

CHAPTER 14

BUILDING CODE

(CHAPTER AMENDED 9/15/16) BUILDING CODE PROVISIONS

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14.01 **AUTHORITY AND PURPOSE** In accordance with the authority granted by §, Wis. Stats., the Village ordains this chapter. The provisions of the chapter shall be held to be minimum requirements adopted to promote the health, safety, comfort, prosperity and general welfare of the Village.

14.02 **PERMITS REQUIRED**

(1) GENERAL PERMIT REQUIREMENT. No Building, plumbing, electrical or heating, ventilation or air conditioning ("H.V.A.C.") work shall be performed in the Village unless a permit therefore is obtained as required herein per building permit fee schedule. Fee schedule is subject to review by the Village Board. See 14.03(7).

(2) PAYMENT OF FEES. Fees shall be paid to the Village Clerk/Treasurer and receipt shall be presented to the Building Inspector before the Inspector or his designee shall issue to the owner or his agent a building, electrical, plumbing or H.V.A.C. permit.

(3) PERMIT LAPSES. A Building, electrical, plumbing or H.V.A.C. permit shall be valid for a period of one year from date of issuance and shall lapse and be void unless operations under the permit are commenced within 6 months of such date or if work under the permit ceases for a period of 6 months.

(4) REVOCATION. If the Building Inspector finds that the above mentioned 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, plumbing or H.V.A.C. permit by written notice posted at the site of the work. When any such permit is revoked, no further work shall be done until the permit is reissued, excepting 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 of property.

(5) 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 herein.

(6) RECORDS. The Building Inspector and/or designee shall keep a record of all permits, fees and inspections and shall make a report upon request to the Village Board.

14.03 **BUILDING PERMITS AND INSPECTIONS.**

(1) PERMIT REQUIRED. No building or any part thereof shall be erected within the Village or ground broken for the same, except as hereinafter provided, until a permit therefore shall first have been obtained from the Building Inspector or his designee by the owner or his authorized agent. The term "building" as used in this section shall include any building or structure and any enlargement, alteration, heating or ventilating installation, moving or demolishing or anything affecting the fire hazards or safety of any building or structure.

(2) APPLICATION. Application for building permit shall be made in writing upon a form furnished by the Building Inspector or his 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 and such other information as the Building Inspector may require for effective enforcement of this section.

(2) (a) APPLICATION-NON STRUCTURAL ALTERATION PERMITS. Application for permits required for windows, siding, doors, shingles etc., which cause no structural changes of the existing structure, may be obtained from the Clerk during business hours. Upon completed receipt of the application the Clerk shall issue all required permits subject to final approval of the Building Inspector.

(3) PLANS. With such application there shall be submitted 2 complete sets of plans and specifications, including a plot plan showing as a minimum the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings; proposed grade of the proposed building to Village datum; grade of lot and of road opposite lot; and grade and setback of adjacent buildings and if a adjacent lot is vacant, submit elevation of nearest building on the same side of the road. Plans for buildings required to comply with the State Building Codes. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided and the other set shall remain on file in the office of the Clerk. All plans and specifications shall be signed by the designer.

(4) WAIVER OF PLANS. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may recommend to the Village Board to waive the filing of plans for alterations, repairs or moving.

(5) APPROVAL OF PLANS. If the Building Inspector determines that the proposed building complies with all ordinances of the Village and all applicable laws and orders of the State, he shall officially approve and stamp one set of the plans and return it to the owner and shall issue a building permit therefore 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.

(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 issuing a permit.

(7) FEES. The fees for building, electrical and plumbing permits shall be as set by the Village Board. The fee schedule pertaining to this code chapter 14 and code chapter 15 is as follows:

BUILDING PERMIT FEES
(Revised Fees Effective 09-15-16)

New 1 Family Dwelling (includes all inspections)	\$500.00
New 2 Family Dwelling (includes all inspections)	\$650.00
New Multi-Family Dwelling (includes all inspections)	\$200.00 per unit
State Seal Charge	\$ 35.00
Business & Industrial-New Construction & Remodeling Maximum Cap Charge of \$300.00 per permit type	
Construction/Remodel	1 % of Project Cost
Heating, Ventilation & Air Conditioning	1 % of Project Cost
Electrical Permit	1 % of Project Cost
Plumbing Permit	1 % of Project Cost
Residential Remodeling, Additions & Accessory Buildings	
Projects Under \$500	No Permit Required
Non-Inspected Projects Over \$500 Heating/Ventilation & Air Conditioning Replacement Inspection Fees	\$5.00/& per \$1,000 \$5.00/& per \$1,000 \$50.00 per insp.
Demolition/Razing Building Fee	\$50.00/plus \$0.05 PerSq. Ft./Cap\$500
Moving Building Onto or Off Premises	\$75.00

(8) **INSPECTION OF WORK.** The Building Inspector shall inspect all new construction, additions or alterations. It shall be the builder's responsibility to notify the Building Inspector upon completion of each of the following: 1) Footing, 2) Foundation walls with drain tile, waterproofing and exterior foundation insulation, but before backfilling has taken place, 3) Rough framing, electrical, plumbing, heating, 4) Interior insulation, and upon 5) Project completion (construction ready for final inspection).

