15 Building Codes

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15.1 Building, Plumbing, Heating, Ventilating and Air Conditioning and Electrical Codes

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ARTICLE A

Building and Heating, Ventilating and Air Conditioning Code

15.1.1 SCOPE OF BUILDING CODE.

The provisions of this Building Code shall govern the design, construction, alteration, demolition and moving of all buildings and structures.

15.1.2 TITLE.

These regulations shall be known and cited as the "Municipal Building Code" or "this Code" and shall be construed to secure their expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

15.1.3 APPLICATION OF WISCONSIN ADMINISTRATIVE BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE.

The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, Chapters IND 50 through 57 and ILHR 60 through 64,both inclusive, and all amendments thereto are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. A copy of said Code is on file in the office of the City Clerk.

15.1.4 APPLICATION OF WISCONSIN UNIFORM DWELLING CODE.

The Wisconsin Uniform Dwelling Code, Chapters ILHR 20 through 25, inclusive, and all amendments thereto, are hereby made a part of this Code by reference and shall apply to all one (1)and two (2) family dwellings and alterations and additions thereto, the initial construction of which was commenced after the effective dates of the various Chapters of the Wisconsin Uniform Dwelling Code. A copy of said Code is on file in the office of the City Clerk.

15.1.5 APPLICATION OF WISCONSIN UNIFORM BUILDING CODE.

All buildings and structures hereafter erected, altered, repaired, moved or demolished that are used or designed to be used for the purpose herein defined shall comply in full with the requirements of this Code:

(a) **Zoning Laws.** No provision of this Code shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.

(b) **New Building.** The construction requirements of the Wisconsin Uniform Building Code shall apply to all buildings not covered under Sections 15-1-3 and 15-1-4.

(c) **Existing Buildings**. This Code shall also apply to buildings and conditions described in this Section:

(1) One (1) and Two (2) Family Dwelling. An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.

(2) Repairs and Alterations**.** An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Assessor of the City.

(3) Additions. Additions and alterations, regardless of cost, made to an existing building shall comply with the requirements of this Code. The provisions of Subsection (d) of this Section shall also apply.

(4) Roof Coverings. Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Code.

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

(1) Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of nonconforming type of construction, which involves either the structural members of floors or roofs, 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 Code applicable to such occupancy and use and given type of construction.

(2) 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 exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use shall be deemed minor repairs.

(3) Alterations When Not Permitted. When an existing building or structure which, for any reason whatsoever, does not conform to the regulations of this Code 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.

(4) 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 Code are complied with.

(5) Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

(6) Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Code have been complied with.

15.1.6 BUILDING INSPECTOR.

There is hereby created the Department of Building Inspection. The Building Inspector appointed by the City shall act as head of this department:

(a) **Duties.** The Building Inspector is vested with the authority and responsibility to enforce all laws controlling safe building construction. He shall make periodic inspection of existing public buildings to determine their safety. He shall make inspections at the site of buildings damaged by any cause whatsoever to determine the safety of buildings affected thereby.

(b) **Rights.** The Building Inspector, or his authorized agent, shall have the power and authority at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, plumbing, electrical or heating work being done or the required license therefor. No person shall interfere with or refuse to permit access to any such premises to the above-described representatives of the City while in the performance of their duties.

(c) **Records.** There shall be kept in the Department of Building Inspection a record of all applications for building permits in a book for such purpose, and each permit shall be regularly numbered 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 buildings in the various classes shall be kept. There shall be kept in the Department of Building Inspection a record of all inspections made and of all removal and condemnation of buildings and a record of all fees collected showing the date of their receipt. The Building Inspector shall make a written annual report to the Common Council relative to these matters.

15.1.7 BUILDING PERMITS.

(a) **Permits Required**.

(1) No building or structure or any part thereof shall hereafter be built, enlarged, altered or demolished within the municipality or moved into, within or out of the municipality except as hereinafter provided, unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector.

(2) Permits required are as follows:
   a. Building.
   b. Air conditioning.
   c. Wrecking or razing.
   d. Heating.
   e. Moving of buildings.
   f. Occupancy.
   g. Reroofing and residing.
   h. Other permits as required by governing municipality.

(b) **Application for Permits.**

(1) General Application Requirements. Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require. With such application, there shall be submitted to the Building Inspector three (3) complete sets of plans and specifications and three (3) copies of a survey. The permit application shall include a completion date for all work contemplated by the permit. The director of inspections, or his designee shall have authority to reject issuing a permit which fails to specify a completion date, or which specifies a completion date contemplating an unreasonable time for completion of the work contemplated.

(2) Survey. The survey shall be prepared and certified by a surveyor registered by the State of Wisconsin, shall be made in no case prior to one (1)year prior to the issuance of a building permit and shall bear the date of the survey. The certified survey shall also show the following:
   a. Location and dimensions of all buildings on the lot, both existing and proposed.
   b. Dimensions of the lot.
   c. Dimensions showing all setbacks to all buildings on the lot.
   d. Proposed grade of proposed structure, to City or village datum.
   e. Grade of lot and of road opposite lot.
   f. Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of the road.
   g. Type of monuments at each corner of lot.
   h. Watercourses or existing drainage ditches.
   i. Seal and signature of surveyor.

(3) Plans and Specifications.
   a. All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings

that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:

1. All elevations.
2. All floor plans.
3. Complete construction details.
4. Fireplace details [three-fourths (3/4) inch per foot showing cross-section of fireplace and flues.
5. Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.

b. All plans shall remain on file in the office of the Building Inspector until at least one (1) year after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public record or may destroy them.

(c) **Waiver of Some Requirements**. At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.

(d) **Seal of Registered Engineer or Architect.** All plans, data and specifications for the construction of any building or structure or for any construction in connection with existing buildings and structures, other than one (1) and two (2) family residences, containing more than fifty thousand (50,000) cubic feet, total volume, submitted with any application for permit, shall bear the seal of the registered architect or registered engineer. The plans shall also be stamped as approved as required by the Department of Industry, Labor and Human Relations of the State of Wisconsin. Such building or structure shall be constructed under the super vision of an architect or engineer as required by the Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer with the Building Inspector with the application for permit.

(e) **Drainage**

(1) Grading of Lots. The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to protrude continuous drainage at all times.

(2) Storm Water Drains. No dwelling shall be erected nor shall existing provisions for conveyance of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No storm water or surface

water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.

(f) **Building Inspector to Issue Permit**.

(1) If the Building Inspector finds that the proposed building will comply in every respect with this Code, other municipal ordinances and all laws of the State of Wisconsin and lawful orders issued pursuant thereto, he shall issue a building permit. 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, except with the written consent of the Building Inspector filed with such application.

(2) In case adequate plans are presented, the Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the City or laws of the State of Wisconsin or lawful orders issued pursuant thereto.

(3) For the construction of buildings requiring approval of the Department of Industry, Labor and Human Relations of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Building Inspector.

(g) **Inspector May Revoke Permits.**

(1) The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Code 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 there is a violation of any regulation of this Code or of any other ordinance, law or lawful orders or Wisconsin Statute relating to the same subject matter.

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 any new materials, equipment, methods or construction devices or appliances.

(2) The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his 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 Code, 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 Code.

(h) **Fees.** Before receiving a building permit, the owner or his agent shall pay the fee specified in Section 15-1-20. In applying the provisions of this Code in respect to new work, existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building on the basis of current costs or as otherwise provided in the local ordinances.

(i) **Violation – Failure to Complete**. Failure to complete the work within the time frame specified in subsection (b)(1) above shall be subject to all penalties and remedies as provided in section 1-1-7 of the Glendale Code. Either the individual or contractor applying for the permit, or the principal on behalf of whom the permit has been issued, shall be subject to the requirements of this section.

15.1.8 APPROVED PLANS.

(a) A weatherproof card signed by the Building Inspector indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this Code.

(b) The building permit shall become void unless operations are commenced within four (4) months from the date thereof, or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of sixty (60) days. The period of time may be extended by the Building Inspector if the delay was due to conditions beyond the control of applicant.

(c) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within eighteen (18) months from the date of issuance of the permit.

15.1.9 REGULATIONS FOR MOVING BUILDINGS.

(a) **General** No person shall move any building or structure upon any of the public rights-of-way of the City 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.

(b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the City that has deteriorated or has been damaged (including such moving and separation from its foundation and service connections in case of moved buildings), fifty percent (50%) or more of its equalized value by any cause, and no permit shall be granted to repair, alter or move such building within or into the City.

(c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, 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 intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector who shall thereupon, in the company of the municipal highway commissioner, inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of the same.

(e) **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City 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 a 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 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 municipality to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

(1) Before a permit is issued to move any building over any public way in this City, the party applying therefor shall give a bond to the City 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 governing body or designated agent conditioned upon, among other things, the indemnification to the City 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 City 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 falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(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.

(g) **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.

(h) **Plan Commission or Other Assigned Board or Commission.**

(1) No such permit shall be issued unless it has been found as a fact by the Plan Commission of the City by at least a majority vote, after an examination of the application for the permit, which shall include exterior elevations of the building and accurate photographs of all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations, and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered will not be so at variance with either the exterior architectural appeal and functional plan of the neighborhood, or the character of the applicable district established by the zoning ordinances of the municipality, or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of stud building after papers complete plans and specifications for the buildings already constructed or in the course of construction in the immediate proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Plan Commission which shall not be less than One Thousand Dollars ($1,000.00) to be executed in the manner provided in Subsection (f) hereof to the effect that he will,

within a time to be set by the Plan Commission, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the municipality. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(2) Upon application being made to the Building Inspector, he shall request a meeting of the Plan Commission to consider applications for moving permits which he has found comply in all respects with all other ordinances of the City. The Plan Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time; and within forty-eight (48) hours after the close of the hearing, the Plan Commission shall, in writing, make or refuse to make the finding required by Subsection (h) hereof and file it in the office of the City Clerk, who shall send a copy of it to the Building Inspector.

15.1.10 RAZING OF BUILDINGS.

(a) **Razing of Buildings.** The Building Inspector is hereby authorized to act for the municipality under the provisions of Sec. 66.05 of the Wisconsin Statutes, relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The City Treasurer is authorized to place the assessment and collect the special tax as therein provided.

(b) **Notice to Utilities**. Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

15.1.11 INSPECTIONS.

(a) **Notification**. Upon notification from the permit holder or his agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:

(1) Inspection to determine if the location on the premises is in compliance with approved certified lot or plot plan of the premises and the terms of the permit.

(2) Inspection to determine if the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundation walls is in compliance with approved plans, data and the terms of the permit. Recertification of the footings and foundation location and elevation shall be provided to the Building Inspector prior to pouring concrete.

(3) Inspection of all wall, floor and roof framing, fire stopping and bracing when completed and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.

(4) Inspection prior to laying concrete for basement floor to inspect subgrade drain tile and forms.

(5) Upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same occupied or used, a final inspection shall be made by the Building Inspector; and until such building, structure or equipment is in compliance with all the requirements of this Code and terms of the permit, no occupancy shall be maintained. If the construction conforms to the requirements of this Code, a certificate of occupancy shall be issued.

(b) **Coordinated Inspections**. All provisions of the laws and regulations of the municipality and-of legally adopted rules of local fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Code or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.

(c) **Certified Report.** The Building Inspector may require a certified report of all required inspections as regulated by this Code from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state in detail that all construction work has been executed in accordance with all of the regulations of this Code, approved plans, specifications, terms of the permit, and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

(d) **Board of or Other Assigned Board or Commission.** Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the Board of Appeals within twenty (20) days after written notice of such ruling shall have been delivered to him. Such appeal is to be in writing, setting forth the order appealed from, and the respects in which said person, feeling himself aggrieved, claims that said order or ruling is erroneous or illegal Said notice of appeal shall be filed with the City Clerk who shall thereupon

notify the Building Inspector of said appeal, and the appeal shall be heard at the next meeting of the Board of Appeals. The said Board of Appeals, after consideration thereof, shall affirm, reverse or modify said ruling as is just in the premises. The ruling or order of the inspection shall be enforced until changed by said Board of Appeals.

15.1.12 STOP-WORK ORDER.

Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop-work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

15.1.13 CERTIFICATE OF OCCUPANCY.

(a) **Inspections.**

(1) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this or any other ordinance are found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used.

(2) No building, nor part thereof, shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

(b) **Use Discontinued.**

(1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of this Code.

(2) Any building, structure or premises or any part thereof hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health shall not hereafter be occupied or used under an existing certificate of occupancy or without the same until an application has been filed and a new certificate of occupancy issued.

(c) **Change.** It shall be unlawful to change the use of any buildings, structure, premises or part thereof without first obtaining from the Building Inspector an approval of such change in the occupancy or use and a certificate of occupancy therefore. For purposes of this Subsection, a change in use shall include a change in the user for any non-residential building, structure, premises or part thereof.

(d) **Hardship**. The Building Inspector shall have the authority. and power to permit the occupancy of any building or structure in the City, prior to issuance of an

occupancy certificate, in all such cases of hardship as, in his judgment and discretion, warrant occupancy before final stage of completion as set forth in this Code. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed, such time should not exceed one hundred twenty (120) days.

15.1.14 NEW MATERIALS AND METHODS.

No provision in this Code is intended to prohibit or prevent the use of any alternate material or method of construction not specifically mentioned in this Code. Approval of alternate materials or methods of construction shall be obtained from the Department. Requests for approval shall be accompanied by evidence showing that the alternate material or method of construction performs in a manner equal to the material or method required by the Code. The Department may require any claims made regarding the equivalent performance of alternate materials or method to be substantiated by test.

15.1.15 TESTS.

(a) The Department may require that the materials, methods, systems, components or equipment be tested to determine the suitability for the intended use. The Department will accept results conducted by a recognized independent testing agency. The cost of testing shall be borne by the person requesting the approval.

(b) The test method used to determine the performance shall be one that is a nationally recognized standard.

(c) If no nationally recognized standard exists, past performance or recognized engineering analysis may be used to determine suitability.

(d) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by the Code for the intended use. The Department or the City enforcing this Code may require tests in accordance with this Section.

15.1.16 PREFABRICATED DWELLINGS OR ACCESSORY BUILDINGS.

(a) **Manufacture, Sale and Installation of Dwellings**. No manufactured dwelling, manufactured building system or component of the building system subject to this part shall be manufactured for use, sold for initial use or installed in this state unless it is approved by the Department and it bears the Wisconsin insignia issued or a state seal or an insignia reciprocally recognized by the Department.

(b) **Installation**. A permit shall be obtained before any on-site construction falling within the scope of this Code is commenced for a manufactured dwelling.

(c) Approval. An application for the approval of any manufactured dwelling, building system or component shall be submitted to the Department in the form required by the Department, along with the appropriate fees in accordance with the Wisconsin Administrative Code.

15.1.17 IDENTIFICATION OF PRODUCTS.

All materials shall be identified by the approved label, the grade mark, the trade mark or by other approved manufacturer's identification.

15.1.18 TRANSFER OF SOLID FILL.

No person, firm or corporation shall transfer to, dump, place, maintain or allow to remain upon lands, public or private, solid fill within the City of Glendale without first obtaining a permit therefor:

(a) **Application.** Application for a permit to transfer, dump, place, maintain or allow solid fill to remain within the City of Glendale shall be made by the owner of the lands to be filled or his designated agent in writing to the Building Inspector upon an application furnished by the City. A separate permit shall be obtained for each truck or vehicle hauling the fill material. The applicant shall set forth upon the application form the following information:
   (1) Location of filling operation;
   (2) Proposed route for hauling fill;
   (3) Number, type, size and license number of trucks to be used;
   (4) Proposed trucking schedule, number of days and time of day;
   (5) Other equipment involved in fill operation;
   (6) Descriptions and source of fill material;
   (7) Grading plan indicating final limits and finished grade of fill area.

(b) **Fill Material**. Fill material shall be clean, inert material fee from organic material, brush, garbage and material subject to organic decomposition. Where necessary, to avoid dust or similar litter, all material shall be wetted down before transporting. Fill containing items such as hollow containers, appliances and equipment subject to subsequent collapse or settlement is prohibited. Generally, material such as earth fill and broken concrete of a size approved by the Building Inspector or his designee will be classified as acceptable fill subject to other permit requirements.

(c) **Permits.** The Building Inspector is authorized to issue a filling permit to each applicant when he is satisfied that the fill material meets the requirements in Subsection (3) above and that the filling operation will not create noise, traffic or other problems detrimental to the residents of the area of the community in which said filling is taking place; the Building Inspector shall not authorize any filling between the hours of 5:00 p.m. and 8:00 a.m. on weekdays, nor at any time on Saturday, Sunday or on a statutory holiday; he shall further restrict the hours of filling or the number of trucks involved based upon the location of the filling

operation and the traffic conditions of the area where the filling is being placed. The permit shall be for a period not to exceed three (3) consecutive months in a calendar year. Permit applications for subsequent years, when filling operations span a period of several years, will be subject to conditions and fees governing initial applications.

