village Board shall consider the following factors.
 - 1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - 2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- d) The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

Sec. 15-3-9 *Designation of Repository for Documents*

The Village of Adell Municipal Building is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.

Chapter 4: Minimum Property Maintenance Code

Sec. 15-4-1 Minimum Property Maintenance Standards

- a) **Policy.** There exist in the Village of Adell, 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 area conditions and, if such conditions are not curtailed and 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 values of the neighborhoods in the Village.
- b) **Purpose.** The purpose of this Chapter 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 Chapter is meant to be remedial and this Section be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.

Sec. 15-4-2 Definitions

For purposes of this Chapter, 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 (including a slum 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 morality, 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 or intended to be used for living 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 Adell 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.
- 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 Chapter and of rules and regulations adapted 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 nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- n) **Rubbish.** Nonputrescible solid wastes (excluding ashes) consisting or 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.

Sec. 15-4-3 *Prohibition*

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 blighted appearance on the property or which constitutes a nuisance.

Sec. 15-4-4 *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 the particular requirements of the following Subsections.
- b) **Foundations, Exterior Walls and Roofs.** No person shall be an owner or occupant of any premises which does not comply with the following requirement:
 - 1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board of 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.

- 3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks 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.
- c) **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.
- d) **Accessory Structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or 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.
- e) **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); and
 - 4) Maintain the yard and accessory structures such that they comply with Subsections (c) and (d).
- f) **Nuisances.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

Sec. 15-4-5 *Notice and Remedy*

- a) Upon determination by the Village Building Inspector of a violation of this Chapter, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
- b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served 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 thirty (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 Village Building Inspector shall file an action in the name of the Village in the Circuit Court for Sheboygan County, Wisconsin, in accordance with the provisions of Chapter 823, Wis. Stats., as amended from time to time.

Sec. 15-4-6 *Other Methods Not Excluded*

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

Sec. 15-4-7 *Cost of Abatement*

In addition to any other penalty imposed by this Chapter for the 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.

Chapter 5: Commercial Property Exterior Maintenance Code

Sec. 15-5-1 Title

This Chapter shall be known as the Village of Adell Commercial Property Exterior Maintenance Code.

Sec. 15-5-2 Intent

- a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village 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. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 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 premises shall be properly graded to divert water away from any building or structure.
 - 2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefore as a special 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 garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - 4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to 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 premises), 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 insure that it safely and properly removes the products of combustion from the building.
- 8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weather-tight, watertight, and rodent-proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- 9) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- 10) **Removal of Debris.**
 - a) No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
 - b) No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c) All land filling operations shall be leveled off to permit the mowing of 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.

Sec. 15-5-4 *Fixing Responsibility of Owners, Operators and Occupants*

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

Sec. 15-5-5 *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 provision of this Chapter or of any rule or regulation adopted

pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore and commence an enforcement action pursuant to Chapter 4 of this Title.