14.04 CONSTRUCTION STANDARDS

(1) **STATE CODE CHAPTERS COMM 20-25 ADOPTED.** All sections of the State Code Chapters are hereby adopted by reference as part of this chapter and shall be complied with in respect to all dwellings or structures constructed in the Village.

(2) **CONFLICTS.** If in the opinion of the Building Inspector the provisions of the State Building Code adopted or municipal codes conflict with the application to any proposed building or structure, the inspector shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this section.

(3) DWELLINGS. The term "dwelling" as used in this section includes every building occupied exclusively as a residence by one or two families.

14.05 **UNSAFE BUILDINGS.** Whenever the Building Inspector finds any building or part thereof within the Village to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove 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 proceeding shall be as provided in § 66.05(5), Wis. Stats.

14.06 **FLAMMABLE LIQUIDS.** Chapter Comm. 10, Wis. Adm. Code, (Flammable Liquids Code), issued by the Department of Commerce, is hereby adopted by reference as part of this chapter and the Building Inspector shall enforce the provisions thereof.

14.07 **NEW MATERIALS AND METHODS.**

(1) GENERAL. All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted herein shall not be so used until approved in writing by the Wisconsin Division of Safety and Buildings for the use in buildings or structures covered by the Wisconsin State Building Code; except that sanitary appliances shall be approved by the State Plumbing Code issued by the Department of Commerce. Such materials, methods of construction and devices, when approved, shall be installed or used in strict compliance with the manufacturer specifications and any rules or conditions of use established by the Wisconsin Division of Safety and Buildings or the Department of Commerce.

(2) PREFABRICATED DWELLING. Prefabricated dwellings are allowed in the Village limits, with normal foundation construction. All State Chapter Comm. 20-25 shall be in compliance and will be inspected by the Building Inspector as any other new construction.

14.08 **UNUSUAL CONSTRUCTION.** When applications for unusual technical design or magnitude of construction are filed, the Building Inspector may refer such plans and specifications to the appropriate state agency for analysis and recommendations as to the safety of design in compliance with this chapter.

14.09 **MOVING BUILDINGS ONTO OR OFF OF PREMISES.**

(1) GENERAL. No person shall move any building or structure upon any of the public ways of the Village without first obtaining a moving permit therefore from the Building Inspector. 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 moving operations shall be continued. Before a permit to move any building is granted, the party requesting the permit shall present to the Building Inspector any permit required by the State Highway Commission of County Highway Commission or utility.

(2) **REGULATIONS ON MOVING.** The moving of buildings shall be a continuous operation until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersections or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Safety lights shall be kept in conspicuous places at each end of the building during the night. The proper authority shall be consulted regarding the moving of wires, poles, etc., and the trimming or cutting of all trees. All costs incurred by the above alterations shall be paid by the party requesting the permit and the permission in writing of the proper authority together with a statement of costs paid for such alterations shall be required before the issuance of the permit.

(3) **BOND AND INSURANCE.**

(a) Bond. Before a permit to move any building is granted by the Building Inspector, the party applying therefore shall give a bond of \$1,000 with good and sufficient sureties to be approved by the Village Board, conditioned among other things that the party shall save and indemnify judgments, costs and expenses which may accrue against the Village and keep the Village harmless against liabilities, judgments, costs and expenses in consequences of the granting of such permit. Upon the filing and approval of such bond, permits may be granted thereunder for a term of one year unless notice is had of liabilities under such bond before the expiration of one year when a new bond shall be furnished before any further permit is granted.

(b) Liability Insurance. The Building Inspector shall require in addition to such bond, public liability insurance covering injury to one person in a sum of not less than \$100,000 and for one accident in a sum not less than \$300,000 together with property damage insurance in a sum not less than \$100,000, or such other coverage as deemed necessary.

(4) **INSPECTION AND REPAIR OF STREETS.** Every person receiving a permit to move a building shall, within one day after the building reaches its destination, report such fact to the Building Inspector. The Building Inspector and the Director of Public Works shall thereupon inspect the streets and highways over which the building has been moved and ascertain their condition. If the removal of the building caused any damage to the streets and highways, the mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the mover to do so within 10 days thereafter to the satisfaction of the Building Inspector and Director of Public Works, the Village Board shall provide for repair of the damage done to such streets and highways and hold the sureties of the bond given by the mover responsible for the payments of the same.