(d) **Other Regulations.** Filling operations also shall be' subject to all applicable county, state or federal license or permit regulations. Filling operations shall not block a natural drainage course.

(e) **Exceptions.** The provisions of this Subsection relating to the transfer of solid fill shall not apply to customary top dressing or fertilizing of lawns and gardens nor shall they apply to the construction of block or concrete patios, driveways or platforms permitted under City Ordinances. Filling involved in an operation requiring a building permit or a wrecking permit is exempt from this Subsection of the Code.

15.1.19 VIOLATIONS.

(a) It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Building Code or to cause, permit or suffer any such violations to be committed. Any person violating any of the provisions of this Code shall, upon conviction, be subject to a forfeiture of not less than Five Dollars ($5.00) nor more than Five Hundred Dollars ($500.00), together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense.

(b) If, in any action, a permitted was issued, it shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

15.1.20 PERMITS AND OTHER FEES.

(a) Adopted by Reference. City of Glendale One and Two-Family Permit Fee Schedule and the Commercial and Industrial Permit Fee Schedule are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in full.

(b) To be on File. Copies of the One and Two-Family Permit Fee Schedule and the Commercial and Industrial Permit Fee Schedule shall be on file in the office of the City Clerk.

(c) Before issuing a building permit, the owner or his agent shall pay to the Building Inspector the appropriate fee as provided for in the One and Two- Family Permit Fee Schedule or the Commercial and Industrial Permit Fee Schedule.

15.1.21 REFUND OF PERMIT FEES.

Permit fees shall be non-refundable except as follows:

(a) Where a duplicate permit application has been submitted in error.
(b) Where the fees submitted are in excess of the actual required fees and a refund is requested by the applicant.
(c) Where the fees have been submitted to the incorrect municipality.
(d) Where approved by the Director of Inspections, a credit may be applied towards future permit fees.

15.1.22 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.

15.1.23 PERMITS—WHEN VOID.

Permit fees shall be non-refundable except as follows:

(a) Where work has not commenced for a period of ninety (90) days from date of permit issuance.
(b) Where work has not stopped or is discontinued for a period of ninety (90) days.
(c) Where work has not been completed within the eighteen (18) months from date of permit issuance.
(d) Where any false statements or misrepresentation of information has been made in the application for contractor, owner, permit, plans, drawings, data specifications, or certified lot or plot plan on which issuance of the permit or approval was based.
(e) Where the applicant or subject property are found to be in violation of any other ordinance.
(f) Where any additional fees have not been paid in full within five (5) business days.
(g) Where payment has been returned for insufficient funds.
(h) Where, in the opinion of the Authority Having Jurisdiction (AHJ), compliance with any ordinance, administrative code, or other applicable regulation or standard has been insufficient or remains uncorrected, or presents a serious risk to the safety, health or well-being of any person or property.

15.1.24 FAILURE TO OBTAIN PERMIT.

It shall be unlawful to commence work prior to obtaining a permit therefor. A minimum of double fees, up to quadruple fees, depending on the violation as determined by the inspector, shall be charged if work is commenced prior to the issuance of the permit.

15.1.25 THROUGH 15.1.29 RESERVED FOR FUTURE USE.

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ARTICLE B
Plumbing Code

15.1.30 PURPOSE AND SCOPE OF PLUMBING CODE.

(a) The purpose of this Plumbing Code is to provide minimum regulations, provisions and requirements in the City of Glendale to insure safety and adequacy to persons and property wherever plumbing is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to plumbing.

(b) The provisions of this Article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

(c) This Article shall be known as the City of Glendale Plumbing Code.

15.1.31 STATE REGULATIONS ADOPTED.

(a) **Adopted by Reference.** Chapter 145, Wis. Stats.; the State Plumbing Code, ILHR 81, Wis. Adm. Code; and ILHR 82 and ILHR 84, Wis. Adm. Code, are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in full.

(b) **To be on File.** A copy of the State Plumbing Code shall be on file in the office of the City Clerk.

15.1.32 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, public street, alley, sidewalk or public lands dedicated to public uses other than storm water collection, or adjacent private property.

(b) **Nuisance.** The discharge into a sanitary sewer, public street, alley, sidewalk, public lands dedicated to public use, or adjacent private property, from any roof drain, surface 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 City 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 City 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 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 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.

(g) **Penalty**. Any violation of this section may be prosecuted or enforced as provided in Section 1.1.7 of the Glendale Code.

15.1.33 PLUMBING DEFINED.

Plumbing, for the purpose of this Code, is defined as set forth in Sec. 145.01 of the Wisconsin Statutes.

15.1.34 PLUMBING INSPECTOR.

(a) **Appointment.** The Common Council of the City of Glendale shall appoint a licensed journeyman or master plumber who, under the direction of the City Administrator, shall act as Plumbing Inspector. Said Inspector shall inspect and have supervision over all plumbing and plumbing installations within the City of Glendale.

(b) **Duties**. The Plumbing Inspector shall be deemed an agent of the Director of Inspections, who shall have co-jurisdiction with the Plumbing Inspector, and who shall maintain public office hours necessary to efficiently administer the provisions of this Code and shall perform the following duties:

(1) Prepare suitable forms for the application of permits required and keep in his office a proper detailed record of all the transactions of his office. He shall file such reports as requested by the Common Council on all transactions of his office.

(2) Examine and check plans, specifications, drawings, descriptions or diagrams where necessary to show clearly the kind and extent of plumbing work covered by the permit application.
(3) Administer and enforce the provisions of this Code in a manner consistent with the intent thereof and inspect all plumbing work authorized by any permit to assure compliance with provisions of this Code, approving or rejecting said work in whole or in part as conditions require.
(4) Collect all fees for permits issued as provided by this Code, issue receipts and turn all such collected fees to the City Treasurer.
(5) Issue upon request a Certificate of Approval for any work approved by him.
(6) Condemn and reject all work done or materials used or being used which do not, in all respects, comply with the provisions of this Code.
(7) Keep a record of all main sewer connections, if such sewer is available, showing location of all junctions and other data necessary for the efficient service of his department.
(8) Shall file a monthly report governing permit transactions with the City Administrator.

15.1.35 ENTRY OF PREMISES.

The Director of Inspections, Plumbing Inspector or their assistants shall carry proper credentials of their respective office and exhibit such credentials when demanded by those whose permission is sought to gain entry into or on to a premises. When refused such entry, they are authorized to seek and gain legal entry.

15.1.36 SEWER IMPROVEMENT TAX.

No permit shall be issued for any sewer connection, and no person shall be allowed to connect with the public sewage system of this community while there is outstanding against the premises for which the permit is applied for any delinquency in the payment of any tax or assessment for the installation, maintenance or operation of any sewer or public sewerage system, except in cases where special permission to do so has been granted by the Plumbing Inspector.

15.1.37 AUTHORITY TO STOP WORK.

Whenever any construction regulated by this Code is being or has been done contrary to the requirements of this Code, the Plumbing Inspector may order all work stopped on that portion of the installation on which such violation has occurred. No person shall do any work on any portion of the installation after a stop order has been issued by the Director of Inspections or Plumbing Inspector.

15.1.38 INSURANCE.

(a) Prior to the issuing of a permit for plumbing, which necessitates excavation in a public street or road, the Plumbing Inspector shall require satisfactory evidence that the person or corporation applying for such permit carries public liability insurance in a solvent insurance company in the sum of at least Fifty Thousand Dollars ($50,000.00) for injury to one (1) person and One Hundred Thousand Dollars ($100,000.00) for one (1) accident. Such certificate of insurance shall be conditioned that the applicant will indemnify and save harmless the City of Glendale, its officers and agents against any and all injuries and/or property damage resulting or arising from any negligence on the part of the applicant, his agents, employees and subcontractors.

(b) Provided further that any bona fide association of plumbers or plumbing contractors may file such certificate of insurance on behalf of its members providing coverage for each of its members for a given period of time not to exceed one (1) year from the date of the filing thereof. Upon the filing of such certificate of insurance, each such member applying for a permit shall be deemed to have complied with the insurance requirements of this Section. Such certificate of insurance shall be accompanied by an appropriate instrument or instruments authorizing any such association to execute such certificate of insurance for and on behalf of its members.

15.1.39 REPORT OF EXISTING UNSANITARY CONDITIONS.

Whenever it shall be reported to the Health Officer by. the Plumbing Inspector that the plumbing in any building is contrary to the provisions of this Code, or is of faulty construction and liable to spread sickness or disease, or is a menace to health, or upon complaint made to the Health Officer by any person that the plumbing in any building is defective, then the Health Officer shall direct the Plumbing Inspector to examine such plumbing in said building and report his findings, in writing, to the Health Officer, suggesting such changes as are necessary to put the same in proper condition. The Health Officer thereupon shall direct such changes to be made as he deems necessary and fix the time for doing the same. Any person refusing to comply therewith shall be deemed guilty of a violation of this section, and each day's continuance thereof shall constitute a separate offense.

15.1.40 SANITARY FACILITIES.

Every building intended for human habitation abutting on a street in which there is a public sewer shall have a connection with that sewer. Every building used or intended for use of human habitation shall have available to its occupants a water closet, wash basin, bathtub or shower stall and kitchen sink, all in clean working order, provided with an adequate water supply to properly operate each fixture.

15.1.41 PLUMBING PERMIT.

(a) No plumbing work, as herein defined, shall be started or continued until a permit therefor has first been obtained from the Inspection Department. Except as stipulated in Sec. 145.02 of the Wisconsin Statutes, such permits will only be issued to licensed master plumbers.

(b) The application for a permit to do plumbing work in the City of Glendale shall fully and truly give the owner's name, address and telephone number, description of property, work to be accomplished and must be signed personally by the master plumber or property owner making application. In the event a master plumber shall fail to comply with the provisions of this Code or shall fail to remedy any defective work after the serving of a written notice by the Plumbing Inspector, then the Plumbing Inspector may determine whether further permits shall be issued to such plumber.

15.1.42 RESERVED FOR FUTURE USE.

15.1.43 STREET DEPOSITS.

Prior to the issuance of a permit involving sewer or water excavations, the following deposits shall be made with the Inspection Department which shall turn over said funds to the City Treasurer. Not less than one hundred eighty (180) days after the proper completion of the work for which said deposit was made, said deposit shall be returned upon order of the City Engineer by the City Clerk, unless, in the opinion of the Common Council, it shall be necessary to correct, complete or supplement said work, in which event said deposit or any work thereof may be retained to pay costs for completion of said work, without prejudice to any right a remedy which the City of Glendale may have against any person or persons doing such work. For excavation in a paved street, the deposit required is Five Hundred Dollars ($500.00). NOTE: Street deposits may be increased at the discretion of the City Engineer.

15.1.44 ASSESSMENT COSTS.

For each sewer or water connection with public mains for the construction of which sewer or water no assessment has previously been levied against the premises defined in the application for permit, an assessment fee computed by multiplying the number of feet of frontage of such premises by the rate per front foot previously assessed for the construction of said public sewer or water shall be paid by the owners of such premises.

15.1.45 NO STORM SEWER AVAILABLE.

All storm and clear water, in the absence of storm sewers, may be drained to other sources with the approval of the Plumbing Inspector. All roof leader, downspout and sump discharge line discharges to the atmosphere must be so directed that water will not be drained onto adjacent properties.

15.1.46 EXISTING STRUCTURES CONNECTED.

On existing structures, connection to storm sewer, when available, shall be ordered when necessitated by conditions detrimental to the best interests of the community. The Plumbing Inspector is hereby authorized to issue such orders.

15.1.47 PLAN APPROVAL.

All new proposed commercial, industrial and institutional building plans shall be approved by the City Engineer and Plumbing Inspector as to storm water drainage before a building permit is issued.

15.1.48 DRAINAGE DITCH STRUCTURES.

No person shall construct, reconstruct, alter, repair or install any drainage structure in any natural drainage ditch or channel carrying storm water unless a permit so to do has been obtained from the Director of Public Works.

15.1.49 DRAINAGE DITCH INTERFERENCE.

No person shall create any obstruction or interference to any natural drainage ditch or channel that will in any manner obstruct the flow of water through such drainage ditch or channel, except that a drainage ditch or channel may be filled or altered if a permit has first been obtained.

15.1.50 HEATER VENTS.

Each fuel-burning water heater shall be connected to an approved vent and each such vent shall consist of approved vent piping of noncombustible, corrosion-resistant material of sufficient thickness, cross-sectional area and heat insulation quality to avoid excess temperature on any adjacent combustible material and shall conform to approved recognized applicable standards.

15.1.51 UNLAWFUL DAMAGE OR INJURY TO PLUMBING AND/OR DRAINAGE.

Any person who shall intentionally, willfully or maliciously injure, obstruct or damage any plumbing as defined in this Code while being installed or after being installed within the jurisdiction of this Code will be subject to penalties as provided herein.

15.1.52 GARBAGE DISPOSERS.

(a) **Definition**

(1) “Garbage" means every waste or refuse, animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables.

(2) "Mechanical Garbage Disposer " means a motorized device suitable for installation under and in direct connection with a kitchen sink, that communities garbage to such a size as to be readily water-borne and cause the discharge of such comminuted garbage directly into a sanitary sewerage system.

(3) "Dwelling Unit" means a single-family residence or flat or apartment in a multiple-residence building.

(b) **Garbage Disposer**. Each dwelling unit, having access to a public sanitary sewer, the construction of which commenced after December 31, 1958, and each existing kitchen unit having access to public sanitary sewer shall, prior to occupation or continued use thereof for residence purposes, be equipped with a properly installed mechanical garbage disposer which conforms to the specifications provided in Subsection (c) hereof, except that in the case of an existing dwelling where, in the opinion of the Plumbing Inspector, the cost of relocating or altering existing plumbing or piping represents an undue hardship, then said Plumbing Inspector may waive compliance with this Section.

(c) **Specifications for Mechanical Garbage Disposer.** The specifications for a mechanical garbage disposer shall be:

(1) That it shall shred garbage to a substantially uniform size and discharge the same at a reasonably uniform rate in a water-borne or fluid form which will flow readily through standard sink drains, approved traps, drain lines or soil lines in a manner and consistency which will not cause clogging or stoppage of the drain line or sewerage lines.

(2) That it shall be self-scouring with no surfaces or pockets to harbor food wastes.

(3) That it be of substantial construction of adequate capacity for the intended use, free from electrical or mechanical hazards. If activated electrically, it shall bear evidence of Underwriters' Laboratory approval.

(4) That it shall be permanently connected to a drain to the sewage system and shall be free from any cross-connection to a water supply.

(d) **Building or Remodeling Permit.** The Building Inspector shall not issue a permit for the construction of any new dwelling unit or for the alteration or remodeling of

any kitchen of a dwelling unit, the construction of which commenced after December 31, 1958, involving an expense in excess of Three Hundred Dollars ($300.00), unless the plans and specifications and work to be performed include the installation of a mechanical garbage disposer.

(e) **Penalty.** Any person, firm or corporation who shall violate the provisions of this Section shall be subject to the penalty provided in Section 1-1-7 of the Glendale Code of Ordinances.

15.1.53 DUTY TO REPORT VIOLATIONS.

It shall be the duty of every official, police officer, Plumbing Inspector or Health Officer of the City of Glendale to inquire into and report to the Plumbing Inspector for investigation and prosecution all cases of violation of this Chapter.

15.1.54 PENALTY.

Any. plumber, property owner or other person found guilty of violating any of the provisions of this Plumbing Code shall be subject to a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00), together with the costs of prosecution, and in default of payment thereof, shall be imprisoned in the County Jail until said fine and costs, together with subsequent costs, are paid, but in any event not to exceed sixty (60) days. Each day of violation shall constitute a separate offense.

15.1.55 APPEAL FROM DECISION OF PLUMBING INSPECTOR.

Any person feeling himself aggrieved by any order or ruling of the Plumbing Inspector may appeal from such ruling to the Board of Appeals within twenty (20) days after written notice of such ruling shall have been delivered to him. Such appeal shall be in writing, setting forth the order appealed from and the respects in which said person, feeling himself aggrieved, claims such order or ruling is erroneous or illegal. Said notice of appeal shall be filed with the City Clerk who shall thereupon notify the Plumbing Inspector of said appeal and the appeal shall be heard at the next meeting of the Board of Appeals which, after consideration thereof, shall affirm, reverse or modify such ruling as may be just in the premises. The ruling or order of the Inspector shall be enforced until changed by said Board of Appeals.

