

## CHAPTER 14

### BUILDING CODE

		Page
14.01	Building Inspector	2
14.02	Building Permits and Inspection	2
14.03	Electrical Permits and Inspection	3
14.04	Plumbing and Inspection	4
14.05	Issuance of Permits	4
14.06	Flammable Liquids	5
14.07	Unsafe Buildings	5
14.08	State Fire Code Application	5
14.09	One-And Two-Family Dwelling Code	5
14.10	Fences	9
14.11	Outdoor Swimming Pool Regulation	11
14.12	Outdoor Burning Furnaces	13
14.15	Penalty	13

**14.01 BUILDING INSPECTOR.** The Building Inspector shall enforce this chapter and all other ordinances, laws and orders of the State which relate to building construction, plumbing and electrical installations and for these purposes he shall have the right at all reasonable times to enter buildings and premises. With the consent of the City Council he may appoint one or more city employees or officials as deputy building inspectors, and may delegate to them the powers and duties above; but such appointment shall not carry with it any increase in salary or wages.

**14.02 BUILDING PERMITS AND INSPECTION.** (1) **PERMIT REQUIRED.** No building or any part thereof shall be erected or ground broken for the same, within the City, except as hereinafter provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector. "Building" as used in this section includes any building or structure and any enlargement, alteration, improvement, heating, ventilation or refrigeration installation, insulating, siding or roofing, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.

(2) **APPLICATION.** An application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land, and also of the owner of the building, if different, and the legal description of the land upon which the building is to be located, and shall contain such other information as the Building Inspector shall require.

(3) **PLANS.** With such application there shall be submitted one complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to the adjoining streets, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the State Department of Commerce. All other plans and specifications shall be signed by the designer. The Building Inspector shall verify whether state-approved plans are required.

(4) **WAIVER OF PLANS.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$500.

(5) **APPROVAL OF PLANS.** If the Building Inspector determines that the proposed building will comply with all ordinances of the City and all applicable laws and orders of the State, he shall officially approve and stamp the set of plans and return it to the owner, and shall issue a building permit therefor 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 and orders, or

which involves the safety of the building or occupants, except with the written consent of the Building Inspector. If adequate plans are presented for part of the building only, the Building Inspector may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building.

(6) MINOR REPAIRS. The Building Inspector may authorize minor repairs or alterations valued at less than \$500 which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued, except where a building permit is required under Sections 14.03(2) and 14.04(2).

(7) FEES. Fees for building permits shall be as set from time to time by the City Council and a copy of such fees shall be on file in the offices of the Administrator and Building Inspector.

(8) INSPECTION OF BUILDINGS. The Building Inspector shall inspect the buildings from time to time during construction and after completion. He shall be notified of completion and make a final inspection of all buildings and alterations.

(9) WAITING PERIOD. No construction may begin until the building inspector has approved and signed the building permit.

(10) ROOFS. No permit shall be required for roof replacement or repair valued at less than \$500.00.

(11) DRAIN TILE. Three inch drain tile shall be installed on the outside of basement footings.

**14.03 ELECTRICAL PERMITS AND INSPECTION.** (1) STATE CODE APPLIES. All electrical work, including the placing of wires and other equipment, shall conform to the State Electrical Code, Comm 16, Wis. Adm. Code, which is adopted by reference as part of this section. A copy of such code shall be kept on file in the office of the Building Inspector.

(2) PERMIT. No electrical wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviation from such plan shall be submitted to and approved by the Building Inspector.

(3) 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 inspect the same in a timely manner. Upon completion of such wiring, the Inspector shall be notified and shall inspect finished work.

**14.04 PLUMBING AND INSPECTION.** (1) STATE CODE APPLIES. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the State Plumbing Code, Chapters Comm 82-87, Wis. Adm. Code, which is adopted by reference as a part of this section. A copy of such code shall be kept on file in the office of the Building Inspector.

(2) PERMIT. No plumbing or drainage shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefor from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.

(3) PLUMBER'S REPORTS. All plumbers shall make a full and complete report of the plumbing fixtures, such as water closets, bathtubs, general faucets, lawn sprinklers, etc., to the Director of Public Works within 2 days after the completion of such work.

(4) INSPECTION OF WORK. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up and the Building Inspector shall inspect the work in a timely manner.

**14.05 ISSUANCE OF PERMITS.** (1) PAYMENT OF FEES. All fees shall be paid to the Administrator.

(2) PERMIT LAPSES. A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within 6 months from the date of issuance thereof.

(3) REVOCATION. If the Building Inspector shall find at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, no further work thereunder shall be done until the permit is reissued, except such work as the Building Inspector

may order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety.