(5) **VILLAGE BOARD REVIEW.**

(a) No such moving permit shall be issued by the Building Inspector unless it has been found as a fact by the Village Board by a 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 if it is proposed to alter the exterior of the 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 is to be located, that the exterior architectural appeal and functional plan of the building to be moved or altered, shall 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 the character of the applicable district established in Chapter 17 as to cause a substantial depreciation in the

property value of the neighborhood within the applicable district. Sufficient evidence shall be furnished which shall show the future fair market value of the structure after moving and altering, to equal or exceed the fair market value of any similar structure within a 250' radius of the proposed site.

(b) If the applicant proposed to alter the exterior of the building after moving the same, he shall submit with his 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 bond of not less than \$1,000 to the Village Board to be executed in the manner provided in (3) (a) hereof to the effect that he shall within a time to be set by the Village Board, complete the proposed exterior alterations to the building in the manner set forth in his plans and specifications. This bond shall be in addition to the bond required in (3) (a) and any other bond or surety which may be required by applicable ordinances. No occupancy permit shall be issued for the building until the exterior alterations proposed have been completed.

(c) Upon application being made to the Building Inspector he shall request a meeting of the Village Board to consider applications for moving permits which he has found comply in all respects to all other ordinances of the Village. The Village Board may hear the applicant for the moving permit in question and 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, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time, and within 48 hours after the close of the hearing, the Village Board shall, in writing, make or refuse the findings required by sub (5) and file it in the office of the Clerk, who shall send a copy of it to the Building Inspector.

(6) **WAIVER OF REQUIREMENTS.** The Building Inspector may waive the filing of plans and the recommend to the Village Board to waive the bond and insurance stipulation and its review requirements.

(7) **DENIAL.** The Building Inspector may deny a permit to move a building which he finds does not conform to other provisions of the Building Code. The appeal of such decision may be made by the owner or mover of the building to the Village Board in accordance with provisions of sub. (5).

(8) **PERMIT FEES.** Before the Building Inspector shall issue a permit to move a building, the Village Clerk/Treasurer shall collect a fee set by the Village Board. See 14.03(7) Fee Schedule.

14.10 DEMOLITION OF BUILDINGS (Rev 9/15/16)

(1) PURPOSE AND DEFINITIONS.

(a) Purpose. The purpose of this section is to regulate the razing or demolition and the removal of scrap and salvageable equipment and materials from vacated buildings within the Village without immediate functional replacement. The Village Board finds that such removal may result in the complete abandonment of property and reduce the change that such property will in the future be devoted to any productive or enjoyable public or private use, and therefore cause conditions which will create health and safety hazards and aggravate blight, interfere with the enjoyment of and reduce the value of private property, and interfere with the safety and welfare of the public.

(b) Definitions.

1. Building Inspector means the Building Inspector of the Village, or his/her designed.
2. Permit means Demolition Permit, unless the context dictates otherwise.
3. Village is the Village of Valders, Manitowoc County, WI.

(2) PERMIT REQUIRED.

(a) Demolition Permit. No person shall raze or demolish any building within the Village without first obtaining a permit from the Building Inspector, unless otherwise exempted under this section. For purposes of this section, the terms "demolition" and "razing" shall be used interchangeably. A permit authorizes the process of deconstructing, destroying, razing, tearing down, or wrecking of any building, including its foundation, in an environmentally responsible manner, protective of worker safety. Demolition shall include any partial demolition and any interior demolition affecting more than 10 percent (10%) of the replacement value of the structure as determined by the Building Inspector. Any demolition work shall include (1) proper disposal of recyclables, solid waste, and hazardous materials pursuant to applicable regulations and approved plans, if any; (2) the controlled removal of materials to be salvaged or intended to be reclaimed or saved from destruction from the interior of the building including, but not limited to, machines, wire, conduit, equipment, steel, wood, copper, aluminum, glass, brick, concrete, asphalt material and the like; (3) termination of utilities serving the premises including permits and final inspections and approvals; (4) removal of driveways and repair of public sidewalks, as required; (5) site cleanup and restoration including grading, landscaping and fencing, as required; (6) compliance with all other applicable building regulations; and (7) payment of the Village of any outstanding taxes, fees, citations or assessments.

(b) Permit For Building In Excess Of 100,000 Cubic Feet. In addition to section (2) (a), this section (2) (b) applies to buildings in excess of 100,000 cubic feet. A permit for properties with buildings exceeding a total of 100,000 cubic feet requires Village Board approval. The Village Board may refer the application to the relevant committee for review and recommendation. The following factors shall be considered by the committee or the Village Board: (1) the application contents; (2) the report, if any, of the Building Inspector; (3) the expertise and financial condition of the applicant and/or owner; (4) the effect of the proposed demolition on the surrounding neighborhood; (5) the conditions in which the site and building will be left upon completion of the proposed demolition, including the post-demolition plan; (6) the effect on the Village of the remaining stripped structure, if the structure is not proposed to be immediately razed or immediately renovated; (7) the presentation, if any, of the applicant; (8) the comments of the public; and (9) such other matters germane to the decision.