15.1.56 RESERVED FOR FUTURE USE.

15.1.57 GREASE INTERCEPTOR.

(a) **Grease Interceptor Permit Required**. Any property owner, or property owner's agent or lessee, who is required by COMM 82.34, Wis. Adm. Code, or any amendment thereto, to install and maintain a grease interceptor, shall obtain an annual grease interceptor permit from the City.

(b) **Application.** Application for a permit shall be made on forms provided by the City, disclosing therein the following:

(1) The name(s) and telephone number(s) of the person(s) responsible for the maintenance of the grease interceptor;

(2) The means by which the captured material is to be disposed;

(3) The name of the waste disposal firm contracted to dispose of the captured material; and

(4) The record of captured material disposal dates during the previous permit period.

(c) **Inspection**. Upon receipt of an application, the City Plumbing Inspector shall make, or shall cause to be made, an inspection of the grease interceptor to assure that the permitted premises and the grease interceptor are in compliance with COMM 82.34, Wis. Adm. Code. Inspections shall be made at least once annually, and at such other times as the City Plumbing Inspector shall deem necessary.

(d) **Fee.** The applicant shall pay an investigation and compliance fee to cover the City's cost of administrating this compliance program. This fee relates solely to the inspection and monitoring described in this Section, and is separate from all other fees charged by the Sewer Commission. The annual fee shall be paid at the time the applicant makes application and shall be Seventy-five Dollars ($75.00) if the inspection service is performed by City of Glendale Department of Inspections staff, or the exact cost to the City per inspection in the event such inspections are performed by contract with an independent contractor inspection service.

(e) **Expiration; Renewal; Transfer.** Annual Grease interceptor permits shall expire on December 31st every year. Renewals shall be handled in the same manner as original applications. Permits issued under this Section are personal and may not be transferred.

(f) **Revocation of Permit.** Permits issued under this Section may be revoked, or withheld, by the City Plumbing Inspector whenever the City Plumbing Inspector determines that the permit holder has violated any provision of COMM 82.34, Wis. Adm. Code, including, but not limited to, allowing deleterious waste material to be introduced into the City sewer. Continued operation under a revoked permit shall constitute a violation of Section 1-1-7 of the Glendale Code of Ordinances.

(g) **Appeals.** Appeals from any order or decision of the City Plumbing Inspector under this Section shall be made to the Board of Appeals of the City of Glendale within twenty (20) days of the order or decision.

(h) **Penalty**. Any person, firm or corporation who shall violate the provisions of this Section shall be subject to the penalty provided in Section 1-1-7 of the Glendale Code of Ordinances.

15.1.58 THROUGH 15.1.69 RESERVED FOR FUTURE USE.

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ARTICLE C

Electrical Code

15.1.70 APPLICATION OF PROVISIONS OF THE ELECTRICAL CODE.

(a) **Title.** This Article shall be known as the "Electrical Code of the City of Glendale" and will be referred to in this Chapter as this "Code" or "this Article."

(b) **Purpose.** The purpose of this Electrical Code is the practical safeguarding of persons and property from hazards arising from the installation and use of electricity.

(c) **Scope**.

(1) This Electrical Code covers:

a. Installation of electric and communication conductors and equipment in places of employment within or on public and private buildings or other structures, including mobile homes, recreational vehicles and floating dwelling units; and other premises such as yard, carnival, parking and other lots, mines, trenches and tunnels, and industrial substations.

b. Installation of conductors that connect to the supply of electricity.

c. Installation of other outside conductors on the premises.

(2) This Electrical Code does not cover:

a. Installations in ships, watercraft other than floating dwelling units, railway rolling stock, aircraft or automotive vehicles other than mobile homes and recreational vehicles.

b. Installations of railways for generation, transformation or distribution of power used exclusively for signaling and communication purposes.

c. Installation of communication equipment under exclusive control of communication utility, located outdoors or in building spaces used exclusively for such installation.

d. Installations under the exclusive control of' electric utilities for the purpose of communication or metering; or for the generation, control, transformation, transmission and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads or similar public thoroughfares, or outdoors by established rights on private property.

e. Installations under exclusive control of electric utilities or municipal electric departments for the purpose of street or area lighting.

(3) Application of rules.

a. The provisions of this Article shall apply to all new installations, reconstructions, alterations and extensions.

b. Existing installations may be required to be brought into compliance with minimum wiring requirements by the City and within the time determined by the City.

15.1.71 STANDARDS FOR THE INSTALLATION OF ELECTRICAL EQUIPMENT.

(a) Standards for the installation of electrical conductors and equipment in the City of Glendale shall comply with the National Electrical Code (NEC) and Wisconsin Electrical Code, which are adopted by reference, except as specifically modified herein and all provisions of this Code. Where no specific standards for safety are prescribed by this Article or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.

(b) Interpretation of the Code shall be at the discretion of the Electrical Inspector.

(c) Only that equipment which has been expressly made for electrical purposes shall be installed for electrical purposes. All electrical equipment shall be installed or used in the exact manner and for the exact purpose indicated by the manufacturer's instructions, markings or labels. Old or secondhand electrical equipment shall not be installed unless such equipment is in a safe condition. The original manufacturer's ratings, markings or labels thereon shall not be changed nor altered. in any manner, except that normal replacements and repairs may be made to such equipment if the replacements and repairs do not change the original characteristics or design.

(d) One (1) .and two (2) family dwellings and manufactured buildings for dwellings, the initial construction of which was commenced on or after June 1, 1980, or additions and alterations to such dwellings shall comply with the provisions of chapter III-IR 24, Wis. Adm. Code and all amendments thereto, which is adopted by reference and made a part hereof.

15.1.72 OFFICE OF THE ELECTRICAL INSPECTOR.

The Office of the Electrical Inspector of the City of Glendale, heretofore created, shall function under the supervision of the City Administrator. The Electrical Inspector shall be appointed by the Mayor, subject to confirmation by the Common council. The Electrical Inspector shall have the following qualifications:

(a) He shall be a competent electrician and of good moral character.

(b) He shall have had at least six (6) years' experience as a master electrician or electrical contractor in the business of supervising the installation of electrical systems, apparatus and equipment, or four (4) years' training in a recognized college of electrical engineering, plus two (2) years' experience as a master electrician or electrical contractor.

(c) He shall hold current certifications from the Department of Industry, Labor and Human Relations of the State of Wisconsin in the following categories: UDC--Electrical and Electrical -- Commercial.

15.1.73 GENERAL MANAGEMENT AND CONTROL.

(a) The Electrical Inspector shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to electrical inspection and shall enforce all state laws and City of-Glendale ordinances relating to the safeguarding of life and property.

(b) The Electrical Inspector or his authorized agent shall have the power and authority, and it shall be his duty, to enforce the provisions of this Article. For this purpose, he shall have the right, at all reasonable hours, to enter any premises, either public or private, in the discharge of the Electrical Inspectors official duties and to require the production of a permit for any electrical work being performed. No person shall interfere or refuse to permit access to any such premises by the Electrical Inspector.

(c) No person shall interfere with or refuse to permit access to any such premises by such Electrical Inspector. He shall be empowered or privileged to appoint a deputy or deputies, subject to and after the approval of the Mayor.

15.1.74 ELECTRICAL INSPECTOR'S RECORDS.

(a) The Electrical Inspector shall keep a complete record of all applications and permits, regularly numbered in the order of their issue, a record of all inspections made and other official work performed under the provisions of this Article and so arranged as to afford prompt information concerning electrical installations.

(b) He shall file with the City Clerk on or before the tenth (10th) day of each month a monthly report of all applications received, licenses and permits granted and fees received and delivered to the City Treasurer. He shall file with the City Clerk prior to March 1st of each year an annual report as to all of the above matters.

15.1.75 ELECTRICAL LICENSES.

(a) No person, firm or corporation shall install, alter or report, not shall they engage in the business of installing, altering or reporting any electrical wiring, fixtures or apparatus, or install, alter or repair the same within the City of Glendale without first having procured a state-issued electrical contractor's, electrical contractor's--restricted, or master electrician's license pursuant to the rules promulgated and adopted by the Wisconsin Department of Commerce under COMM Subchapter 4, Secs. 5.40 through 5.45, Wis. Adm. Code, as amended from time to time. Persons, firms or corporations holding such a license shall be entitled to an electrical license to be issued by the City of Glendale upon displaying such

credentials to the Electrical Inspector and paying such yearly fee as from time to time set by the Common Council. License holders shall have the right to perform electrical services of any nature within the City of Glendale as permitted by state law applicable to their respective state license. In addition, persons, firms or corporations having a Class A, Class AB or Class B license, as heretofore issued by the City of Glendale, shall be authorized under such license to perform electrical services in the City to the extent allowed by such license at the time of adoption of this Section.

(b) No license shall be required for the making of minor repairs.

(c) All work done under this Section shall be subject to all terms and provisions of any applicable local, state or federal codes, rules or regulations.

15.1.76 ELECTRICAL PERMITS; INSPECTIONS.

(a) **Temporary Work**. On applying for a permit for temporary work, a specified period of time for which wiring is to remain in service must be stated, but not exceeding ninety (90) days. Service shall be cut off at the end of this period and shall not again be connected without written permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits for temporary work may be granted by the Electrical Inspector for the installation of open work and exposed wiring, lights, power for building operations, display, decorative lighting, etc., for use for a limited period subject to discontinuance and complete removal at expiration, and to condemnation and revocation within such period.

(b) **Emergency Work**. In emergency work, the person, firm or corporation doing or causing such work to be done shall report the same to the Electrical Inspector immediately after beginning work, and such work shall be done in accordance with the provisions of this Code.

(c) **Inspection.** Upon the completion of the wiring of any building and before any writing is to be hidden from view, it shall be the duly of the person, firm or corporation doing the same to notify the Electrical Inspector and he shall inspect the installation within twenty-four (24) hours of the time such notice is received. If, upon inspection, it is found that the installation is fully in compliance with this Code and does not constitute a hazard to life or property, he shall approve the same and authorize concealment of the wiring or authorize connection for the electrical service. If the installation is incomplete or not strictly in accordance with this Code, he shall issue orders to the person, firm or corporation installing the same to remove all hazards and make the necessary changes or additions within seven (7) days. No person, firm or corporation shall conceal any electric work before inspection or fail to comply with any order of the Electrical Inspector. All inspection notices shall be immediately brought to the attention of the licensed supervisor no later than seven (7) working days after final inspection has been requested.

(d) **Service Inspection**. The electrical system shall not be turned on in any electrical installation until a certificate of inspection has been issued by the Electrical

Inspector. However, in occupied buildings where a permit has been issued, the Electrical Inspector may authorize the installation of meters for electric service after the wiring has been inspected and approved.

(e) **Rough-in Inspection.** Upon acceptance of work by the Electrical Inspector, approval shall be noted on a placard posted on the premises. Until such time as this approval is posted, no work requiring inspections shall be concealed. Current shall not be turned on for any electrical installation until work has been approved. In buildings occupied or to be occupied where an electrical permit has been issued, the Electrical Inspector may authorize the installation of meters for electric service after wiring has been inspected and approved.

(f) **Final Inspection**. Upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same is occupied or used, a final inspection shall be made by the Electrical Inspector. Until such building, structure or equipment is in compliance with all the requirements of the Electrical Code and the Wisconsin State Electrical Code and terms of the permit, no occupancy shall be maintained.

(g) **Authority to Turn Off Power During Fires**. The Electrical Inspector, the Chief or Assistant Chief, or other person in charge of the Fire Department, or other person so delegated, shall have the power to cause the removal of all wires and the turning off of all electrical currents where currents interfere with the work of the Fire Department during progress of a fire.

(h) **Unlawful Connections**. It shall be unlawful for any person to make any connection from any source or supply of electricity, or to supply electricity to any electrical equipment for which a permit is required, or which has been disconnected by the Building Inspector, authorizing the connection and use of such equipment.

(i) **Notice of Unsafe Equipment.** If, upon any inspection by the Electrical Inspector, any electrical equipment is found to be unsafe or dangerous to persons or Property, the person owning or using such electrical equipment shall be notified writing by the Electrical Inspector to remove or cause to be removed or to make changes or repairs as determined by the Electrical Inspector, so as to restore such electrical equipment to a safe condition. Failure to comply with such notice within the time specified in such notice shall be sufficient cause for the Electrical Inspector to disconnect or order the removal of or order the discontinuance of the electric service to said electric equipment or to cause the arrest of such person owning or using such electrical equipment.

(j) **Prefabricated Structures**. When prefabricated dwelling or accessory building assemblies are not readily accessible so as to permit local inspection at the building site, a third party shall make such inspection, in which case a registered electrical engineer of the State of Wisconsin or master electrician of the state in which the assembly is manufactured shall furnish a certified report of the inspection. All tests and inspection records shall be accessible to the local Electrical Inspector at all times during fabrication and erection of the building or assembly unit or such records as he may designate shall be filed with him.

15.1.77 RADIO, TELEVISION AND OTHER ELECTRONIC BEAMING DEVICES.

(a) The Electrical Inspector may inspect any radio, television or other electronic beaming devices in use in the City of Glendale in order to ascertain whether or not the same is of a safe construction and condition and has been installed in a workmanlike manner in accordance with good engineering and electrical practices.

(b) Radio, television or other electronic beaming devices shall conform to regulations set forth in the Building and Zoning Codes of the City.

(c) Antenna systems shall be installed and grounded in accordance with the requirements of the Wisconsin State Electrical Code.

(d) In case any condition is found which might result in danger to life or property or is unsightly and in need of maintenance and repair, the Electrical Inspector is authorized to give written notice to the owner or operator of such antenna at his last-known address, pointing out such condition and requiring correction of the same within five (5) days from the date of such notice. If such conditions are not corrected within such time, the maintenance of such unsafe or unsightly installation by the owner or user thereof shall be unlawful, and the owner or operator shall be subject to the penalty hereinafter prescribed. If, in the opinion of the Electrical Inspector, such condition is so dangerous to life and property that the immediate removal is required, the Electrical Inspector shall remove or cause to be removed said antenna system without further notice to the owner or operator thereof. The cost of removing the same shall be charge-able to the owner of the property upon which it is located and shall be certified in the proper manner to have said costs levied as special charges against such property, and the proper officers of the City of Glendale are authorized and directed to enter such charges onto the tax roll.

15.1.77.5 EMERGENCY GENERATORS.

Emergency generators shall be subject to the following regulations:

(a) The electrical inspector may inspect any emergency generator in order to ascertain whether or not the same is of a safe construction and condition, and has been installed in a workmanlike manner in accordance with good electrical practices, and is compliant with any and all applicable local or state codes.

(b) Emergency generators shall be located and placed in the rear yard, and shall be set back from the side yard so as to be within the sidelines of the footprint of the building as extended through the backyard, and shall be as close to the rear wall of the building as reasonably practicable. In the event that it is not feasible to locate the emergency generator as herein required, an alternate location may be authorized by the electrical inspector, who shall determine such alternate location as consistent with the requirements of this section as reasonably practicable.

15.1.78 LICENSE REVOCATION.

Any license issued pursuant to the provisions of this Section may be revoked upon complaint of the Electrical Inspector in the manner following:

(a) The Electrical Inspector shall file his complaint with the City Clerk.

(b) The City Clerk shall, within thirty (30) days thereafter, schedule a hearing upon said complaint before the Common Council, with not less than five (5) days' written notice to the licensee and his employer, which notice shall specify the basis of such complaint.

(c) In the event, upon such hearing, the Common Council or a majority of the members thereof, shall find the licensee, for good and proper cause, disqualified to hold such license, the Electrical Inspector shall formally revoke such license upon such findings.

15.1.79 NO ASSUMPTION OF LIABILITY.

This Article shall not be construed as assuming any liability on the part of the City of Glendale or employees thereof for damages to anyone injured or any property damaged or destroyed by any defect in any building or equipment, or electrical wiring or equipment, or for any failure to take any action or give any order under or pursuant to the provisions of this Article.

15.1.80 THROUGH SEC. 15.1.89 RESERVED FOR FUTURE USE.

ARTICLE D

Enforcement and Penalties

15.1.90 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 the City Building Code, the City Electrical Code and Plumbing Code (all included within the definition of "this Chapter" for purposes of this Section), shall be deemed an unlawful building, structure or use. The City Inspectors shall promptly report all such violations to the City 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 in Section 1-1-7 of the Code of Ordinances. Any person who fails to obtain a building permit before starting construction shall be charged double the regular rate for this late filing violation. 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 City Inspectors or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctional order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

(b) (1) If an inspection reveals a noncompliance with this Chapter, the appropriate City 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 by a City Inspector.

