

Chapter 7

Building Code

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Sec. 10-7-1 Building Code Established.

- a) **Title.** This Chapter shall be known as the "Building Code of the Village of Belleville" 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.** 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. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. 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.

Sec. 10-7-2 Building Permits and Inspection.

a) Permit Required.

- 1) **General Permit and Trash Receptacle or Enclosure 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 therefor shall first have been obtained by the owner, or his or her authorized agent, from the Building Inspector or his or her designee. Before a building permit may be issued under 10-7-2 for a new construction or to make exterior improvements, additions or repairs to an existing structure, the building permit applicant shall provide the Building Inspector with proof that an adequate trash receptacle has been or will be replaced on the premises or that an enclosed structure on the premises will be adequate to store the trash and rubbish resulting from the construction, improvement, addition or repair. The Building Inspector shall determine whether the trash receptacle or enclosed structure is adequate. All trash and rubbish resulting from the construction, improvement, addition or repair of the premises shall either be placed neatly and securely in the trash receptacle or stored in an enclosed structure on the premises. (Revised 98-10-1)
- 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 conditioning 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 existing 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 or 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) **Site Plan Approval.**
- 1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
 - 2) **Administration.** The Building Inspector shall make a preliminary review of the application and plans and refer them along with a report of his or her findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Plan Commission to advise whether the application and plans

meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.

- 3) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
 - 4) **Effect on Municipal Services.** Before granting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.
 - 5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Village Clerk-Treasurer within ten (10) days of the denial.
- d) **Dedicated Street and Approved Subdivision Required.** 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.
 - e) **Utilities Required.**
 - 1) **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.

- 2) **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 servicing the property.
- f) **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 requiring the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. Two (2) plans shall be submitted, one of 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 ILHR 20.09(4), Wis. Adm. Code. Buildings under twenty-five thousand (25,000) cubic feet may not require a state building stamp of approval, but shall comply with building code requirements.
- g) **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 or 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 valued at less than Five Hundred Dollars (\$500.00), as determined by the Building Inspector, 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.
- h) **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 or 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 or her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- 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, HVAC, 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. 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 or 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, HVAC, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his or 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 therefor, 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 re-issuance of the building permit may be performed, or such work as he or 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. 10-7-3 State Uniform Dwelling Code Adopted.

- a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters COMM 20 through 25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter 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 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 Clerk-Treasurer's Office.
- b) **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) 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 10-7-2 shall also apply.
 - 3) 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.
 - 4) Additions and alterations—Any addition or alteration, regardless of cost, made to a one (1) or two (2) family building shall be made in conformity with applicable Sections of this Chapter.
- c) **Definitions.**
 - 1) **Addition.** "Addition" means new construction performed on a dwelling which increases the exterior dimensions of the dwelling.
 - 2) **Alteration.** "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - 3) **Department.** "Department" means the Department of Industry, Labor and Human Relations.
 - 4) **Dwelling.** "Dwelling" means:

- 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.** "Minor repair" means 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 one (1) or two (2) family dwelling" means 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.** "Person" means an individual, partnership, firm or corporation.
 - 8) **Uniform Dwelling Code.** "Uniform Dwelling Code (UDC)" means 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 — Construction 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
- d) **Method of Enforcement.**
- 1) **Certified Inspector to Enforce.** The Building Inspector and his or 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 or her agent while in performance of his or 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. 10-7-4 Construction Standards; Codes Adopted.

a) Portions of State Building Code Adopted.

Portions of State Building Code Adopted (5,6,7,8, and 9 refer to existing buildings and structures erected prior to October 9, 1914). (Rev. 96-8-1)

- 1) Chapters COMM 50 through COMM 64, Wis. Adm. Code (Wisconsin State Building Code) and COMM 70, Wis. Adm. 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. (Rev. 96-8-1)
- 2) No dwelling unit shall be erected or installed in any zoning district unless it meets all of the following:
 - a. Is set on an enclosed foundation in accordance with sec. 70.043(1), Wis. Stats., which meets the standards set forth in subchapters III, IV and V of Chapter COMM 21, Wis. Admin. Code. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
 - b. Is properly connected to utilities per the Village Building Code.
 - c. Living area, not including finished basements, enclosed porches, garages or decks shall be measured from the outside edge of the exterior walls for each floor level.
- 3) Wis. Admin. Code Chapter COMM 66 - Uniform Multi-family dwellings.
- 4) Wis. Admin. Code Chapter COMM 69 - Barrier-free design.
- 5) Wis. Admin. Code Chapter COMM 75 - Definitions and General Requirements.
- 6) Wis. Admin. Code Chapter COMM 76 - Factories, Offices and Mercantile Buildings.
- 7) Wis. Admin. Code Chapter COMM 77 - Theaters and Assembly Halls.
- 8) Wis. Admin. Code Chapter COMM 78 - Schools and Other Places of Instruction.
- 9) Wis. Admin. Code Chapter COMM 79 - Apartment Houses, Hotels and Places of Detention.
- 10) Wis. Admin. Code Chapter COMM 4 - Signs for Smoking Areas (10-19 Rev. .97-7-1)
- 11) Wis. Admin. Code Chapter COMM 10 - Flammable & Combustible Liquids
- 12) Wis. Admin. Code Chapter COMM 40 – Gas Systems