Any recommendation and decision shall address the following matters: (1) the amount of the irrevocable letter of credit as described in section (5) herein; (2) other State or local permits as required by law, rule or regulation which must be obtained as a condition of issuance of the permit or as a condition of operation; (3) reasonable special operating requirements to be required of the permittee; and (4) such other matters or limitations as the Committee or Village Board determines necessary to protect the public interest.

Upon finding by the village board that all conditions of issuance have been satisfied, the Building Inspector shall issue the permit to the applicant, referred to herein as permittee or permit holder.

(3) PERMIT APPLICATION. A completed application shall be signed by the owner of a building to be razed or the owner's authorized agent. Proof of the agent's authority satisfactory to the Building Inspector shall be submitted in writing. An application which is not complete will be rejected and returned to the applicant. The Building Inspector may require additional information, including: (a) proof the applicant has sufficient financial resources and ability to complete the project; (b) identification of materials to be recycled; (c) a performance schedule; (d) financial assurances, including a project pro forma detailing projected revenues and expenses; (e) environmental assessment, asbestos or other reports regarding hazardous substances; and (f) other State or local permits as required by law, rule or regulation. The property owner and demolition contractor/operator shall be jointly and severally liable for performance under a permit issued pursuant to this section.

(4) PERMIT FEES.

- a) Permit fees shall be established by resolution of the Village Board. All applicable fees shall be paid at the time of filing the completed application. Base fee of \$500 or a minimum of \$0.05 per cubic foot completed by Valders Village Building Inspector; plus:
- b) Application review fee for payment of third-party fees incurred by the village related to the review, analysis, and opinion of the demolition and salvage project. Such fee shall be used for services including, but not limited to engineer, surveyor, attorney, and other expert or profession consultant services deemed necessary by the Village Board. The initial application review shall be \$500 to be paid at the time of application. In the event the entire fee is not expended for such services, the balance shall be refunded to the applicant. In the event the fee is not sufficient to pay the entire amount of such services, applicant shall be required to pay additional third party review fees in such amounts and at such times as prescribed by the Village Board.
- c) Notwithstanding the provisions of paragraph (B), the Village Board may waive the payment of the application review fee under (B) or may determine an initial application review fee less than the amount prescribed in (B), based on a finding that it is likely the village (a) will not incur any third party services for purposes of the project, or (b) will incur third party services of an amount less than the amount prescribed. Such finding shall not preclude requiring a fee or an additional fee in the future if the finding proves to be incorrect.

(5) IRREVOCABLE LETTER OF CREDIT. No permit shall be issued until the applicant provides an irrevocable letter of credit. The irrevocable letter of credit is a guarantee of performance by the permittee. The irrevocable letter of credit shall meet the following requirements:

(a) Be in an amount no less than 120 percent (120%) of the estimated project cost. The Village Board may reasonably require a greater amount on a case-by-case basis, where deemed necessary to protect the public interest. In determining the amount of the irrevocable letter of credit, the Village Board shall consider: (1) the recommendation, if any, of the Building Inspector; (2) the expertise of the applicant; (3) the applicant's experience in similar projects; (4) the financial resources of the applicant; (5) the scope of the proposed project; (6) the possible environmental hazards that could be created or currently exist; (7) the effect of the proposed operation on the surrounding neighborhood; and (8) the cost of remediation to the Village, should the permittee fail to complete its obligations;

(b) Name the Village as sole beneficiary;

(c) Be irrevocable and unconditional;

(d) Provide for payment to the Village solely upon presentation of the letter of credit and a sight draft, which shall direct the issuer of the letter of credit to pay the Village without further explanation, affidavit or documentation;

(e) Expire one (1) year after completion of the last act by permittee of demolition or salvage (unless the one-year period is waived or modified by the Village Board), or one (1) year after the expiration of a permit issued under this section to the permittee, whichever is later;

(f) Issued by a company certified by the State to conduct such business within Wisconsin; and

(g) Be reviewed and approved by the Village Attorney as legally sufficient.

(6) COMPREHENSIVE LIABILITY INSURANCE AND INDEMNIFICATION.

(a) An applicant for a permit shall provide proof of comprehensive liability insurance in the amounts not less than one million dollars (\$1,000,000) per occurrence and per person, and fifty thousand dollars (\$50,000) property damage. Such coverage shall be maintained for the duration of the project and shall be a condition of a permit issued under this section. In addition to liability insurance, the Building Inspector or Village Board may require additional coverage including, but not limited to, automobile liability, pollution legal liability or other environmental insurance coverage, and workers' compensation.

(b) The permittee agrees to indemnify and hold the Village harmless from any and all claims, demands, actions, judgments, liabilities and obligations of any nature whatsoever arising from the demolition activity or site restoration for which the permit is issued, including any attorneys' fees and costs incurred by the Village as a result thereof.