(2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the appropriate City Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

(4) If any construction or work governed by the provisions of this Chapter 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 a City Inspector may appeal from such order or determination to the Board of Appeals, except the appeals regarding orders or determinations under the Electrical Code shall be

made to the Electrical Examiners Committee. 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 City of Glendale charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

15.2 Construction Site Erosion Control

15.2.1	Authority
15.2.2	Findings and Purpose
15.2.3	Applicability of Regulations
15.2.4	Definitions
15.2.5	Design Criteria, Standards and Specifications for Control Measures
15.2.6	Maintenance of Control Measures
15.2.7	Control of Erosion and Pollutants During Land Disturbance and Development
15.2.8	Permit Application, Control Plan and Permit Issuance
15.2.9	Inspection
15.2.10	Enforcement
15.2.11	Appeals

15.2.1 AUTHORITY.

This Chapter is adopted pursuant to the guidelines in Sec. 62.2345, Wis. Stats.

15.2.2 FINDINGS AND PURPOSE.

(a) **Findings**. The Common Council finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and the City of Glendale.

(b) **Purpose**. It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and City; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands.

15.2.3 APPLICABILITY OF REGULATIONS.

This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the City and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All state funded or conducted construction is exempt from this Chapter.

NOTE: State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff', which contains similar requirements as contained in this Chapter, as a minimum.

15.2.4 DEFINITIONS.

(a) **Agricultural Land Use**. Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

(b) **Commercial Land Use**. Use of land for the retail or wholesale sale of goods or services.

(c) **Construction Site Control Measure**. A control measure used to meet the requirements of Sec. 15-2-7(b).

(d) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.

(e) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector.

(f) **Erosion** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

(g) **Land Developing Activity**. The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

(h) **Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

(i) **Landowner.** Any person holding title to or having any interest in land.

(j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.

(k) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface**.**

(l) **Set of 1 Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm duration's of 0.5, 1, 2, 3, 6,12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin. Use the following values or the values established and published by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), whichever are more protective in the analyses required by this ordinance.

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average Total Rain (inches)
0	1.8	0.9
1	1.1	1.1

2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

(m) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

15.2.5 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.

All control measures required to comply with this Chapter shall meet the design criteria, standards and specifications for the control measures based on the latest edition of the Wisconsin Construction Site Best Management Practice handbook, as published and amended from time-to-time by the State of Wisconsin Department of Natural Resources, and on accepted design criteria, standards and specifications identified by the Building Inspector.

15.2.6 MAINTENANCE OF CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions. Maintenance of control measures shall conform to the requirements of the approved Stormwater Management Plan for the land development activity.

15.2.7 CONTROL OR EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

(a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:

(1) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.

(2) Those requiring a certified survey approval or the construction of houses of commercial, industrial or institutional buildings on lots of approved certified surveys.

(3) Those involving grading, removal of protective ground cover or vegetation excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.

(4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.

(5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

(6) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.

(7) Those meeting the criteria established in Section 6.5.5.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the Building Inspector clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

(b) **Erosion and Other Pollutant Control Requirements**. The following requirements shall be met on all sites described in Subsection (a).

(1) **Site Dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than one hundred (100) microns during dewatering operations, then no control is needed before discharge, except as determined by the Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

NOTE: There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low,, (1 gal/min), then an inclined or vertical enlargement pipe (about 8 in diameter for (1 gal/min) several feet long would be an adequate control device to restrict the discharge of one hundred (100) micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4-1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. with very large pumping rates (10,000 gal/min), sediment basins.(about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three (3) feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydro-cyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices described above, but they would not be required.

(2) **Waste and Material Disposal**. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(3) **Tracking**. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways.

(4) **Drain Inlet Protection**. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.

(5) **Site Erosion Control.** The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site:

a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in Subsection (b)(5)c.3. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one (1) year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

NOTE: Soil and Conservation Service guidelines for allowable velocities in different types of channels should be followed.

b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

c. Runoff from the entire area disturbed area on the site shall be controlled by meeting the criteria contained in the Wisconsin Construction Site Best Management Practice Handbook, as published and amended from time-to-time by the State of Wisconsin Department of Natural Resources and either of the following:

NOTE: The most restrictive criteria shall be applied.

1. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching or covering, or other equivalent control measure.

2. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen ,(13) microns in size, based on the set of one (1 year design storms having duration’s from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

3. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

d. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

15.2.8 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.

(a) **Permit Application** No landowner or land user may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for a review of the control plan.

(b) **Content of the Control Plan for Land Disturbing Activities Covering More Than One Acre.**

(1) **Existing Site Map**. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:

a. Site boundaries of adjacent lands which accurately identify site location;

b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);

c. 100 year floodplains, flood fringes and floodways;

d. Location of the predominant soil types;

e. Vegetative cover;
f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
g. Locations and dimensions of utilities, structures, roads, highways, and paving; and
h. Site topography at a contour interval not to exceed five (5) feet.

(2) **Plan of Final-She Conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes.

(3) **Site Construction Plan**. A site construction plan including:
a. Locations and dimensions of all proposed land disturbing activities;
b. Locations and dimensions of all temporary soil or dirt stockpiles;
c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter;
d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and
e. Provisions of maintenance of the construction site control measures during construction.

(c) **Content of Control Plan Statement for Land Disturbing Activities Covering Less Than One Acre, But Meeting the Applicability Requirements Stated Sec. 15-2-7(a).** An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of the Chapter.

(d) **Review of Control Plan.** Within forty-five (45) days of receipt of the application, control plan (or control plan statement), and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this Chapter are met. The Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within thirty (30) days of receipt of needed information, the Building Inspector shall again determine if the plan meets the requirements of this Chapter. If the plan ~s disapproved, the Building Inspector shall inform the applicant m writing of the reasons for the disapproval.

(e) Permits.

(1) Duration. Permits shall be valid for a period one hundred eighty (80) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.

(2) Surety Bond. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or

irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.

(3) Permit Conditions. All permits shall require the permittee to:

a. Notify the Building Inspector within forty-eight (48) hours of commencing any land disturbing activity;

b. Notify the Building Inspector of completion of any control measures within fourteen (14) days after their installation;

c. Obtain permission in writing from the Building Inspector prior to modifying the control plan;

d. Install all control measures as identified in the approved control plan;

e. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan;

f. Repair any situation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;

g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;

h. Allow the Building Inspector to .enter, the site for. the. purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and

i. Keep a copy of the control plan on the site.

15.2.9 INSPECTION.

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least two (2) times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the Building Inspector shall enter the land pursuant to provisions of Sections 66.122 and 66.123, Wis. Stats.

15.2.10 ENFORCEMENT.

(a) The Building Inspector may post a stop-work order if:

(1) Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;

(2) The control plan is not being 'implemented in a good faith manner; or

(3) The conditions of the permit are not being met.

(b) If the permittee does not cease the activity or comply with the control plan or permit conditions within ten (10) days, the Building Inspector may revoke the permit.

(c) If the landowner or land user where no permit has been issued does not cease the activity within ten (10) days, the Building Inspector may request the City Attorney to obtain a cease and desist order.

(d) The Building Inspector or the Board of Appeals upon appeal may retract the stop-work order or the revocation.

(e) Ten (10) days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this Chapter. The Building Inspector may go on the land and commence the work after fourteen (14) day. from issuing the notice of intent. The costs of the work performed by the Building Inspector, plus interest at the rate authorized by the Building Inspector shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the City Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Section 66.60(16), Wis. Stats. Any person violating any of e provisions of this Chapter shall be subject to a forfeiture as provided in Section 1-1-7. Each day a violation exists shall constitute a separate offense.

(f) Compliance with the provisions of this Chapter may also be enforced by injunction.

15.2.11 APPEAL.

(a) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, decision or determination made by the Building Inspector in administering this Chapter. Upon appeal, the Board of Appeals may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owning to special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. The Board of Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.

(b) **Who May Appeal** Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector in administering this Chapter.

15.3 Fair Housing

15.3.1 Statement on Fair Housing
15.3.2 Definitions as Used in This Chapter
15.3.3 Unlawful Practices
15.3.4 Exemptions
15.3.5 Enforcement

15.3.1 STATEMENT ON FAIR HOUSING.

It is hereby declared to be the policy of the City of Glendale to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining. a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

State Law Reference: Section 66.432, Wis. Stats.

15.3.2 DEFINITIONS AS USED IN THIS CHAPTER.

(a) **Dwelling**. Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

(b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees m bankruptcy and receivers.

(c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(d) **Discrimination/Discriminatory Housing Practice**. Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.

(e) **Person**. Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(f) **Owner**. Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.

(h) **Real Estate Broker/Real Estate Salesman**. Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation .through its listing in a publication issued primarily for such purpose; or an individual employed or acting on behalf of any of these.

(i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.

(j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.

(k) **Open Market**. The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

15.3.3. UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the City for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase; rental ,.lease or financing of .any housing. accommodation, which indicates and discrimination or any intent to make discrimination.

(g) To offer, solicit, accept or use a list of any homing accommodation for sale: purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

(h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(1) The lowering of property values in the area;

(2) An increase in criminal or antisocial behavior in the area; or

(3) A decline in the quality of schools serving the area.

(i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any homing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

(j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

(k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or

(l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or

(m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or

(n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists m whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or

(p) To .deny .any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

15.3.4 EXEMPTIONS.

This Chapter shall not apply to:

(a) A religious organization, association, or society or any nonprofit institution or organization operation supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is .restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

(b) A private club not in fact open .to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purposes, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any

fight to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one lime; provided further, the sale., or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:

(1) Without the use of any money of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(2) Without the publication, posting or mailing after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and

(3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the rifle.

(d) Rooms or units in dwellings containing living quarters occupied or intended to be .occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

15.3.5 ENFORCEMENT.

Any person aggrieved by any unlawful. practice prohibited by this Chapter may file a complaint with the common council within thirty (30) days after the aggrieved person becomes aware of the alleged. unlawful practice and no event more than sixty (60) days after the alleged unlawful practice has occurred. The Common Council or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Common Council to forward the complaint and findings to appropriate state and federal agencies.

15.4 Grievances Regarding Access to Public Buildings by Handicapped Persons

15.4.1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.

(a) **Statement of Purpose**. The City of Glendale is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) regulations (31 C.F.R. 51.$5[d][2]) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Section 504 states, in part, that "no otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

(c) **Complaint Procedure**.

(1) Complaints should be filed with the Building Inspector who has been designated to coordinate Section 504 Compliance.

(2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

(3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

(4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Building Inspector who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.

(5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.

(6) The Section 504 coordinator shall maintain the files and records of the City relating to the complaints filed.

(c) **Appeals.**

(1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the City Clerk.

(2) The, grievance shall be heard by the Common Council within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the City Hall at a convenient time fixed by the Common Council. The City Clerk shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.

(3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.

(4) The decision of the Common Council on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Council shall be rendered within three (3) working days of the close of the hearing and the Common Council shall immediately upon rendering decision mail a copy thereof by first class mail to the applicant at me current post office address given in his or her application and record a copy of its determination with the City Clerk.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. U61ization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process**. This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City complies with Section 504 and the ORS regulations.

15.5 Property Maintenance Code

15.5.1	Legislative Findings
15.5.2	Purpose of Chapter
15.5.3	Applicability
15.5.4	Title of Chapter
15.5.5	Definitions
15.5.6	Responsibilities of Owner or Occupant
15.5.7	Public Areas of Buildings
15.5.8	Lead Paint Prohibited
15.5.9	Handrails and Guardrails
15.5.10	Building Requirements
15.5.11	Vacant, Abandoned or Undeveloped Land Requirements
15.5.12	Maximum Density
15.5.13	Property Maintenance Inspector
15.5.14	Powers and Duties of Inspector
15.5.15	(Reserved for Future Use)
15.5.16	Entrance onto Property
15.5.17	Notice of Violation
15.5.18	Enforcement
15.5.19	Appeals

15.5.1 LEGISLATIVE FINDINGS.

The Common Council hereby finds that there exists, and may in the future exist, within the City buildings or structures that are likely to affect, by reason of their maintenance or lack of it the health, safety and general welfare of the citizens of this community. To prevent or correct the existence of such adverse conditions and to achieve and maintain such levels of building environmental quality as will protect and promote health and safety and general welfare, it is herewith declared that there is needed, for the establishment of certain standards relating to the maintenance and rep. air of buildings, structures and surrounding areas. It is further declared that failure to maintain buildings or other structures in a reasonable state of repair or to keep the exterior of buildings and structures in a reasonably attractive condition affects the value of other properties in the area and adversely affects the environment and living conditions in the area and that each of the aforesaid conditions creates a public nuisance.

15.5.2 PURPOSE OF CHAPTER.

It is the purpose of this Chapter to assist in preventing property deterioration and the creation of subsafety conditions in all buildings and structures by requiring an adequate level of maintenance and repair thereof.

15.5.3 APPLICABILITY.

The provisions of this Chapter shall apply uniformly to the maintenance of all buildings or structures and areas surrounding the same, irrespective of when or under what condition or conditions such buildings were originally constructed.

15.5.4 TITLE OF CHAPTER.

This Chapter shall be known and may be cited as the "Property Maintenance Code" and may be hereinafter referred to as "this ordinance."

15.5.5 DEFINITIONS.

(a) For the purpose of this Chapter, the following words and phrases shall have the meanings assigned to them in this Section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use:

(1) Accessory Building or Structure. A detached building or structure in a secondary or subordinate capacity from the main building.

(2) Approved. Approved by the local authority having such administrative authority.

(3) Approved Substitute. A product installation or condition approved by the local authority as being equal to that originally specified.

(4) Basement. That portion of a dwelling below the first floor or ground floor with its entire floor below grade.

(5) Blight. An impaired condition leading to deterioration.

(6) Blighting Influence. A condition having an adverse effect on surrounding properties.

(7) Building. A structure enclosed within exterior walls or firewalls built, erected and framed of component structured parts designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

(8) Dilapidated. A condition of decay or partial ruin by neglect or misuse.

(9) Dwelling Unit. One (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

(10) Debris. Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery, boxes; lumber (new or used), posts, sticks or other wood; tree branches, brush, yard trimmings, grass clippings and other residues; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards of a serious blighting influence upon their neighborhood or the City of Glendale in general.

(11) Family. As defined in the Glendale Zoning Code.

(12) Good Condition. That the premises are in a proper state for the uses to which they were intended to be used.
(13) Good Repair. That the premises are in conformance with the governing rules, regulations and codes.
(14) Noncombustible Material. Material that cannot be burned.
(15) Occupant. The owner or owners in fee or a lesser estate therein, a mortgagee or lendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.
(16) Noxious Weeds. As defined in the Wisconsin Statutes.
(17) Person. An individual, firm, corporation, association or partnership.
(18) Premises. Lot, plot or parcel of land, including the buildings or structures thereon or any part thereof.
(19) Reasonably Tight. That the item so described shall fit so as to exclude wind, rain, moisture, vermin, pests, bugs, insects, rodents or other similar items.
(20) Reasonably Well. That normal conditions exist.
(21) Rubbish. Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard clip. pings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.
(22) Refuse. Debris as heretofore defined.
(23) Workmanlike. Accomplished in a reasonably skilled manner.
(24) Habitable Room. Any room used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, baths or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
(25) Safety. The condition of being reasonably free from danger or hazard capable of causing an accident or disease.
(26) Structure. As defined in the Wisconsin Uniform Building Code.

15.5.6 RESPONSIBILITIES OF OWNER OR OCCUPANT.

No owner or other person shall occupy or let to or permit another person to occupy any dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all the applicable legal requirements of the State of Wisconsin and the City of Glendale.

15.5.7 PUBLIC AREAS OF BUILDINGS.

Every owner of a building shall maintain the shared or public area of the building in a clean and sanitary condition.

15.5.8 LEAD BASED PAINT PROHIBITED.

No owner or occupant shall apply a lead-based paint to any surface in any dwelling or dwelling unit.

15.5.9 HANDRAILS AND GUARDRAILS.

Every stairway of more than three (3) risers shall be provided with at least one (1) handrail for the full length of the stairway. Handrails shall be provided on all open sides of stairways of more than three (3) risers. All openings between floors, open sides of landings, platforms, balconies or porches which are more than two (2) feet above grade or a floor, shall be protected with guardrails.

15.5.10 BUILDING REQUIREMENTS.

No person, firm or corporation shall allow or permit any building or structure, whether dwelling or non-dwelling or accessory, on their property to remain in or deteriorate to a condition that is not in accord with the following provisions:

(a) **Exterior Walls and Foundations**.

(1) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls, or to the occupied spaces of the building.

(2) Every foundation and exterior wall shall be reasonably weather-tight, rodent-proof, insect-proof and shall be kept in a reasonably good state of maintenance and repair. The foundation elements shall adequately support the building at all points.

(b) **Roofs and Drainage**.

(1) All roofs shall be maintained so as not to leak, and all water shall be so drained and conveyed therefrom so as not to cause damage to the exterior walls, eaves, soffits or foundation.

(2) Gutters and downspouts, when provided, shall be adequately secured, kept free of obstruction and in a reasonably good state of repair.