- 13) Wis. Admin. Code Chapter COMM 18 - Elevators
 - 14) Wis. Admin. Code Chapter COMM 28 - Smoke Detectors
 - 15) Wis. Admin. Code Chapter COMM 41-42 - Boiler & Pressure Code
 - 16) Wis. Admin. Code Chapter COMM 70; Historic Buildings
 - 17) Wis. Admin. Code Chapter COMM 73: Illumination
 - 18) NFPA-1
- 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 (1) and (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.
 - 3) The Wisconsin Administrative Code, Chapters COMM 16 and 17 and all amendments thereto are hereby adopted by reference and made a part hereof. The Village of Belleville hereby takes the responsibility of electrical inspection of public buildings and places of employment pursuant to COMM 17, subchapter II. The Village of Belleville shall employ a state certified Commercial Electrical Inspector (COMEL). Except as otherwise noted by this ordinance, all installations of electrical equipment shall conform to and comply with State Electrical Code, the Statutes of State, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property.
- 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 restrictive provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 10-7-5 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 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 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 State Department of Industry, Labor and Human Relations.

Sec. 10-7-6 Unsafe Buildings.

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

Sec. 10-7-7 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Belleville. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this 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. 10-7-8 Garages.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Frost footings are required for detached garages.

Sec. 10-7-9 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 within the Village of Belleville 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 Sec. 181.12 and NR 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(1)(a), Wis. Stats.), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - 6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - 7) A description of the method of demolition to be used;
 - 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; and
 - 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.**
- 1) The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
 - 2) A refuse collection dumpster shall be used at the demolition site.
- 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 some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.

- 2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his or 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 of his or 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 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) **Permit Fees.** Application for a demolition permit shall be accompanied by a permit fee as prescribed in Section 1-3-1.

Sec. 10-7-10 Basements; Excavations.

- a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than sixty (60) days 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. 66.60, Wis. Stats.

Sec. 10-7-11 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) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- f) **Conducting Tests.** If the Building Inspector or his or 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 or 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. 10-7-12 Regulations for Moving Buildings.**a) General Requirements.**

- 1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor 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) 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.**c) 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 or her bond responsible for the payment of same.**d) 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 or 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.**e) Bond.**

- 1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Belleville in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$1,000.00), 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 (e)(1) 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.
- f) **Insurance.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

Sec. 10-7-13 Fees.

- a) **Required Fees.** The fee for all building, electrical, plumbing and HVAC permits shall be as established in the Village's Fee Schedule, as adopted by the Village Board. If work commences prior to obtaining a building permit, double fees will be charged.
- b) **Payment of Water Shut-Off Valve Deposit Fee.** It shall be unlawful for any person constructing a new dwelling or commercial and industrial building upon any premises within the Village to damage the water utility shut-off valve situated upon such premises. The height of the water shut-off valve following completion of construction and landscaping shall be at grade level. At the time of application for a building permit for construction of a new dwelling or commercial and industrial building, the applicant shall pay the sum of One Hundred Dollars (\$100.00) to the Village Clerk-Treasurer as the deposit to insure that the water utility shut-off valve on the premises shall not be damaged during the course of construction and that the valve is at grade level following completion of construction and landscaping. At the time of final inspection of construction by the Building Inspector and following completion of landscaping, the Building Inspector shall determine whether the water utility shut-off valve has been damaged during construction and whether the valve is at grade level. If no damage has occurred and

the valve is at grade level, the Building Inspector shall so certify to the Village Clerk-Treasurer and the amount held on deposit shall be returned to the applicant. If the Building Inspector shall determine that the water utility shut-off valve has been damaged during construction, the Building Inspector shall so certify to the Village Clerk-Treasurer and the sum of One Hundred Dollars (\$100.00) held on deposit shall be forfeited by the applicant to the Village. Nothing herein shall preclude the Village from exercising any remedies available by law to compensate the Village for any loss suffered due to the damage to any water utility shut-off valve.

- c) **No Permit Issuance Until Payment.** No building or other permit shall be issued until all fees and assessments relating to the property and imposed by the Village or owed to the Village have been paid.

Sec. 10-7-14 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. 10-7-15 Penalties and Violations.

- a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this 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 injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- b) 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(1)(c), Wis. Adm. Code.
- 1) 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.

- 2) Each day each violation continues after the thirty (30) day written notice period has run 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.
 - 3) 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.
- c) 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.
 - d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Belleville charged with the enforcement of this Chapter shall render himself or 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 or 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 or her duties under this Chapter shall be defended by the legal representative of the Village until final determination of the proceedings therein.