(7) **DISCONNECTION OF UTILITIES.** The owner or agent shall notify all utilities having service connections within a building to be razed, such as water, electric, gas, sewer, telecommunications, and other connections. A permit to demolish or remove a building shall not be issued until the Building Inspector has determined that all appurtenant equipment, such as meters and regulators, has been removed, and service connections are sealed and plugged correctly. No permit to demolish or remove any building shall be issued without written proof of the notification and appropriate removal of appurtenant equipment provided to the Building Inspector.

(8) **SEWER AND WATER CONNECTIONS.** During demolition, sewer pipes shall be protected to prevent entrance of sand, earth or other foreign materials. Upon completion of demolition, the ends of all underground sewer or drain pipes shall be securely stopped with watertight and durable material. The water supply and sewer systems shall be abandoned inside the lot line by a licensed master plumber.

(9) **DROPPING MATERIALS-CHUTES REQUIRED.** Where a space on the ground or on a floor is railed off and openings in boundary walls closed, materials may be dropped into such space. When a protected or enclosed space cannot be provided, material and debris shall be removed through fully enclosed inclined chutes of wood, metal or other approved durable material. Open chutes may be used to lower dismantled falsework or lumber from a height not exceeding thirty (30) feet. The bottom of all chutes shall be equipped with a gate or stop for closing and regulating the flow of materials.

(10) **PERMIT CONDITIONS.** All permits shall be subject to the following conditions:

(a) Permit Term. The razing or demolition of a building shall be completed ninety (90) calendar days after the permit is issued. The Building Inspector may at his/her discretion extend the permit term for cause, on terms and conditions acceptable to the parties and recorded in writing. "Cause" shall mean the inability of the permittee to act due to circumstances beyond permittee's reasonable control and upon the exercise of due diligence.

(b) Inspection of Work. During the entire period of any demolition project, employees and agents of the Village shall have the ability to enter onto the property, at any time, without notice, for inspections. Such ability shall be a condition of the demolition permit. Work authorized by the permit is subject to inspection by the Building Inspector who shall have the authority to order corrective work. Failure to follow the orders of the Building Inspector shall give the Building Inspector authority to seek restitution from the letter of credit or alternative security, or by any remedies available at law. Notwithstanding the foregoing, the Village assumes no liability for any inspection of the project. The sole purpose of inspection by the Village is to protect the public interest.

(c) Foundation of Razed Building. Whenever a building has been razed, the foundation thereof shall be removed to at least two feet below adjacent grade and filled in with clean fill material approved by the Building Inspector with the top two feet of fill material being of dirt or sand. No combustible material may be used for the fill material.

(d) Driveway Approaches, Sidewalks and Slabs. Remaining driveway approaches shall be removed and replaced with curb and gutter; damaged public sidewalks shall be replaced; and driveway aprons, remaining slabs and private sidewalks shall be removed from the site pursuant to any permits for replacing curb and gutters, driveway approaches and public sidewalks obtained prior to the commencement of work.

(e) Restoration of Site. Prior to the issuance of a permit under this section by the Building Inspector to a contractor licensed in Wisconsin, the contractor may be required to provide a sufficient level of detail regarding the post-demolition activities, condition and use of the property. The Building Inspector reserves the right to require the property owner or its agent to submit (prior to commencement of any demolition activity) a site plan for the property upon which the structure to be demolished is located.

All debris, rubbish and other materials not used for fill shall be removed from the site upon completion of demolition work, and the site leveled and graded to provide proper drainage to conform with the grade of adjoining premises, or fenced in with a temporary solid barrier fence not less than four (4) feet high to safeguard the public. The foundation walls shall be removed a minimum of two (2) feet below adjacent grade, and the basement floor broken up to allow free flow of water to its natural grade. The site shall be left in a dust-free and erosion-free condition. Excavations shall be filled with a minimum of three inches of clean, solid fill to match lot grade within five (5) calendar days of removal of the structure. The contractor shall be responsible for the repair and replacement of any public sidewalk, curb, gutter or street damaged in this process. Any excavation shall be protected with appropriate fences, barriers and/or lights.

(f) Disposal of Debris. Except for recycled or salvaged materials, the permit holder shall dispose of all building debris in a licensed landfill in a manner compliant with Wisconsin Department of Natural Resources requirements. At any time, the permit holder shall provide to the Building Inspector receipts and/or an itemized list of debris disposed of by dumping or salvage. There shall be no burning of any structure or demolition waste.

(g) Site Safety and Security. The permit holder shall, during the razing process, maintain the site in a safe and secure condition, and shall promptly report any personal injury and property damage to the Building Inspector.