(c) **Porches, Railings, Stairways, Decks and Patios.** Every outside stair, every porch, deck, patio and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting loads to which it is subjected as required by the building code and shall be kept in sound condition and in good repair

(d) **Doors, Windows and Basement Hatchways**.

(1) Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in sound condition and good repair. Every window sash shall be fully supplied with glass window panes or any approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame.

(2) Every exterior door, door hinge and door latch shall be maintained in good condition. Exterior doors, when closed, shall fit reasonably well within their frames.

(e) **Paint and Other Preservatives**. In a building or structure, the exterior surface of which has been painted or other preservatives applied, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when its condition is a serious blighting influence on surrounding property.

(f) **Fence and Retaining Wall Requirements.** No person, firm or corporation shall allow or permit any fence or retaining wall to deteriorate to a condition that is not in accord with the following provisions:

(1) All fences shall be properly maintained and kept in good repair or shall be removed. If paint or other preservatives have been applied to the exterior surface, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when its condition is a serious blighting influence on surrounding property.

(2) Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause the repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

(g) **Exterior Area Requirements**. No person, firm or corporation shall allow or permit exterior areas of their property to remain in a condition that is not in accord with the following provisions:

(1) All exterior areas of any premises shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible material, debris and refuse or any similar material which could or may cause fire, safety or health hazards or a serious blighting influence upon surrounding properties. The provisions of this Section shall not apply to materials stored in conjunction with any mercantile, manufacturing or normal residential use provided such materials are neatly stored, provide no rodent harborage and meet applicable fire and zoning restrictions.

(2) Sidewalks, walks, drives and other concrete, asphalt, bricked, graveled, stoned or similarly treated areas shall be kept in sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other aggregate being repeatedly deposited upon the adjacent public or private property shall be corrected.

(3) Exterior areas in a natural state shall be kept free of diseased or fallen trees, branches, brush, debris and noxious weeds.

(4) Whenever erosion of the soil repeatedly causes the same to spill over onto the sidewalk, street, alley 'or adjoining property, the condition shall be corrected by the construction of a suitable retaining wall, grading or sodding and/or planting of grass or other suitable groundcover.

15.5.11 VACANT ABANDONED OR UNDEVELOPED LAND REQUIREMENTS.

(a) Whenever the Health Inspector, Building Inspector, Fire Inspector or Property Maintenance Inspector shall, upon inspection of any vacated building within the City of Glendale, find that the building is in danger of vandalism or neglect, the Property Maintenance Inspector shall order the owner-occupant thereof to make the building secure against vandalism and/or dilapidation in a workmanlike manner.

(b) No vacated building for which the owner has been given an order for compliance with this Chapter shall be occupied before an occupancy permit has been issued by the Building Inspector. Such occupancy permit may be issued only upon compliance with all orders and requirements of the City of Glendale, the payment of the required permit fees, and the cost of reinspection, and any expenses incurred by the City in the enforcement of this Chapter.

15.5.12 MAXIMUM DENSITY.

Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

15.5.13 PROPERTY MAINTENANCE INSPECTOR.

There is herewith created the office of Property Maintenance Inspector who shall administer and enforce the provisions of this Chapter.

15.5.14 POWERS AND DUTIES OF INSPECTOR.

The Property Maintenance Inspector shall enforce those provisions of this Title as shall be within the scope of his assigned duties, and is hereby authorized and directed to make inspections in response to a complaint that an alleged violation of this Chapter exists or when he has good reason to believe that a violation is being committed. The inspector is authorized to commence enforcement actions by issuance of citation prosecutable in the Glendale Municipal Court in addition to any other remedies, powers, or duties as authorized by the Glendale Code.

15.5.15 (RESERVED FOR FUTURE USE).

15.5.16 ENTRANCE ONTO PROPERTY.

The Property Maintenance Inspector is hereby authorized to enter and inspect between the hours of 8:00 a.m. and 8:00 p.m. all dwellings, dwelling units or other buildings or structures subject to the provisions of this Chapter for the purpose of determining whether there is compliance with its provisions. He is also authorized to enter on and inspect the surrounding exterior areas of such dwellings, dwelling units or other structures.

15.5.17 NOTICE OF VIOLATION.

Whenever the Property Maintenance Inspector determines that any dwelling, dwelling unit or other building or structures and other exterior areas fail to meet the requirements as set forth in this Chapter, he, in accordance with existing legislation, shall issue a notice in writing setting forth the alleged failures or violations and advising the owner, occupant or property management or maintenance agent that such failures or violations must be corrected. The notice shall specify a specific date for the correction of the violation. The Property Maintenance Inspector shall have the authority, in his discretion, to extend such date in the event such extensions are deemed conducive to correction of the violation. Such notice shall be sent via certified mail, return receipt requested, personally served, or served by leaving a copy thereof in the presence of someone of suitable age and discretion, who shall be informed of the contents thereof, or by posting such notice conspicuously upon the property and sending a copy by registered mail. The foregoing manners of service shall be employed disjunctively and in the discretion of the inspector, and the inspector shall exercise his discretion to assure, to the extent reasonably practicable, that such notice is received. No enforcement action shall be commenced until notice has been provided by any of the foregoing means, and the time for full compliance of the violation has passed without correction. Every owner, operator or agent of a dwelling, dwelling unit or building or structure who has received notice of the intention of the Property Maintenance Inspector to make repairs or take action shall give entry and free access to the Property Maintenance Inspector for the purpose of inspecting or implementing repairs.

15.5.18 ENFORCEMENT.

(a) **Repairs or Corrective Action**.

(1) Whenever an owner, occupant, or property management or maintenance agent of a dwelling unit or other building or structure fails, neglects or refuses to make corrective repairs or take other corrective action called for by the order or notice provided in this Chapter, the Property Maintenance Inspector may undertake such repairs or take necessary corrective action if the cost of such repairs or corrective action will not exceed fifty percent (50%) of the equalized value of the building or structure involved.

(2) In the event of non-compliance with a Notice to make corrective repairs, the Property Maintenance Inspector shall have authority to file such matters for prosecution in the municipal court, and shall further have authority and discretion to issue municipal court process in the form of a citation or summons and complaint.

(3) When repairs are made or other corrective action taken at the direction of the Property Maintenance Inspector, costs of such repairs and corrective action shall constitute a debt in favor of the City of Glendale against the owner of the repaired structure. In the event the owner fails, neglects or refuses to pay the City of Glendale the amount of this debt within sixty (60) days, shall be levied as a special charge against the premises as authorized by Sec. 66.60(16), Wis. Stats.

(b) **Injunction.** Compliance with orders of the Property Maintenance Inspector may, at his election, be enforced by injunctional order at the suit of the City. It is not necessary to prosecute for a forfeiture before resorting to such injunctional proceedings.

15.5.19 APPEALS.

Any person feeling himself/herself aggrieved by an order of the Property Maintenance Inspector may, within thirty (30) days from the date of receipt of such order, appeal to the Board of Appeals of the City of Glendale. Jurisdiction over such appeals is herewith granted to such Board of Appeals. Such appeals shall be made and shall be governed by the provisions of law and fees relating to appeals to the Board of Appeals under the Zoning Code.

15.6 Signs

15.6.1 Legislative Findings
15.6.2 Purpose of Chapter
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15.6.11 Temporary Signs
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15.6.1 LEGISLATIVE FINDINGS.

It is the findings of the City Plan Commission and Common Council, after a comprehensive study and in conjunction with the Glendale Police Department and the Building Board, that reducing distractions and obstructions from signs will have a positive effect on traffic safety, and also will reduce hazards caused by signs projecting over or encroaching upon public right-of- ways. In addition, it has been found that the proper regulation of signs will serve to preserve and enhance the natural beauty and unique physical characteristics of the City as a community in which to live and work.

15.6.2 PURPOSE OF CHAPTER.

It is declared that the regulation of signs within the City of Glendale is necessary and in the public interest to:

(a) Protect property value within the City.
(b) Preserve the beauty and the unique character of the City by aesthetically complementing the development which it identifies.
(c) Promote a healthy and properly designed business environment.
(d) Safeguard the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the City.
(e) Promote the public safety, welfare, convenience, and enjoyment of travel and the free flow of traffic within the City of Glendale.

15.6.3 REQUIREMENTS OF CONFORMITY.

It shall be illegal for a sign to be placed or maintained in the City of Glendale, except as provided in this Chapter:

(a) All new signs maintained contrary to the provisions of this Chapter are declared to be illegal, subject to the penalties provided herein, and as may be provided by law.

(b) Any person, firm or corporation violating any provisions of this Chapter or failing to comply with any order or regulations made hereunder shall be subject to the penalties hereof, and those otherwise provided by law.

15.6.4 DEFINITIONS.

(a) The following definitions shall be applicable in this Chapter:

(1) **Abandoned Sign.** A sign located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more; any sign which pertains to a time, event or purpose which no longer applies; or a sign which no longer directs attention to a business, activity, service or product sold on the premises.

(2) **Action Signs.** Any sign, whether electronic or mechanical, that uses movement, motion, or change of lighting to depict or create motion, or create a special effect, or which broadcasts an audio moving picture, or is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign, or whose message or display is presented with patterns of light, rotating or changing fascia, or other means that may be changed at intermittent intervals by an electronic or mechanical process. Such signs include, without limitation by enumeration herein, light emitting diode signs, electroluminescent or digital signs, signage in which a message is displayed on an electric or digital screen and which can be changed without modification to the exterior of the sign, LCD or plasma display panels, electronic billboards, projection screens, signs which remotely change and control content, liquid crystal displays, signage which changes a display electronically or mechanically without physical alteration of the sign or which alter the physical structure of the sign in less than 24 hour intervals..

(3) **Awning Sign.** A fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, but whose principal purpose and use is signage. Such signs may be internally illuminated by florescent or other light sources in fixtures approved under national and local electrical codes.

(4) **Area of Sign.** That area of copy enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area does not include the main supporting sign

structure, but other ornamental attachments are to be included in determining sign area.

(5) **Banner.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this Chapter.

(6) **Building Front Foot.** The maximum building width measured at grade on a straight line parallel to the street at which the building is addressed.

(7) **Building Orientation**. The position in which a building sits in reference to the street(s) and parking areas to which the building has access.

(8) **Business Front Foot.** The lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

(9) **Changeable Copy Sign.** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

(10) **Contractor Signs.** Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

(11) **Corner Properties.** A property located at the intersection of two (2) public streets with frontage on both public street right-of-ways.

(12) **Directional Signs**. Signs which designate entrances, exits, parking areas and similar functional information without advertising other than the name or logo of the establishment.

(13) **Electronic Message Board**. A type of changeable copy sign whose message or display is presented with patterns of lights or other means that may be changed at intermittent intervals by an electronic process.

(14) **Fascia.** A parapet-type wall used as part of the fascia of a flat roofed building and projecting not more than six (6) feet from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof and return to a parapet wall or the building.

(15) **Flags.** Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

(16) **Free-Standing Sign.** Any sign which is supported by a pole or pylon and is independent from any building.

(17) **Grand Opening Sign.** A sign which calls attention to a new business or the announcement of a change in ownership.

(18) **Holders of Permit.** Collectively, the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains, all of whom must sign the application for a sign permit.

(19) **Height of Sign.** The overall height of a sign or sign structure as measured from the adjacent ground surface to the highest point of the sign or sign structure. In the case where a sign is to be located on a berm, the grade shall be determined by the average of the grades measured at the toes of slope at the front and back of the berm.

(20) **Illegal Sign.**

a. A sign without a permit.

b. A sign which does not conform to the letter of the ordinance or this Chapter.

c. Any sign which has not been granted legal status. In addition any sign except the following:

1. A sign allowed by this Chapter and not requiring a permit.
2. A sign allowed by this Chapter carrying a valid permit.

(21) **Legal Nonconforming Sign.** A sign that did meet code regulations when it was originally erected, either by adherence to the previous sign ordinances of the City of Glendale or by a variance granted, but does not comply with all the present regulations of this Chapter.

(22) **Maintenance**. The replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

(23) **Master Identification Sign**. A free standing sign that identifies the name of a multi-tenant building or center but not the uses nor the tenants therein.

(24) **Meaningful Open Space**. For the purpose of this Chapter, the area around the base of a sign, determined to be necessary for aesthetics and safety, by the Board or Plan Commission. Meaningful open space shall be no less than two hundred fifty (250) square feet unless otherwise specified and shall be landscaped.

(25) **Monument Signs.** A sign independent from any building that has a structural base of not less than seventy-five percent (75%) of the width of the sign face. (Ex. A sign with a face of eight (8) feet wide would require a structural base of six (6) feet or more in length.) The structural base of a monument sign is defined as a base constructed of natural stone, rock, brick, or man-made masonry material, excluding formed foam, “faux,” or other synthetic masonry facsimiles lacking the durability, resistance to damage, and permanence of stone or masonry materials. A singular solid pour of concrete material with no brick, stone, or design component, shall not qualify as masonry material under the definition as set forth in this section.

(26) **Off-Premise Sign.** A sign which is not appurtenant to the use of the property where the sign is located, or a product sold or a service offered upon the property where the sign is located as purveyor of the merchandise or services advertised upon the sign.

(27) **Parapet Wall.** A wall extending above the plate line of the building.

(28) **Pennant/Streamers.** Any lightweight/plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

(29) **Permanent Sign**. Any sign which is intended to be and is so constructed as to be in a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in permanent manner affixed to the ground, wall or building.

(30) **Planned Sign Program.** The establishment of an identification program for any multi-tenant operation within the City. Office parks, industrial parks, multi-tenant office and retail establishments are included as needing Planned Sign Programs. The intent of a Planned Sign Program is to give a uniform theme to signs in a development by size and color. Each sign covered by a Planned Sign Program must be permitted separately.

(31) **Plate Line.** The point at which any part of the main roof structure first touches or bears upon an external wall.

(32) **Portable Sign.** Any sign not permanently attached to the ground or a building. Tailorized signs, sandwich board signs, vehicles and balloons are included in this definition.

(33) **Projecting Signs.** Any sign other than a wall sign affixed to any building or wall, whose leading edge extends beyond such building or wall.

(34) **Roof Line.** The highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

(35) **Roof Sign.** A sign extending above the roof line.

(36) **Seasonal Signs**. A sign used to identify seasonal commercial establishments, including but not limited to garden centers, Christmas tree lots and fruit and vegetable stands.

(37) **Shingle Sign**. A sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch, or open lattice walkway.

(38) **Sign.**

a. Any device for visual communications and the structure which supports it, which is used or is intended to attract the attention of the public, when the display of this device is visible beyond the boundaries of the property upon which the display is made.

b. The term "sign" shall not include National flags, flags of political subdivisions, and symbolic flags of any institution or business or badge or insignia of the United States, State of Wisconsin, Milwaukee County, City of Glendale, foreign countries or official historic plaques.

(39) **Temporary Identification Signs**. A sign, temporary in nature, that is used to identify a commercial establishment for a limited period of time.

(40) **Temporary Sign.** Any sign, banner, valance of advertising constructed of cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

(41) **Tenant Boards (Directory Signs).** A sign providing an exterior listing to pedestrians or motorists of individual tenants within a multi-tenant center.

(42) **Wall Sign.** Any sign painted on or attached to and erected parallel to the face of or erected or confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. This definition includes signs composed of individual letters or symbols,

(43) Window Sign. Any sign placed inside or upon an interior window surface, and which is usually intended to be seen from the exterior. Nonconforming Signs.

15.6.5 LEGAL NONCONFORMING SIGNS.

(a) All signs with a replacement value of Three Thousand Dollars ($3,000.00) or more that became legal nonconforming in September 199l shall be brought into conformance by September 2001. All signs with a replacement value of Three Thousand Dollars ($3,000.00) or more that became legal nonconforming in September 1994 shall be brought into conformance by September 2004. The legal nonconforming schedule of events is as follows:

April/May 2000	Check all signs for sign ordinance conformance
May 2000	Send a newsletter, notice or postcard to owners of nonconforming signs, outlining a conformance schedule
June 2000	15 month countdown meeting with sign owners and sign businesses
September 2000	12 month countdown meeting with sign owners and sign businesses
March 2001	Send a newsletter, notice or postcard to owners of nonconforming signs, outlining the remaining six (6) month conformance schedule
September 2001	Conformance deadline
October 2001	Review the aforementioned steps, adjust as needed, and plan a conformance schedule for the September 2004 signs

(1) Reasonable repairs and alterations may be made to legal nonconforming signs. However, in the event any such sign is hereafter damaged or altered to an extent exceeding fifty percent (50%) of the reproduction value according to appraisal thereof by competent appraisers, or is removed by any means whatsoever, including an act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this Chapter.