(4) **REPORT OF VIOLATIONS.** All police officers shall report at once to the Building Inspector any building, electrical or plumbing work which is being carried on without a permit as required by this chapter.

(5) **RECORDS.** The Building Inspector shall keep a record of all permits, fees and inspections under this chapter and shall make an annual report thereon to the City Council.

**14.06 FLAMMABLE LIQUIDS.** The State Flammable and Combustible Liquids Code (Comm 10, Wis. Adm. Code), is adopted as part of this chapter and the Building Inspector shall enforce the provisions thereof.

**14.07 UNSAFE BUILDINGS.** Whenever the Building Inspector finds any building or part thereof within the City to be, in his judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove 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 Section 66.0413, Wis. Stats. If the cost of repairs would exceed 50% of the assessed value to the recommended value as last published by the State Supervisor of Assessments for the City, such repairs shall be presumed unreasonable.

**14.08 STATE FIRE CODE APPLICATION.** [#357 1/23/90] Every building hereafter erected, enlarged or moved within the limits of the City of Kiel shall comply in its construction with the requirements of the State Fire Code, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code of the State of Wisconsin. The standards applied to buildings hereby shall be the same as those standards established for the City under Section 5.01(1) which specifically refers to and incorporates the "State Code" with respect to fire prevention.

**14.09 ONE AND TWO FAMILY DWELLING CODE.** (1) **TITLE.** This section shall be known as the One and Two Family Dwelling Code of the City.

(2) **PURPOSE.** The purpose and intent of this section is to:

(a) Exercise jurisdiction over the construction and inspection of new one and 2 family dwellings and additions to existing one and 2 family dwellings.

(b) Provide plan review and on site inspections of one and 2 family

dwellings by inspectors certified by the Department of Commerce.

(c) Establish and collect fees to defray administrative and enforcement costs.

(d) Establish remedies and penalties for violations.

(e) Establish use of the Wisconsin Uniform Building Permit as prescribed by the Department of Commerce.

(3) STATE UNIFORM DWELLING CODE ADOPTED. The Administrative Code provisions describing and defining regulations with respect to one and two family dwellings, currently set forth in Chapters Comm 20-25, Wis. Adm. Code, which were adopted effective June 1, 1980, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this section to secure uniform Statewide regulation of one and 2 family dwellings. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Building Inspector's office.

(4) DEFINITIONS. The following terms shall have the meaning indicated.

(a) Addition. New construction performed on a dwelling which increases the outside dimensions of the dwelling.

(b) Alteration. Substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

(c) Department. The Department of Commerce.

(d) Dwelling. 1. Any building, the initial construction of which is commenced on or after May 9, 1980, which contains one or 2 dwelling units.

2. An existing structure, or that part of an existing structure, which is used or intended to be used as a one or 2 family dwelling.

(e) Minor Repair. Repair performed for maintenance or replacement purposes on any existing one or 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, that being less than \$500 in

materials and labor, except where a building permit is required under Section 14.03(2) and 14.04(2).

(f) One or Two Family Dwelling. A building structure which contains one or two separate households intended to be used as a home, residence or sleeping place by an individual or by 2 or more individuals maintaining a common household, to the exclusion of all others.

(g) Person. An individual, partnership, firm, company or corporation.

(h) 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.

Comm 20 - Administration and Enforcement.

Comm 21 - Construction Standards.

Comm 22 - Energy Conservation Standards.

Comm 23 - Heating, Ventilating and Air Conditioning Standards.

Comm 24 - Electrical Standards.

Comm 25 - Plumbing and Potable Water Standards.

(5) BUILDING INSPECTOR. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified in the Wisconsin Administrative Code and by the Department of Health and Family Services in the category of plumbing.

(a) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Council. Any subordinate hired to inspect buildings shall be certified for inspection purposes by the Department as set forth in the Wisconsin Administrative Code.

(b) Duties. The Building Inspector shall administer and enforce all provisions of this section and the Uniform Dwelling Code.

(c) Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while

in the performance of his duties.

(d) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one and two family dwellings shall be kept. The Building Inspector shall make a written annual report to the Council relative to these matters.

(6) BUILDING PERMITS. (a) Required. No one or two family dwelling of which initial construction shall be commenced after May 9, 1980, shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form designated as the Wisconsin Uniform Dwelling Permit Application furnished by the Department of Commerce.

(b) Repairs and Additions Requiring Permit. No addition, alteration or repair to an existing one or 2 family dwelling not deemed minor repair by the Building Inspector, that being less than \$500 in materials and labor, shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Inspector. However, no addition, alteration or repair shall be undertaken even if less than \$500 in materials and labor if Section 14.03(2) and 14.04(2) require that a building permit be obtained.