1. All building materials which produce dust or other flying debris shall be sufficiently dampened during removal to minimize floating or blowing into the street or adjoining property. All adjacent streets, sidewalks or other public areas shall be protected by fences and/or scaffolds. The Building Inspector may require additional safety and security methods, including fencing and gating, as deemed necessary to protect the site and restrict access to the public.
2. The structural elements of a building or structure shall be taken down one story at a time, beginning from the top, unless a different method is approved by the Building Inspector. All structural parts of each story shall be lowered to the ground by means of approved equipment or devices except as hereinafter provided. No material shall be placed or allowed to fall in such a manner so as to overload any part of the structure which may be caused to fall because of such practice.

(11) EXCEPTION. Notwithstanding the foregoing, the Building Inspector may grant an exception to the conditions under Section 10 in consultation with the Village Board for any property for which the Village will be taking title or for which a related redevelopment plan has been approved by the Village.

(12) EXEMPTION.

(a) Residential Remodeling. This section shall not apply to demolition work on part of a one or two-family residential building which is necessary in the course of remodeling work being conducted under a building permit.

(b) Accessory Buildings and Detached Garages. This section shall not apply to demolition of accessory buildings or detached garages less than 500 square feet in area as measured by the exterior dimensions of the structure.

13) ENFORCEMENT; SPECIAL ASSESSMENT. The Building Inspector shall have the preliminary responsibility to enforce this Section. The Village shall recover all costs of enforcement and legal fees through special assessments to be levied and collected as a delinquent tax against the real estate upon which the building is located. Such special assessment shall be a lien upon the real estate. An administrative fee as set forth by resolution of the Village Board shall be added to the special assessment against the benefited property.

14.11 **SALVAGE AND NON-STRUCTURAL DEMOLITION.** (Rev 9/15/16)

(1) SCOPE AND APPLICATION. This ordinance applies to the salvage of buildings in the Village of Valders, Manitowoc County, WI.

(a) For purposes of this section, the term "salvage" shall be defined as the controlled removal of materials intended to be reclaimed or saved from destruction of a building including, but not limited to, machines, wire, conduit, equipment, steel, wood, copper, aluminum, glass, brick, concrete, asphalt material, tangible property that is manmade and detachable from the real property such as fixtures, and the like. Salvage activities shall require the issuance of a demolition permit under the Village Demolition of Buildings Ordinance, and all demolition permits will require the structure to be removed as described in the approved permit. There shall be no salvaging of any structure without demolition.

(c) This section is effective for a building or structure having a total volume, as measured by the exterior dimensions of the building or structure, of 25,000 cubic feet or greater, and which had a principal industrial or commercial/business use as its most recent use, and which use has ceased.

(2) PERMIT. No person may salvage from a vacated building unless the work is performed under a demolition permit issued to the applicant by the Building Inspector. Buildings over 100,000 cubic feet require approval by the Village Board pursuant to the requirements and procedures of Sec. (2) (b) of the Village Demolition of Buildings Ordinance.

(3) PERMIT APPLICATION.

(a) The applicant shall be the owner of the real estate, or the contractor hired by the owner. Under all circumstances, the applicant, if other than the owner, and the owner shall be jointly and severally responsible for compliance with the terms of the permit and this section.

(b) Application for a permit, whether initial or renewal, shall be filed with the Building Inspector on forms created by the Building Inspector. The Building Inspector may require additional information of a specific applicant and property including, but not limited to, environmental assessment reports, and reports quantifying asbestos, lead-based paint, mercury and other hazardous substances.

(4) FEES. A permit fee must accompany the application. Permit fees shall be established by resolution of the Village Board.

(5) **IRREVOCABLE LETTER OF CREDIT.** As a condition of issuance by the Building Inspector of the permit, the permittee shall provide an irrevocable letter of credit as required by the Village Demolition of Buildings Ordinance. The letter of credit is subject to Section (8) (n) herein.

(6) **COMPREHENSIVE LIABILITY INSURANCE AND INDEMNIFICATION.** Insurance requirements and Indemnification provision as stated in the Village Demolition of Buildings Ordinance are incorporated herein by reference and are a condition of issuance of the permit. All insurance policies shall comply with Section (8) (e) herein.

(7) **PERMIT TERM.**

(a) Initial Term. Permits issued under this section shall be valid for a period of not more than one hundred eighty (180) calendar days from the date of issue.

(b) Renewal Term. A permit is personal to permittee and limited to the term granted. The permittee shall not have an expectation of renewal of the permit. However the permit may be renewed at the discretion of the Building Inspector upon application of a permit holder, filed with the Building Inspector prior to expiration of the initial term or any renewal terms. Each renewal may be granted for up to sixty (60) calendar days.

(8) **GENERAL OPERATING REQUIREMENTS.** The following general operating requirements shall apply to all demolition and salvage permittees, their agents and employees, subject to terms of the permit in accordance with the provisions of the Village Demolition of Buildings Ordinance and this section:

(a) The permit issued pursuant to this section shall be plainly displayed on the premises upon which the building is located.