(2) All non-conforming signs that do not have legal nonconforming status become illegal signs and must be removed by the owner within thirty (30) days from receipt of notice from a responsible official.

(3) Any change in ownership or tenancy of a property which requires any change in the signs shall necessitate that the signs for the property or tenancy be brought into compliance with the provisions of this Chapter.

(b) Notwithstanding any of the foregoing provisions, free-standing signs erected prior to July 1, 2002, shall be exempt from conformance to the provisions of this code until such time as replaced, repaired or altered as set forth in subsection (a)(1) above, or upon a change of ownership of the premises, or there is a change in 50% or more of the identifying information on the sign. After July 1, 2002, free-standing signs are prohibited except as part of a planned sign program as allowed by State statutes regulating political signs, or as temporarily allowed by the provisions of this code regulating temporary signs.

15.6.6 REVOCATION OF PERMITS.

(a) The Community Development Planner, or designated official, shall have the authority to revoke any permit which has been granted when the City official has determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

(b) Notice of the Community Development Planner's decision to revoke a sign permit shall be served upon the holder of the permit, and the owner of the premises:

(1) By delivering personally a copy of the notice to the holder of the permit, or to one of its officers, and to the owners of the premises; or

(2) By leaving a copy of the notice with any person in charge of the premises; or

(3) In the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the holder of the permit and the owner of the premises.

(c) The holder of the permit or the owner of the premises may appeal to the Plan Commission the decision of the Community Development Planner to revoke the permit. This appeal must be made within fifteen (15) days from the date when the notice was served.

(d) If no appeal has been taken by the end of the fifteen (15) day appeal period, then the permit is revoked and the sign is illegal. The Community Development Planner's then shall initiate the procedure for the removal of the illegal sign.

15.6.7 REMOVAL OF SIGNS.

(a) **Responsible Official**. The Community Development Planner or designated official is hereby authorized to require removal of any illegal sign as defined by this Chapter.

(b) **Notice.** Before bringing an action to require removal of any illegal sign, the Community Development Planner shall give written notice to the owner of the sign and the owner of the premises on which such sign is located. The notice shall state the reasons and grounds for removal, the deficiencies or defects in

such sign, the violations charged and specify that the sign must be removed or made to conform with the provisions of this Chapter within the notice period provided below. Service of notice may be made personally on the owner or lessee of the premises at the address specified in the permit or the last known address.

(c) **Notice Period.**

(1) The notice period for permanent signs shall be fifteen (15) days.

(2) The notice period for temporary signs shall be twelve (12) hours.

(d) **Re-Erection of Sign**. Re-erection of any sign or substantially similar sign on the same premises or on any other premises after a compliance notice has been issued shall be deemed a continuance of the original violation.

(e) **Abandoned Signs.** Signs advertising or identifying a business or organization which is either defunct or no longer located on the premises must be removed within thirty (30) days of the vacancy. The property owner and sign owner are responsible for the removal of the abandoned signs.

(f) **Violations.** If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the Community Development Planner that the sign has been removed or brought into compliance with the provisions of the Chapter by the end of the notice period, then the Community Development Planner shall certify the violations to the City Attorney for prosecution. Violators shall be subject to Section 1-1-7 of this Code of Ordinances. Each act of violation shall be subject to a forfeiture of no less than Fifty Dollars ($50.00) per day.

(g) **Removal of Any Sign**.

(1) The Community Development Planner is authorized to cause the removal of any sign existing in violation of this Section, provided actual notice has been provided as required by Subsection (c). All the actual costs and expenses of any such removal by the Community Development Planner shall be borne by the owner of such sign installation and the owner of the premises on which located, both of whom shall be required to affix their signatures to the application for the sign permit, which shall provide that they agree to be bound by the terms of this Chapter. Both shall be jointly and severely liable therefore.

(2) Both shall be subject to the penalties provided by the provisions of this Chapter.

15.6.8 REQUIREMENTS AND PROCEDURES.

(a) **Requirement of Permit.**

(1) A sign permit shall be required before the erection, re-erection, construction, alteration, repairs, replacement, maintaining or locating of all signs regulated by this Chapter. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the Electrical Code of the City of Glendale. Upon renewal of any sign permit, or

application for any sign permit subsequent to June 1, 2000, such permit shall be inclusive for any and all signs on a single parcel. Thereafter, the permit shall be subject to each individual sign complying with the requirements of this Chapter.

(2) A permit shall not be required for the following signs, provided, however, that such signs shall be subject to any and all applicable provisions of this Chapter, including the Building Board approval:

a. Name plate signs as allowed under Section 15-6-9(a).

b. Any sign four (4) square feet or less in an area not otherwise prohibited by this Chapter.

c. Repainting without changing wording, composition, or colors; or minor nonstructural repairs of less than Two Hundred Fifty Dollars ($250.00) (except electrical repair).

d. Relocation of sign as required by City.

e. Political signs permitted as provided herein.

f. Window signs of a temporary nature in Section 15-6-10(k).

g. Residential sale and lease signs six (6) square feet or less.

h. Temporary construction signs. [See Section 15-6-1 l

i. Address marker/signs that exceed four (4) square feet in area require Plan Commission approval.

(3) Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices, and marking of the State of Wisconsin and the City of Glendale or other public authorities, or the posting of notices required by law.

(4) Sign permits must be renewed every three (3) years and the fee indicated above tendered in accordance therewith. Prior to a permit being renewed, the sign will be inspected to determine whether the sign is in conformance with this Chapter.

(b) **Permit Application and Expiration**.

(l) To obtain a permit, the applicant shall file an application on a form furnished by the City. All applications shall be accompanied by the written consent of the lessee and owner/agent or trustee having charge of the property on which the sign is proposed.

(2) Every permit issued by the Community Development Planner or after review by the Plan Commission under the provisions of this Chapter shall expire by limitations and become null and void, if the work authorized by such permit is not completed within one hundred twenty (120) days from the date of such permit. Before such uncompleted work can be continued, a new permit shall be first obtained to do so. The fee therefore shall be one-half (1/2) the amount required for new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work.

(c) **Permit Fees**.

(1) Before issuing any sign permit required by this Chapter, the City shall collect a fee in accordance with the following schedule:

NEW	4-25 Sq. Ft	26-50 Sq. Ft.	51-100 Sq. Ft.	100-150 Sq. Ft.
3 Years	$ 50	$ 75	$ 100	$ 150
2 Years	$ 35	$ 50	$ 70	$ 100
1 Year	$ 20	$ 25	$ 40	$ 50

Renew	
1-2 Tenants	$ 50 for whole property
PSP	$75 for whole property (currently $150). Property owner should pay fee

PSP	
New	$ 150 for whole property

(2) The owner of a legal nonconforming sign which has been removed or brought into conformance according to the terms of this Chapter shall not be required to pay a permit fee in order to obtain a permit for a replacement sign.

(3) Where work, for which a permit is required by this Chapter, is begun before a permit has been obtained, the fees above specified shall be quadrupled. The payment of such quadrupled fee shall not relieve any persons from complying fully with the requirements of this Chapter in the execution of the work from any penalties prescribed herein.

(4) Sign permits must be renewed every three (3) years and the fee indicated above tendered in accordance therewith. Prior to a permit being renewed, the sign will be inspected to determine whether the sign is in conformance with the ordinance. Renewal fees not paid by September 30th of a given year will be charged a late fee of Ten Dollars ($10.00). Fees not paid by November 15th will be placed on the tax rolls for the appropriate property with a surcharge of fifty percent (50%). Upon renewal, sign permits shall be renewed, effective three (3) years, commencing in the year 2002, 2005, and thereafter in the north zone; 2003, 2006 and each three (3) year period thereafter in the west zone; and 2001, 2004 and in three (3) year increments thereafter in the east zone.

(d) **Requirement of Plans.** Two (2) copies of plans, renderings, or other pictorialization of non-residential signs and specifications shall be submitted with the application for each sign in excess of four (4) square feet regulated by this Chapter. One (1) copy shall be returned to the applicant at the time the permit is granted. Such plans shall show complete details; size of the sign, the method of attachment or support; locations and materials to be used; and the name, address of the person preparing the plans and specifications of such sign. Plans for supports for any sign subject to excessive stresses as determined by the Community Development Planner shall be accompanied by structural computations. Sufficient data shall be submitted to show that supporting surfaces and other members of an existing building to which the sign is to be attached are in good condition and are adequately strong to support the load, including the

proposed sign. Pictures of completed sign installation and final dimensions will be submitted upon completion of the work.

(e) **Plan Commission.**

(1) Permits for signs requiring a permit, with the exception of directional sign permits or existing sign modification requests which shall be reviewed and approved by the Community Development Planner, shall not be issued unless all requirements of this Section of the Glendale Building Code are complied with and:

a. Approved by a majority vote of the Plan Commission, if required.

b. Are granted a variance by the Plan Commission through the Sign Permit Appeals process.

(2) The Plan Commission shall determine that the sign by its color, size, placement, or other design factors is not a detriment in terms of its general harmony with the property or building on which it will be placed, or with other properties or buildings in the immediate neighborhood. Among the other design factors which shall be weighed, without limitation because of enumeration, are:

a. Overall excellence in sign design and appropriate usage of materials for the type of use and related architectural compatibility, and, in the case of monument signs, conformity to the requirements for the structural base as set forth in Section 15.6.4(a)(25) of this Chapter.

b. Sign placement in relation to street grade or property topography; parcel shape; primary and secondary streets; customer or other parking or loading; varying setbacks to avoid monotony along the street frontage;

c. Effective use of required or optional landscaping, and of graphic symbols in lieu of words to aid rapid comprehension by the motoring public.

d. The Plan Commission shall make reasonable effort to approve monument signs along the North Port Washington Road and West Silver Spring Drive corridors even where legal non-conforming free-standing signs remain. The Plan Commission shall further encourage, and may place reasonable conditions to effectuate, uniformity of theme as to the signage in the North Port Washington Road and West Silver Spring Drive corridors.

(3) Notwithstanding any of the foregoing provisions, and as from time to time designated by the Common Council, the provisions of this title and chapter may be assigned to and applied by and under the jurisdiction of the Community Development Authority as to all signage in redevelopment areas selected by the Common Council of the City of Glendale. The Community Development Authority shall then have all procedural and approval authority as granted by this chapter only as to the extent provided in this chapter, and subject to all zoning regulations as from time-to-time adopted by the Common Council of the City of Glendale.

(f) **Construction Requirements.**

(1) **Wind Pressure, Live Load and Dead Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive all live and dead loads as required in the Building Code or other ordinances of the City of Glendale.

(2) **Lighting,** Illumination shall be so installed to avoid any glare, spill or reflection into any adjacent property, or onto a street or alley to create a traffic hazard. Any sign creating a nuisance will be reviewed by the Community Development Planner or the Police Department for possible modifications or removal.

(g) **Required Signs.** Every building or group of buildings must be identified by a street number.

(h) **Location Requirements.**

(1) **Proximity to Street Right-of-Way**. No sign or part thereof shall be located or project closer than ten (10) feet from the established street right-of-way line, except approved traffic directional signs.

(2) **Obstruction of Exits.** No sign shall obstruct any door, window or fire escape of any building.

(3) **Signs Prohibited Within Limits of Any Street or Highway**.

a. No sign of any type whatsoever, shill be erected, placed, located, or maintained within the right-of-way limits of any street or highway. Highway limits include all the dedicated right-of-way, encompassing the traveled portion of the highway, the shoulders, ditches, and adjacent dedicated areas. This prohibition applies to free standing signs whether or not such sign predates enactment of this Section, and those placed on trees, utility poles, fence post stakes, and all other structures within the highway limits on which signs might be posted or placed.

b. Failure to comply with the provisions of this Section shall be a violation of § 86.19, Wisconsin Statutes, as well as this Chapter, and shall be subject to the penalties as provided by Section 1-1-7 of the Glendale Code. In addition, if the Sign is placed by a business entity as defined in §13.62(5), Wisconsin Statutes, or any successor legislative enactment or amendment thereto, or the Sign advertises or promotes a business, a business telephone number, or an internet website, there is a rebuttable presumption that the business identified therein caused the sign to be placed and is responsible for any violation of this Chapter. Each alleged sign shall be deemed a separate violation, and each day of placement, per sign, shall also be deemed a separate violation, of this provision.

c. Any sign violating this Section shall be summarily removed by the Department of Public Works or the Police Department.

d. This prohibition shall not apply to signs placed within the limits of streets or highways by duly constituted municipal, county, or state authorities for the guidance or warning of traffic, as provided in Sec. 86.19(1) and (4), Wis. Stats. Nor shall it apply to mail boxes and paper boxes.

(4) **Construction Over Public Property.** No person, firm, or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place.

(5) **Signs on Vehicles.** No sign shall be erected or attached to any vehicle except for signs painted directly on the surface of the vehicle, magnetic signs, and bumper stickers. The primary use of such vehicles shall be in operation of the business and not in advertising or identifying the business premises. The vehicle shall be parked in a designated parking space, but shall not be parked in the right-of-way. Vehicles parked in a manner considered by the Community Development Planner as a means of advertising shall be in violation of this Chapter. Cartop carrier signs of a political nature are not meant to be excluded by this Section.

(i) **Inspections**. Unless waived by the Community Development Planner, all signs for which a permit is required shall be subject to the following inspections:

(1) Electrical inspection on all illuminated signs.

(2) Site inspection to insure that the sign has been constructed according to approved application and valid sign permit.

(j) **Maintenance.**

(1) Each sign, including those specifically exempt from this Code in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The Community Development Planner or his/her designee shall have authority to inspect and shall have the authority to order the painting, repair, alteration, or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

(2) The Community Development Planner shall follow the same procedure of notification described in Section 15-6-7 "Removal of Signs".

15.6.9 PERMITTED SIGNS BY USE.

(a) **Single Family Residence**. A single-family residence is allowed a name plate sign not to exceed three (3) square feet. No business signs are permitted in a residential district. Signs in residential districts may not be illuminated. Temporary rummage sale signs are allowed. One (1) sign may be located on the property of the sale and two (2) additional directional signs may be located on private property with the permission of the property owner.

(b) **Public Uses, Institutional Uses, Schools and Churches.**

(1) The total permanent sign area allowed for public uses, institutional uses, schools, and churches, shall be determined by the Plan Commission.

(2) Traffic directional signs are allowed.

(c) **Residential Subdivisions, Condominiums, and Apartment Complexes**. Residential subdivisions, condominiums, and apartment complexes are allowed residential entry-way signs. These signs shall be approved by the Plan Commission.

(d) **Office Buildings**.

(1) Office buildings with two (2) tenants or individually owned condominium suites, or less, are permitted a monument sign. In lieu of a monument sign on the property, each tenant or individually owned condominium suite with a separate exterior entrance may have a wall sign.

(2) Office buildings with three (3) or more tenants or individually owned condominium suites qualify for the Planned Signed Program and must meet the requirements set forth in Section 15-6-10(a).

(3) Traffic directional signs are allowed.

(e) **Retail Establishments and Shopping Centers.**

(1) Retail buildings with two (2) tenants or less are permitted either a free-standing sign or a monument sign unless otherwise provided in (3) below. In lieu of a free-standing sign or a monument sign on the property, each tenant may have a wall sign.

(2) Retail centers with three (3) or more tenants qualify for the Planned Sign Program and must meet requirements set forth in Section 15-6-10(a).

(3) Individual retail establishments that have more than twenty thousand (20,000) square feet of first floor building area are permitted a monument sign and a wall sign.

(4) Traffic directional signs are allowed.

(f) **Industrial Uses**.

(1) Industrial buildings with two (2) tenants or less are permitted a monument sign unless otherwise provided in Subsection (f)(3) below. In lieu of a monument sign on the property, each tenant may have a wall sign.

(2) Industrial buildings with three (3) or more tenants qualify for the Planned Sign Program and must meet requirements set forth in Section 15-6-10(a)

(3) An individual industry that has more than fifty thousand (50,000) square feet of first floor building area is permitted a monument sign and a wall sign.

(4) Traffic directional signs are allowed.

(g) **Corner Properties**. (See Definitions) Commercial establishments located on comer properties that do not qualify for the Planned Sign Program will be allowed up to two (2) signs. Such properties will be allowed either:

(1) A monument sign and a wall sign, or;

(2) Two (2) wall signs to be placed on separate building fronts.

(h) **Commercial Buildings.** All other commercial establishments not covered specifically by this Section will be governed by the sign restrictions provided in Section 15-6-10 hereof.

(i) **Planned Developments**. Entrance markers must be approved by the Plan Commission. Signs shall be compatible with the development.

15.6.10 PERMITTED SIGNS BY DEFINITION AND REQUIREMENTS.

NOTE: Refer to Section 15-6-9 for Permitted Signs by Use.