(c) Submission of Plans. The applicant shall submit 3 sets of plans for all new, or repairs or additions to existing, one or 2 family dwellings at the time that the building permit application is filed.

(d) Issuance of Permits. If the Building Inspector finds that the proposed building or repair or addition complies with all City ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Administrator.

(e) Drain Tile Required. A 3" drain tile shall be required around the outside of the foundation of a new one or 2 family dwelling.

(7) FEES FOR BUILDING PERMITS AND INSPECTIONS. At the time the application for a building permit is filed, the applicant shall pay the fees prescribed by the City Council from time to time and on file in the offices of the



Administrator and Building Inspector.

(8) VIOLATION AND PENALTIES. (a) No person shall erect, use, occupy or maintain any one or 2 family dwelling in violation of any provision of this section or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture as provided in Section 25.04 of this Municipal Code.

(b) If an inspection reveals a noncompliance with this section or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Section Comm 20.10(1)(c), Wis. Adm. Code.

(c) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his 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.

(d) Each day a violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this section shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this section or the Uniform Dwelling Code.

(e) If any construction or work governed by the provisions of this section or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

(9) APPEAL. Any person aggrieved by an order or determination of the Building Inspector may appeal as provided in Chapter 24 of this Municipal Code.

(10) LIABILITY FOR DAMAGES. This section shall not be construed as an assumption of liability by the City for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

#### **14.10 FENCES.**

(1) A building permit shall be required for the construction of a fence of any value, a \$10 charge or fee for the building permit if the cost of the fence is less than \$500.00. The property owner is responsible to provide verification of the lot lines, prior to beginning construction.

- (2) A. All fences, other than decorative or ornamental fences, shall be set back from the front lot line a minimum of 25' and all fences should be at least 2' off the side and back-lines. No fence shall exceed 6' in height.
- B. Fences may not be placed on a berm or retaining wall, or similarly constructed so as to raise the fence height more than 6' above the final average lot elevation.
- C. Within residential districts, the finish side of any fence shall be oriented towards the adjacent property.

(3) Any fencing that is determined to be decorative or ornamental will not be subject to the set back requirements, provided the fence does not exceed 42" in height and does not obstruct the view for vehicular traffic.

(4) A decorative or ornamental fence shall be defined as a fence which is determined by the building inspector and the director of public works to be a fence whose only purpose is to decorate, accent or frame a feature of the landscape. Such decorative or ornamental fence may be used to identify a lot corner or lot line, frame a driveway, walkway or planting bed. A decorative or ornamental fence is a fence that has more than 50% of its surface area open for free passage of light and air and may be constructed of picket, rail or wrought iron type or similar material. Cyclone fences will not be considered decorative or ornamental fencing and shall be subject to the set back restrictions contained herein.

(5) All fences constructed hereafter shall be reasonably attractive and shall be required to be maintained as to the original appearance at the time of initial installation. If, at the time of application for a building permit to construct a fence the building inspector determines that a fence is not reasonably attractive, the building inspector may deny the building permit for the construction of such fence. Within residential districts, the finish side of any fence shall be oriented towards the adjacent property.

(6) Any retaining wall at the front of a property or used as a fence will require approval of the building inspector and the director of public works.

(7) A permit for decorative or ornamental fencing that will not be subject to the set back requirements shall be submitted to the building inspector for issuance of the building permit but in any event shall be additionally submitted to the Chief of Police for a determination as to whether the proposed fence may obstruct the view for vehicular traffic; in the event that the Police Chief proposes that the proposed decorative or ornamental fence may obstruct the view for vehicular traffic, the building inspector on the recommendation of the

Police Chief, shall deny the building permit but provide for modification to avoid the issue of obstruction of the view for vehicular traffic.

#### **14.11 OUTDOOR SWIMMING POOL REGULATION**

- 1) **PERMIT REQUIRED.** No construction or installation of an outdoor swimming pool, or alteration, enlargement, or replacement of an existing swimming pool, which means an out-of-doors pool used for swimming purposes only, shall begin unless a permit therefor has been obtained and the fee of \$25.00 therefor has been paid. The application for such a permit shall be accompanied by a site plan showing the size, location, and description of the property. No permit shall be required for construction of a wading pool, which is a pool used principally for non-swimming children.
  