(b) The building and premises shall, at all times, be maintained in as clean, neat and sanitary a condition as such premises will reasonably permit.

(c) No garbage, refuse or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage which shall be kept in containers which are, in the opinion of the Building Inspector, rodent-proof and removed from the premises as often as is necessary to provide a sanitary environment.

(d) Work done under this permit is subject to inspection by the Building Inspector at any time without notice. Notwithstanding the foregoing, the Village assumes no liability for any inspection of the project. The sole purpose of inspection by the Village is to protect the public interest.

(e) Permittees shall have the responsibility to maintain proof of insurance policies as required in subsection (6) of this section, naming the Village as an additional insured for all entities or natural persons doing work on a property or associated with the work under the permit.

(f) No scrap salvage or debris which is temporarily stored on the premises shall be allowed to rest or protrude over any public street, walkway or curb, or become scattered about or blown off the premises.

(g) No mechanized process whatsoever shall be utilized on premises to reduce salvageable material or debris in volume after such salvageable material has been detached from the real property, unless authorized by the Building Inspector. Such prohibited mechanized processes include, but are not limited to, crushers or shredders. In addition, there shall be no burning or brick cleaning on the site.

(h) There shall be strict compliance with any Village Noise Ordinances.

(i) No premises or building subject to a permit shall be allowed to become a public nuisance to adversely affect the public health, safety or welfare.

(j) There shall be full compliance with all Village ordinances as well as State and Federal laws, rules or regulations which may be applicable. The requirements of NFPA 241 which address temporary storage of equipment, processes and hazards, fire protection, safeguarding of construction, and demolition are incorporated herein by reference.

(k) The permit holder shall, during the salvage process, maintain the work site in a safe and secure condition.

(l) Except for recycled or salvaged materials, the permit holder shall dispose of building debris in a licensed landfill in a manner compliant with Wisconsin Department of Natural Resources requirements. At any time, the permit holder shall provide to the Building Inspector receipts and/or an itemized list of debris disposed of by dumping or salvage. There shall be no burning of any building debris.

(m) The permit holder shall be responsible for disconnections of utilities, including plumbing and electrical, necessary for the salvaging process, and shall provide evidence that the necessary disconnections have been accomplished.

(n) The irrevocable letter of credit imposed as a condition of issuance of the permit shall be maintained as required under the Village Demolition of Buildings Ordinance.

(o) Permittee shall comply with all orders of the Building Inspector imposed at the granting of the permit or at any other time.

(p) Permittee shall provide to the Building Inspector a current list of contractors doing work at a site that is subject to a permit issued pursuant to this section, including evidence of insurance as required in subsection (6) of this section. As used herein, the phrase "maintain current" means that the list filed with the Building Inspector is updated by the permittee prior to the contractor commencing work pursuant to the permit.

(9) INSPECTIONS. Permit holders and property owners shall permit authorized representatives of the Village to inspect the premises proposed to be permitted, or under permit, with or without advance notice, as often as may be required to assure compliance with this Ordinance, without first obtaining a special inspection warrant. Inspections shall, to the fullest extent possible, be made during normal hours of business operation in the absence of emergency circumstances which require prompt action to protect the public health, safety and welfare, or to preserve evidence of noncompliance with this section. The unreasonable failure to permit inspections shall be grounds for permit denial, suspension or revocation.

(10) **SUMMARY SUSPENSION.** If, in the opinion of the Building Inspector, the public is subject to imminent danger due to a violation by the permittee of any one or more of the requirements in subsection (8) of this section, the Building Inspector shall issue an order to the permittee requiring immediate cessation of those operations implicating the imminent danger. Pursuant to such order, the permittee shall cause such operations to cease as directed by the Building Inspector. Failure to maintain insurance as required, to maintain the letter of credit as required, or to permit inspection as required are each per se violations implicating imminent danger to the public necessitating an order to cease all operations.

In the event that an order to the permittee requiring immediate cessation is issued by the Building Inspector, such order shall be reviewed by the Village Board or its designated Committee no later than its next regular meeting. The Village Board or Committee, after hearing from the Building Inspector, the permittee, and the public, shall affirm the order, reverse the order, or modify the order.

(11) **NON-RENEWAL, SUSPENSION OR REVOCATION.** Any issue of enforcement may be referred to the Village Board by the Building Inspector. Disciplinary matters, including non-renewal, suspension and revocation, shall be decided by the Village Board. The Village Board shall determine the procedure for any disciplinary matter. If the Village Board, after considering any Committee report and the positions presented by the Building Inspector and permittee, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or non-renewal, the permit shall be suspended, revoked, or not renewed. If the Village Board finds the complaint untrue, the proceedings shall be dismissed without further cost to the permittee. The Village Clerk shall give notice of each suspension, revocation or non-renewal to the party whose permit is affected.