(a) **Planned Sign Program.** The program is developed for office, retail and industrial centers that have three (3) or more tenants. The program allows commercial centers to have one (1) free-standing sign (a Master Identification Sign) to identify the name of the center, not the individual businesses within the center. Businesses within the center are allowed a wall sign to advertise their location within the commercial center. The intent of the Planned Sign Program is to set forth a theme as to placement, lettering style, color and related design considerations of signs, while at the same time reducing sign clutter.

(1) **Master Identification Sign.**

a. Master Identification Signs are free-standing signs which identify the name of a multiple-tenant building or center. Such signs shall not contain the names of tenants or occupants of the center. Only office, retail and industrial centers that qualify for the Planned Sign Program (see Section 15-6-9 for qualifications) will be permitted one (1) free-standing Master Identification Sign. This Section is not meant to preclude the identification of the center being given the name of a principal tenant. It is meant to prohibit the use of tenant boards as main identification signs.

b. The area of a Master Identification Sign shall be determined by the following formula:

1. Centers of one hundred thousand (100,000) square feet of building area or under will be permitted one (1) free-standing sign of no more than one hundred fifty (150) square feet.
2. Centers over one hundred thousand (100,000) square feet of building area will be subject to restrictions imposed by the Plan Commission.

c. Height of a Master Identification Sign.

1. Height of a Master Identification Sign shall not exceed ten (10) feet and shall be a monument sign.
2. Centers of over one hundred thousand (100,000) square feet of building area will be subject to height restrictions imposed by the Plan Commission.

d. No free-standing signs other than the Master Identification Sign will be permitted per center, except approved traffic directional signs.

e. A Master Identification Sign shall be located in a landscaped area of meaningful open space, of at least two hundred fifty (250) square feet.

(2) **Wall Signs (Planned Sign Program).**

a. Individual businesses within retail and industrial centers are permitted a wall sign in addition to the Master Identification Sign. In office centers, only tenants with separate exterior entrances will be permitted a wall sign.

b. The maximum area for each wall sign shall not exceed one hundred fifty (150) square feet. [A guideline to follow when determining wall sign size is one (1) square foot of signage per every lineal business front foot of tenant space].

(3) **Tenant Board Signs (Planned Sign Program),** Tenant Board signs are permitted for all industrial uses and office centers. Retail establishments not having street frontage or exterior entrances will be permitted a Tenant Board sign. Tenant Board signs may be visible to internal traffic only. Sign letters identifying businesses may not exceed three (3) inches in height. Location and number of signs are to be determined by the Plan Commission.

(4) **Traffic Directional Signs (Planned Sign Program),** Traffic directional signs are permitted for retail, industrial and office centers. The signs must meet the size, height, and location requirements set forth in Section 15-6-10(g).

(5) **Requirements and Procedures of the Planned Sign Program.**

a. All properties that qualify for the Planned Sign Program must submit to the Plan Commission a Planned Sign Program plan for their property. No sign permit shall be issued for an individual business located on a property that requires a Planned Sign Program, until such a program plan is submitted and approved by the Plan Commission. After the approval of a Planned Sign Program, no sign shall be erected, placed, painted, or maintained, except in conformance with the Planned Sign Program.

b. The Planned Sign Program plan submittal must contain the following information:

1. An accurate plot plan of the property indicating the location of buildings, building entrances, parking lots, driveways, landscaped areas and sign locations;
2. A building elevation drawing or rendering of any building face to which signs are to be attached;
3. A landscape plan for meaningful open space.
4. Computation of the maximum allowable total sign area, and the maximum dimensions and area for individual signs;
5. Standards for consistency among signs to be located on the property will be made with regard to:
   a. Lettering or graphic style;
   ii. Lighting.
   iii. Material; and
   iv. Color, or colors allowed.

c. The Planned Sign Program may contain such other features and restrictions as the owners and the Plan Commission may reasonably determine and agree to.

d. The approved Plan Sign Program shall be signed by all owners of the property or their authorized agents and the Community Development Planner as authorized by the Plan Commission.

e. A Planned Sign Program may be amended by filing a revised Planned Sign Program for Plan Commission review and approval.

(b) **Free-Standing Signs**.

Except to the extent allowed in Section 15.6.5(b), or other specific provisions of the code relating to government or temporary signs, or the planned sign program, or by State laws regulating political signs, free-standing signs shall not be allowed. Where allowed, free-standing signs shall be subject to the following regulations:

(1) **Identification**. A freestanding sign may identify the individual business, building, or building complex only by name, or by name and principal service offered, where the name does not identify the principal service offered. For all uses the sign may identity up to two (2) businesses that occupy the same building and may identify the availability of an on-site automatic teller machine.

(2) **Total Area**. A freestanding sign may be double faced. The area of each free- standing sign face shall be computed as .6 square foot times the lineal front foot of the property, to a maximum of one hundred fifty (150) square feet.

(3) **Placement and Construction Requirements*.***

a. A freestanding sign shall be permanent in construction and subject to the requirements of the Building Code of the City of Glendale.

b. The height of a freestanding sign shall be no more than fifteen (15) feet.

c. The sign shall be located in a landscaped area of open space of at least one hundred (100) square feet.

d. Freestanding signs must be at least sixty (60) feet from monument signs and other freestanding signs.

e. A freestanding sign must be set back ten (10) feet from the front property line.

(c) **Wall Signs**.

(1) **Identification*.*** A wall sign may identify the individual business, building, or building complex only by name, or by name and principal service offered, 'where the name does not identify the principal service offered. For all uses the sign may identify up to two (2) businesses that occupy the same building.

(2) **Total Area*.***

a. In business centers containing two (2) tenants or less the total area of wall signs shall be computed as .8 square foot times the building front foot, to a maximum of one hundred fifty (150) total square feet.

b. The area of each wall sign in centers that require a Planned Sign Program shall not exceed one hundred fifty (150) square feet.

c. In the case of corner properties, when two (2) wall signs or a monument sign and a wall sign are proposed, the area of each wall sign shall be computed as .5 square foot times the lineal front foot of the building. Wall signs cannot exceed one hundred (100) square feet in area.

(3) **Placement and Construction Requirements**.

a. A face of a wall sign may not project more than twelve (12) inches from the wall.

b. A wall sign that identifies a business must be placed on the wall of the structure which the business occupies.

c. No part of a wall sign shall extend above the roof line unless it is erected on a parapet wall or fascia which extends above the roof line of a flat roof on at least three (3) sides of a building.

d. A wall sign is allowed on a roof surface only if the roof surface is within twenty-five degrees (25°) of vertical (i.e. mansard roof).

(d) **Monument Signs (See Definitions).**

(1) **Identification**. A monument sign may identify the individual business, building, or building complex only by name, or by name and principal service offered, where the name does not identify the principal service offered. For all uses, the sign may identify up to two (2) businesses that occupy the same building.

(2) **Total Area.**

a. The area of each monument sign face shall be computed as .6 square foot times the lineal front foot of the property, to a maximum of one hundred fifty (150) square feet.

b. A monument sign may have multiple faces.

1. When the angle between sign faces measures forty-five degrees (45°) or less, the total sign area shall be computed by measuring the square footage of a single face.

2. When the angle between sign faces measures greater than forty-five degrees (45°), the total sign area shall be computed by adding the square footage of each face.

c. In the case of corner properties, when a monument sign is proposed in conjunction with a wall sign, the area of a monument sign shall be computed as .4 square foot times the lineal front foot of the property. Monument signs on corner properties cannot exceed one hundred (100) square feet in area.

(3) **Placement and Construction Requirements**,

a. A monument sign shall be permanent in construction and subject to the requirements of the Building Code of the City of Glendale.

b. Height of a monument sign shall be no more than ten (10) feet.

c. The sign shall be located in a landscaped area of open space, of at least one hundred (100) square feet.

d. Monument signs must be at least sixty (60) feet from free-standing signs and other monument signs.

e. A monument sign must be set back ten (10) feet from the front property line.

(e) **Awning Signs (See Definitions).**

(1) The area of a non-illuminated awning sign shall be calculated as the area of the copy and/or logo enclosed by one (1) continuous line, connecting the extreme points of the copy and/or logo.

(2) When awning signs are entirely illuminated changing the appearance or characteristics of the awning in any manner, the entire area of the awning

will be calculated as the sign area. Illuminated awnings will require Plan Commission approval.

(3) When only the area of the awning where the copy and/or logo is located and illuminated, the area of the sign will be measured as the length and height of the illuminated portion of the awning.

ADDITIONAL PERMITTED SIGNAGE:
Signage permitted in addition to the signs previously outlined in this Section.

(g) **Traffic Directional Signs.** Traffic directional signs are permitted and located solely for the purpose of relieving traffic congestion and promoting the safe flow of traffic:

(1) One single or double-faced free-standing sign shall be permitted for each driveway. Traffic directional signs may be located up to the property line and shall be no higher than five (5) feet above the established grade.

(2) The area of each side of a traffic directional sign shall not exceed six (6) square feet.

(3) Twenty-five percent (25%) of the area of each side of a traffic directional sign may be used for the business name or logo.

(h) **Tenant Board Signs (Directory).** Exterior tenant or directory signs are to be used to guide visitors to individual businesses within a multiple-tenant commercial building. Only centers that meet the requirements of the Planned Sign Program will be permitted tenant board signs. Letters identifying businesses may not exceed three (3) inches in height. Location of the tenant board sign shall be determined by the Plan Commission.

(i) **Flags (Commercial Properties).**

(1) **Advertising Flag.**

a. Only one (1) flag may be utilized for advertising purposes.

b. Maximum area of a flag shall be twenty-four (24) square feet.

c. The flag must consist of the name of the individual business, building, or building complex.

(2) **Location and Height Requirements (all flags).**

a. A flag may only be suspended on a permanent, established flag pole that is no more than thirty-five (35) feet high, unless otherwise approved by the Plan Commission.

b. A flag pole shall be set back ten (10) feet from the front property line and located in a setting of meaningful open space.

(j) **Shingle Signs (See Definitions).**

(1) One (1) sign, not exceeding one (1) square foot in size; shall be allowed for each business front and shall be adjacent to the business which it identifies.

(2) The sign shall be suspended from a roof overhang, covered walkway, covered porch, or open lattice walkway. No part of a suspended sign shall extend beyond the edge of the overhang. Signs placed parallel to the street may be attached to the fascia. A minimum clearance of six (6) feet

eight (8) inches shall be maintained between the bottom of the sign and the nearest grade or sidewalk.

(k) **Window Signs (See Definitions).** Window signs do not need a permit if less than ten percent (10%) of the window is covered. Window signs that cover over ten percent (10%) of a window require a permit to be issued in accordance with this Section and in the sole discretion of the Community Development Planner. In no instance may more than twenty-five percent (25%) of an individual window panel be covered. Identical copy may not be repeated on the same face of the building. Window signs must be placed behind a clear glazed window opening and not in unglazed openings. A window sign permit will be valid for all window signs of the establishment issued the permit. Permits for window signs will be issued for one (1) year and may be renewed annually.

(l) **Neon Signs.** Neon window signs or other exterior neon displays may be permitted in cases where they are custom designed to be compatible with the building's architectural character and where their color has been selected to harmonize with the building's exterior colors. Such lighting shall be subject to review and approval of the City Plan Commission.

(m) **Time and Temperature Signs.** Permitted only through review and approval by the Plan Commission.

15.6.11 TEMPORARY SIGNS.

(a) **Permits.** Permits for temporary signs shall be issued by the Community Development Planner only when the sign is specifically allowed by this Chapter. A temporary sign permit shall be issued only for the active use period of the sign. Temporary signs shall be permitted in all zones unless otherwise specified. Temporary signs shall not be illuminated. Any temporary sign erected without a permit may be removed by the Community Development Planner upon expiration of the forty-eight (48) hour notice period. Renewals for any temporary signs shall be reviewed and subject to approval by the Plan Commission. The application for renewal must include a written statement of the reasons for renewal and the specific additional period of time requested. Any temporary sign proposal that cannot meet code requirements shall be reviewed by the Plan Commission. If approved, the proposal shall be returned to the Plan Commission for any extension prior to the expiration of the initial or previous sign permit. The same banner sign may be erected on two (2) separate, but non-continuous, occasions in one calendar year.

(b) **Development Signs; Residential and Non-Residential.** Development signs are used to identify future development or a development under construction:

(1) A development may have one (1) free-standing sign on each street which the development abuts. The sign must be placed on the property being developed.

(2) Each development's sign may not exceed thirty-two (32) square feet in area. This sign may be single- or double-faced and may be perpendicular or parallel to the street.

(3) The sign may not exceed eight (8) feet in height.

(4) Sign permits shall expire upon completion of the development. The signs shall be removed no later than ten (10) days after the announced completion of the announced development or in the case of a residential development, after ninety percent (90%) of the units are sold.

(c) **Sale, Lease, and Rent Signs.**

(1) Sale, lease and rent signs are temporary signs which indicate that some premises or vacant lot is for sale, lease, or rent.

(2) Premises or vacant land for sale, lease or rent may have one (1) free-standing sign on each street which the development abuts. The sign must be placed on the property being sold, leased, or rented.

(3) This sign may be single- or double-faced.

(4) Non-residential signs will be originally permitted for ninety (90) day periods. Permits may be issued for additional ninety (90) day periods, if the premise is less than ninety percent (90%) occupied or vacant space of two thousand (2,000) square feet or more remains unoccupied. Upon ninety percent (90%) occupancy, or less than two thousand (2,000) square feet of vacant space remaining, the sign must be removed within seven (7) days. Permitted sign areas in non-residential zoned areas shall not exceed sixteen (16) square feet in area.

(5) Signs in residential zoned areas may be no larger than six (6) square feet and need not obtain a permit.

(6) Signs in residential zoned areas must be removed within seven (7) days of the final sale or rental of the property.

(d) **Political Signs**.

(1) A "political sign" is a temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a primary, general and special elections.

(2) The display of any such signs shall be limited to a period of thirty (30) days immediately preceding any primary, general or special elections to which they refer, except that upon residential property owned or occupied by the individual displaying such sign, the display of such signs shall be permitted during the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nominate papers were papers to be required, and ending on the day of the election.

(3) Political signs shall not exceed six (6) square feet if such size limitation is necessary to insure traffic or pedestrian safety. In no event shall a political sign exceed eleven (11) square feet in area.

(4) The candidate, party or parties responsible for the erection or distribution of any such signs shall be jointly and severely liable for the removal of them within seven (7) days after the primary, general, or special election to which they refer. Noncompliance will subject the responsible party to a forfeiture of One Hundred Dollars ($100.00).

(5) No permit shall be required for such a sign.

(6) Political signs are not permitted on public property, right-of-ways or within one hundred (100) feet from a polling place entrance.

(e) **Contractor or Subcontractor Signs (See Definitions).**

(1) A sign may be single- or double-faced.

(2) A sign may be free-standing; the area may be no more than sixteen (16) square feet per contractor or subcontractor.
(3) The sign may not exceed eight (8) feet in height.
(4) All contractor or subcontractor signs may be consolidated on one sign or incorporated within the development sign. The total combined area of all subcontractor signs on a consolidated sign cannot exceed thirty-two (32) square feet.
(5) If a consolidated sign is used, the sign permit shall expire upon completion of the project. If not consolidated on a single sign, individual contractor or subcontractor signs shall be removed within two (2) days after the function of the contractor or subcontractor on the property is completed.

(f) **Grand-Opening Signs (See Definition).**
(1) Signs of this type may be allowed subject to the approval of the Community Development Planner.
(2) The sign or signs shall not be displayed more than ten (10) days.
(3) There shall be only one (1) grand-opening sign allowed per business.
(4) Permits for grand-opening signs shall expire after ten (10) days.

(g) **Banners (See Definitions).**
(1) Banners may not exceed thirty (30) square feet in area.
(2) Banners are subject to all of the rules and regulations for signs.
(3) Permits for banners shall expire after fifteen (15) days.

(h) **Construction Signs**. Temporary construction signs used to guide patrons to a commercial establishment during periods of road or building construction are allowed upon approval by the Community Development Planner. All approved signs may be erected without permits, but must be removed immediately upon completion of the project or by direction of the Community Development Planner.

(i) **Seasonal Signs.** Signs for seasonal commercial establishments shall be permitted if so approved by the Community Development Planner upon application therefore. The area of such signs shall not exceed thirty-two (32) square feet. Seasonal signs are only permitted in non-residential zoned areas. A permit for a seasonal sign shall expire after forty-five (45) days.

(j) **Temporary Identification Signs.** A temporary sign may be used to identify a commercial establishment until such a time that a permanent sign is constructed. If requested, a temporary identification sign permit will be issued when an application and fee for a permanent sign is submitted. A permit for a temporary identification sign may be issued by the Community Development Planner and shall expire after thirty (30) days. The temporary sign shall not exceed eight (8) feet in height or thirty-two (32) square feet in area and must be set back at least ten (10) feet from the front property line. No fee is required for a temporary identification sign.