- 2) **SETBACK AND STRUCTURAL REQUIREMENTS.**
  - a. **Setbacks.** Permanent above- or in-ground pools shall maintain a minimum rear and side yard setback of three (3) feet from adjoining property. In determining this setback for above-ground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool.
  - b. **Fencing.** All fences under this subsection shall be constructed in such a manner as to comply with the requirements of Section 14.10, or variance therefrom, and the requirements of this subsection. These fences shall also comply with the following standards:
    - i. The fence must be able to withstand one hundred (100) pounds force in any direction.
    - ii. The fence shall be constructed and designed so as to prevent penetration of an object greater than four (4) inches in diameter.
    - iii. All such fences shall be constructed with a latch door or gate at least thirty (30) inches above ground, which complies with all other height and structural requirements of this section, which shall be latched when not in use in such a way that it cannot be opened from the outside.
  - c. **Safety Pool Cover.** For the purposes of this section, a swimming pool cover providing a degree of protection equivalent to that of the fencing described in this section may be used in lieu of fencing. Such pool covers shall also comply with the following standards:
    - i. The swimming pool cover must meet all performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard ASTM F1346-91.
    - ii. The swimming pool cover shall be completely drawn so as to cover the entire pool and must be fixed securely in place at all times when the pool is not in actual use and shall provide

a continuous connection between the cover and the deck, so as to prohibit access to the pool when the pool is not in actual use.

- d. Permanent In-Ground Pools. Permanent in-ground pools, subject to Section 14.10 of this Code, shall be surrounded by a free-standing fence not less than forty-two (42) inches from the ground level with the fencing also to be in compliance with Section 14.11(2)(b) or equipped with an ASTM F1346-91 compliant pool cover with the pool cover also to be in compliance with Section 14.11(2)(c). The fence and/or pool cover must be able to withstand one hundred (100) pounds of force in any direction.
- e. Above-Ground Pools. Above-ground pools with walls that are at least forty-two (42) inches high at all points around said pool or have platforms and railings which are forty-two (42) inches or more in height above the ground are not required to be enclosed as provided in Subsections (2)(b), (2)(c), and (2)(d) but the ladders and stairways providing access to said pools shall be adequately secured so that children cannot stray into the pool whenever the pool is not in use.
- f. Portable Pools. Portable pools over one (1) foot deep shall be drained, fenced, or covered in such a manner as to provide public safety after each day's use.
- g. Conforming Present Pools to Code. Any fence or swimming pool cover which exists prior to the effective date of this section, but which does not conform to the requirements of those sections, shall not be altered, enlarged, or replaced without making the entire structure conform with the provisions of this section and any other applicable City ordinances. The Mayor shall appoint a Swimming Pool Inspection Committee whose task it shall be to inspect all outdoor residential swimming pools in the City. Said Committee shall report on its inspection to the Mayor and Common Council and recommend to them which pools not complying with the standards established in this section should be grandfathered and in what respects. The Plan Commission shall then review said recommendations and recommend their acceptance or rejection to the Common Council, which shall thereafter, after a public hearing on the subject, decide the terms of the grandfathering for each pool referred to in the said recommendations.

### 3) OPERATION OF RESIDENTIAL SWIMMING POOLS.

#### a. Definitions.

- i. Residential Swimming Pool. A residential swimming pool is a swimming pool constructed appurtenant to a dwelling and used or intended to be used solely by the owner or lessee

thereof and his or her family and friends for recreation without financial gain.

- ii. **Public Swimming Pool.** A public swimming pool is an outdoor or indoor pool that is entirely man-made, excepting those serving less than 3 individual residential quarters such as homes or apartments. Public pools include those serving or installed for the State or any political subdivision thereof, including school districts; those serving or installed at motels, hotels, resorts, camps, clubs, associations, housing developments, schools, religious, charitable, or youth organizations; institutions or similar establishments. Included are buildings, equipment and appurtenances, whether or not a fee is charged for the use thereof.
- b. **Public Swimming Pools Prohibited in Residential Areas.** No person shall operate a public swimming pool on any premises zoned residential. The operation of a public swimming pool on residential premises is a public nuisance.
- c. **Interference With Enjoyment of Property Rights Prohibited.** No residential swimming pool shall be located, designed, operated, or maintained so as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool or located in the neighborhood.
- d. **Shielding Lights.** Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

#### **14.12 OUTDOOR BURNING FURNACES.**

1. **Description:** Includes an accessory structure or appliance designed for a location ordinarily outside the principal structure and used to transfer or provide heat via liquid or other means, by burning wood or other solid fuels, for heating any principal or accessory structure on the premises. Does not include fire pits, barbecues, fryers or chimneys.

2. Outdoor Burning Furnaces are prohibited in all districts.

**14.15 PENALTY.** Except as otherwise provided, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.