(12) **TRANSFERABILITY.** Permits issued hereunder are personal to the permittee, and are not transferable to any other person or entity. Permits issued hereunder are issued to a particular site and are not transferable to any other site.

(13) **ENFORCEMENT.** The Building Inspector shall have the primary responsibility to enforce this section.

14.12 **VIOLATIONS AND PENALTIES.**

(1) Any person who violates, disobeys, neglects, omits or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall, upon conviction, remove the building, structure or part thereof which violates the terms of this chapter within 90 days of such conviction. Upon failure to do so, the Village Board shall order the removal of such building, structure or part thereof which violates this chapter. Such removal may be performed by an agent or by contract arrangement with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes are.

(2) Such person may also be required upon conviction to forfeit not less than \$10 nor more than \$200 for each offense, together with the costs of prosecution and in default of the payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 30 days. Each day that a violation continues to exist shall constitute a separate offense.

14.13-14.19 **RESERVED**

ELECTRICAL CODE PROVISIONS

14.20 **STATE CODE APPLIES.** All electrical work in the Village shall be done in conformity with the State Electrical Code and SPS 316, and the most current edition of the National Electrical Code which is here by adopted in its entirety and by reference made part of this chapter.

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

14.22 **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 complete an inspection. Upon completion of such wiring, the Building Inspector shall be notified and shall complete an inspection of the finished work to ascertain that the work conforms with the State Electrical Code and the National Electrical Code. No such person shall use any such electrical equipment until such inspection has been made.

14.23 VIOLATIONS AND PENALTIES.

(1) The person having jurisdiction, the Building Inspector, is hereby authorized to disconnect or to order disconnection of any electrical appliance, equipment, or accessories which do not conform to the requirements of this subchapter or which may be found defective and in such a condition as to endanger life or property. Where such connection has been made, a notice shall be attached to such appliance, equipment, or accessory, which shall state that it has been disconnected and the reasons therefore and such notice shall not be removed nor shall the appliance, equipment, or accessory be reconnected until it shall have been made to conform with the requirements of this subchapter and its reconnection has been authorized by the Building Inspector.

(2) Such person may also be required upon conviction to forfeit not less than \$10 nor more than \$200 for each offense, together with the costs of prosecution and in default of the payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 30 days. Each day that a violation continues to exist shall constitute a separate offense.

14.24 RESERVED

NATIONAL FUEL GAS CODE (Cr. 9/7/82)

14.25 **PURPOSE.** The provisions of this subchapter are adopted to promote the health, safety and welfare of the public and to safeguard property by regulating the minimum requirements for installation of gas piping, appliances, equipment and accessories.

14.26 **INSTALLATION STANDARDS.**

(1) SAFETY STANDARDS. All gas piping, appliances, accessories and equipment shall be installed to conform to reasonable standards of safety.

(2) NATIONAL FUEL GAS CODE STANDARDS ADOPTED. Installation of appliances, equipment, accessories and piping shall be considered prima facie as conforming to reasonable standards of safety if such installation complies with the standards recommended by the American Gas Association in its manual entitled "National Fuel Gas Code" NFPA 54 - ANSI Z223.1, a most recent edition copy of which shall be permanently on file and open to the public inspection in the office of the Village Clerk and which hereby is incorporated in its entirety by reference and shall be deemed to be part hereof as fully as though it had been herein set forth in full.

14.27 **VIOLATIONS AND PENALTIES.**

(1) No person, excepting an authorized agent or employee of the gas supplier, shall turn on or reconnect gas service in or on any premises where and when the gas supplier either has a seal or lock installed on the gas supply valve or does not have a gas meter installed. The person having jurisdiction, the Building Inspector, is hereby authorized to disconnect or to order disconnection of any gas appliance, equipment, accessories or gas piping which does not conform to the requirements of this subchapter or which may be found defective and in such a condition as to endanger life or property. Where such connection has been made, a notice shall be attached to such appliance, equipment, accessory or gas piping which shall state that it has been disconnected and the reasons therefore and such notice shall not be removed nor shall the appliance, equipment, accessory or gas piping be reconnected until it shall have been made to conform with the requirements of this subchapter and its reconnection has been authorized by the Building Inspector.

(2) Any person who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any provisions of this subchapter may also be required to forfeit not less than \$10 nor more than \$200 for each offense, together with the costs of prosecution and in default of the payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 30 days. Each day that a violation continues to exist shall constitute a separate offense.

14.28-14.29 **RESERVED**

14.30 **PENALTY.** In addition to the penalties provided herein, any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in §25.04 of this Municipal Code.

CHAPTER 14

BUILDING CODE

(CHAPTER AMENDED 9/15/16) BUILDING CODE PROVISIONS

- 14.01 Authority and Purpose
- 14.02 Permits Required
- 14.03 Building Permits and Inspections
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- 14.09 Moving of Buildings
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ELECTRICAL CODE PROVISIONS

- 14.20 State Code Applies
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