15.6.12 SIGN PERMIT APPEALS.

(a) **Purpose of Appeals**. Sign variances are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. Nothing in this

Section, however, is intended to permit the erection or maintenance of signs which are prohibited in this Chapter.

(b) **Procedures.**

(1) Upon denial of a sign permit, requests for a hearing shall be made in writing to the Community Development Planner no less than twenty-one (21) days before the meeting of the Plan Commission or its designated entity or more than thirty (30) days from denial of a permit. An appeal fee in the amount of Three Hundred Dollars ($300.00) shall be required of the applicant at the time that a request for hearing is made.

(2) The Plan Commission or its designated entity shall make the final decision on appeals using the following criteria:

a. The basic rule of thumb should be that there be no public harm and there be a public benefit.

b. Variance considerations will include proposal for signs which would enhance the overall character of a neighborhood, or to mitigate unusual site conditions.

c. The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.

d. The affect a proposed sign may have on depreciating property values of a neighborhood.

e. The Plan Commission in its deliberation of an adjustment may consider the location of the proposed sign, the height, the size, the appearance, number, and location of other signs in the vicinity of the proposed sign, and any other factor as the Plan Commission deems appropriate.

(3) Should the Plan Commission approve a variance, the application will be forwarded to the Community Development Planner, with directions to issue a permit in accordance with the decision. If the Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing, within ten (10) days of the adoption of the Plan Commission minutes.

15.6.13 PROHIBITED LIGHTING AND SIGNS.

(a) **Lighting.** Bare light bulbs shall not be permitted other than for time and temperature. Further, no flashing, blinking, or rotating lights shall be permitted to be attached to any sign or building.

(b) **Signs.** It shall be unlawful to erect or maintain the following signs:

(1) Portable signs

(2) Off-premise signs

(3) Pennants or streamers or signs which move by any means except flags when permitted as provided in Section 15.6.10(i) herein and except time and temperature signs conforming hereto.

(4) Projecting signs

(5) Roof signs

(6) Sandwich Boards
(7) Billboards
(8) Window signs in excess of 25% of the window area
(9) Action signs as defined in Section 15.6.4(a)(2). An action sign mounted on a truck, or other moving vehicle, is a prohibited sign except when transported to and from a given destination, and provided further that such vehicle is not being employed or operated for advertising or display purposes. It shall be presumed that a sign which traverses a street at less than the speed limit, stops or engages in a pattern of stopping, standing, or parking in a manner not required by regulations governing the street, or which vehicle traverses the same street on a repeated basis more than 2 times in a one hour period without visiting a destination, is displaying a prohibited sign, and is not engaged in the course of permitted travel within the City of Glendale. Notwithstanding any of the foregoing prohibitions, a sign as otherwise prohibited by this section may be permitted as part of a planned sign program in a planned unit development in a tax incremental financing district within the City of Glendale.
(10) Signs, other than informational signs such as traffic, directions, or route information, on public structures such as rest stops, park benches, bus shelters or any similar structure.

15.7. Minimum Housing Code

15.7.1	Title and Purpose
15.7.2	Definitions
15.7.3	Inspection of Premises
15.7.4	Enforcement; Service of Notices and Orders; Hearings
15.7.5	Standards for Equipment and Facilities
15.7.6	Minimum Standards for Light, Ventilation and Heating
15.7.7	Requirements for Safe and Sanitary Maintenance
15.7.8	Conditions of Occupancy of Dwellings and Dwelling Units
15.7.9	Responsibilities of Owners and Occupants
15.7.10	Rooming Houses
15.7.11	Dwellings and Dwelling Units Which May Be Occupied
15.7.12	Failure to Comply with Order
15.7.13	Penalties
15.7.14	Minimum Requirements

15.7.1 TITLE AND PURPOSE.

(a) **Title**. Sections 15-7-1 through 15-7-14 shall be known and cited as the Minimum Housing Code of the City of Glendale.

(b) **Purpose.**

(1) The purpose of this Chapter is to prevent the deterioration of residential units and neighborhoods. This Code recognizes that such deterioration could develop because of: faulty design or construction; poor maintenance; lack of proper sanitary facilities; inadequate lighting and ventilation; inadequate heating facilities; or a combination of these factors.

(2) Such buildings could become so dilapidated and neglected that they jeopardize or are detrimental to the health, safety, morals, general welfare or the economic values of adjoining properties.

(3) The adoption and subsequent enforcement of this Chapter is, therefore, declared to be essential to the public interest. It shall be liberally construed to maintain a pleasant, safe and healthful environment and is intended to insure the maintenance of property values within the City.

15.7.2 DEFINITIONS.

(a) The following definitions shall apply in the interpretation and enforcement of this Minimum Housing Code:

(1) Approved. "Approved" means approved by or in accordance with regulations established by City ordinance or Code, and authority designated by law to enforce such Ordinance or Code.

(2) Basement. "Basement" means that portion of a dwelling below the first floor or ground floor with its entire floor below grade.

(3) Bath. "Bath" means a bathtub or shower stall properly connected with both hot and cold water line.

(4) Bathroom. "Bathroom" means a nonhabitable room within a dwelling unit which is used, or intended to be used, primarily for bathing and/or toilet purposes, and which contains a toilet, lavatory and, in some cases, bathtub or shower facilities.

(5) Bedroom. "Bedroom" means a habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

(6) Board. "Board" means Board of Appeals pursuant to this Municipal Code.

(7) City. "City" means the City of Glendale, Wisconsin.

(8) Communal. "Communal" means used by or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.

(9) Dwelling. "Dwelling" means any building which is wholly or partly used or intended to be used for living, sleeping, cooking or eating by human occupants and including any accessory structure attached thereto.

(10) Dwelling Unit. "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating by one (1) family.

(11) Extermination. "Extermination" means the control and elimination of insects, rodents or other pests by elimination of their harborage places by removing or making inaccessible material that may serve as their food by poisoning, spraying, trapping or by any other recognized and legal elimination methods approved by the Health Department.

(12) Garbage. "Garbage" means the animal and vegetable waste resulting from the preparation, handling, cooking and consumption of food.

(13) Habitable Room. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyers, communicating corridors, closets and storage spaces.

(14) Hotel. "Hotel" means any dwelling wherein sleeping accommodations are offered for pay to transients in five (5) or more rooms. It does not include rooming houses.

(15) Infestation. "Infestation" means the presence of any insects, rodents or other pests within a dwelling or on the dwelling premises.

(16) Kitchen. "Kitchen" means a habitable room used, or intended to be used, for cooking or the preparation of meals.

(17) Multiple Dwelling. "Multiple dwelling" means any dwelling containing more than two (2) dwelling units.

(18) Occupant. "Occupant" means any person living, sleeping or eating or having actual possession of a dwelling unit or rooming unit.

(19) Operator. "Operator" means any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

(20) Owner. "Owner" means any person who, alone or jointly or severally with others, shall be the legally recorded holder of the title with or without actual possession thereof or who has charge, care or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee or guardian of the estate of the owner, occupant, or property management or maintenance agent. “Owner” shall also include the legally recorded holder of a land contract vendee interest.

(21) Person. "Person" means any individual, firm, corporation, partnership or association.

(22) Plumbing. "Plumbing" means and includes all of the following-supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(23) Premises. "Premises" means any lot, plot or parcel of land including the building or structures thereon, be they occupied or unoccupied.

(24) Rooming House. "Rooming house" means any dwelling, or that part of any dwelling, containing one (1) or more rooming units in which space is let by the owner or operator.

(25) Rooming Unit. "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(26) Rubbish. "Rubbish" means household wastes, except garbage; and the term shall include lawn rakings, tin cans, glass, metal, crockery and similar household wastes; also papers, rags and other combustible refuse.

(27) Supplied. "Supplied" means paid for, furnished or provided by or under the control of the owner or operator.

(28) Temporary Housing. "Temporary housing" means any tent, trailer or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure or to any utility systems on the same premises for more than thirty (30) consecutive days.

(29) Meaning of Certain Words. Whenever the words "dwelling, dwelling unit," "rooming house, rooming unit" or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

15.7.3 INSPECTION OF PREMISES.

(a) The Building Inspector may make inspections to determine the conditions of dwellings, dwelling units, rooming units and premises located within the City.

(b) The owner, operator or occupant of every dwelling, dwelling unit or rooming unit shall, upon the request of the Building Inspector and upon the showing of proper credentials, permit access to all parts of such building on their premises, at all reasonable times for the purpose of the inspection, examination and survey hereby authorized.

(c) Every occupant of a dwelling or dwelling unit shall give the owner, operator or employee thereof access to any part of such dwelling, dwelling unit or its premises at all reasonable times for the purpose of making such repairs as are necessary to effect compliance with the provisions of this Section.

15.7.4 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; HEARINGS.

(a) **Service of Notices.** Whenever the Building Inspector determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, he shall give written notice of such violation or alleged violation to the owner of record of the property or his agent. Such notice shall:

(1) Include a description of the real estate sufficient for identification.

(2) Include a statement of the alleged violation or violations.

(3) Include an order for remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.

(4) Allow reasonable time of up to six (6) months for the performance of any act it requires.

(5) Be served upon the owner, occupant, or property management or maintenance agent, provided such notice shall be deemed to be properly served upon such owner, if a copy thereof is delivered to him personally or, if not found, by leaving a copy thereof at his usual place of abode in the presence of someone of the family of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by registered mail, with return receipt required, to his last known address, or, if the registered letter with the copy is returned with a receipt showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice. Such notice may also be served by regular mail, however, no enforcement action shall be commenced until notice has first been provided by any of the foregoing means excepting regular mail.

(b) **Petition for Hearing; Opportunity to be Heard; Order if No Petition.**

(1) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter before the Board of Appeals, provided the person requesting the hearing shall file a written petition requesting such hearing, specifying the ground thereof with the Board and the Building Inspector. Such petition shall be filed prior to expiration of the

time stated on the order, requirement, decision or determination by the Building Inspector but not after thirty (30) days. The petition for hearing shall be filed with the Board in duplicate and shall set forth name, address and a brief statement of grounds for such hearing, together with a fee of One Hundred Dollars ($100.00).

(2) The Building Inspector shall forthwith, upon the filing of such petition, transmit to the Board all of the papers constituting the record upon which the petition for hearing was taken.

(3) The Board of Appeals shall fix a reasonable time for hearing of the petition which shall be not less than ten (10) days, nor more than thirty (30) days, after the date on which the petition was filed, provided, upon written application of the petitioner to the Board, it may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period if, in its judgment, the petition has set forth a good and sufficient reason for such postponement. The Board shall given ten (10) days' written notice of the time and place of hearing to the petitioner and to the Building Inspector.

(4) At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The failure of the petitioner or his representative to appear at this hearing shall be grounds for dismissal of the petition and shall terminate right of further appeal.

(5) Any notice served pursuant to this Section shall automatically become an order if a written petition for a hearing is not filed in the office of the Board prior to expiration of the time stated on the notice and not to exceed thirty (30) days. Any occupancy permit which has been suspended by a notice shall be deemed automatically revoked if a petition for hearing is not filed in the office of the Board prior to expiration of the time stated on the notice and not to exceed thirty (30) days. The Board may administer oaths and affirmations in connection with the conduct of any hearing held in accordance with the provisions of this Chapter.

(c) **Decision of Board**. After such hearing, the Board shall sustain, modify or withdraw the order depending upon its findings as to whether the provisions of this Chapter have been complied with. The Board may also modify any order so as to authorize a variance from the provisions of this Chapter when, because of special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship, provided the spirit of this Chapter will be observed, public health and welfare secured and substantial justice done. If the Board sustains or modifies such order, the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by the Board. After a hearing in the case of any notice or order suspending any permit required by this Chapter, when such notice or order has been sustained by the Board, the Board shall order the permit revoked.

(d) **Review by Circuit Court**. The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Board. Such record shall

also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the Board shall then be served in the manner prescribed under Subsection (a) on the person who filed the petition for hearing. Any person or persons, jointly or severally aggrieved by the decision of the Board, or any taxpayer, or any officer, department, board or bureau of the City may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, if the petition for the writ is presented to the Court within fifteen (15) days after the date on which the said Board's decision was served on the person who filed the petition for hearing, and if the person aggrieved notified said Board, within seven (7) days after the Board's decision was served on him, of his intention to present such petition to the Court. Such petition duly verified shall set forth that such decision is illegal in whole or in part or does not comply with the provisions of this Section specifying the grounds thereof.

(e) **Emergency Orders.** If the Building Inspector determines that a building is in such condition that it constitutes a public nuisance and that there is great and immediate danger to the public health, safety and welfare or that a building or part thereof is unsanitary and unfit for human habitation, occupancy or use, he shall post a notice on the premises containing the following words:

> "THIS BUILDING CANNOT BE USED FOR HUMAN HABITATION, OCCUPANCY OR USE."

and he shall immediately prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made. The procedure thereafter followed shall be pursuant to this Section.

15.7.5 STANDARDS FOR EQUIPMENT AND FACILITIES.

All habitable buildings shall comply with the following requirements for basic equipment and facilities:

(a) **Sinks**. Every dwelling unit shall contain a kitchen sink which shall be located in the room in which food is cooked or prepared.

(b) **Toilets and Sinks.** Every dwelling unit, except as otherwise permitted under this Chapter, shall contain a bath, flush toilet and a sink, irrespective of the sink required as a kitchen facility.

(c) **Privacy**. The room wherein the toilet, lavatory and bathtub or shower required under this Chapter are installed shall afford privacy to a person within. The bathtub or shower may be in a room separate from the room housing the toilet and lavatory basin but shall still afford privacy to a person within.

(d) **Multiple Use.** Under no circumstances may occupants of two (2) or more dwelling units share a toilet or lavatory with the exception of rooming houses as defined in Section 15-7-2(a)(26).

(e) **Water Supply**. Every kitchen sink, lavatory basin, bathtub and shower required by this Chapter shall be properly connected with both hot and cold water lines supplying water of safe, sanitary quality.

(f) **Water Heating Facilities.** Every dwelling shall have supplied automatic or manually operated water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with hot water lines required under this Chapter, and are capable of heating water to a temperature of at least one hundred twenty (120) degrees Fahrenheit so as to permit an adequate amount of hot water to be drawn at every required sink, lavatory, basin, bathtub or shower even when the dwelling heating facilities required by this Chapter are not in operation.

(g) **Garbage and Refuse Receptacles**.

(1) Duty to Provide and Maintain. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises and shall be maintained in good condition.

(2) Garbage containers shall be made of metal or heavy molded plastic, equipped with suitable handles and tight-fitting covers and shall be water-tight.

(3) Scattering of Refuse. No person shall place garbage or rubbish in any container so that it may be opened or torn open by animals so that the contents thereof may be deposited by the elements upon any public street, sidewalk, alley or any other public place or into any occupied premises within the City.

(h) **Exits.** Each exit from a dwelling unit shall be kept in a reasonably good state of repair. Required exits shall, in addition, comply with all provisions of the appropriate codes of the state.

(i) **Stairways**. All stairways in dwellings shall have at least one (1) firmly constructed handrail at not less than two (2) feet six (6) inches vertically above the nose of the tread. All stairways shall, in addition, comply with all provisions of the appropriate codes of the state.

(j) **Fire Separation**. Garage space and accessory buildings shall be separated from the dwelling unit in accordance with the most current City adopted building code.

(k) **Foam Plastic Insulation.** Foam plastic insulation shall be separated from the living space by an approved thermal barrier.

15.7.6 MINIMUM STANDARDS FOR LIGHT, VENTILATION HEATING.

All habitable buildings shall comply with the following requirements for light, ventilation and heating:

(a) **Windows.** Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area in every sleeping room shall be ten percent (10%) of the floor area of such room. No skylight shall be installed in lieu of a window where a skylight has not previously existed.

(b) **Ventilation.** Every habitable room shall have at least one (1) window which can easily be opened or such other device as will adequately ventilate the room. The

total openable window area in every habitable room shall equal at least forty-five percent (45%) of the minimum window area required by this Section, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

(c) **Bathroom**. Every bathroom and toilet compartment shall have at least one (1) openable window facing the outside, except where there is supplied some mechanical device approved by the Building Inspector to provide adequate ventilation.

(d) **Electrical Service**.

(1) Every habitable room of each dwelling shall contain at least two (2) separate wall electric receptacle outlets; every bathroom, laundry room, furnace room, and public hallway shall contain at least one (1) ceiling or wall electric receptacle outlet; and every kitchen, bathroom, toilet compartment, furnace room, and hallway shall contain at least one (1) lighting fixture. Every such outlet and fixture shall be properly installed and shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

(2) The Building Inspector or his designated agent shall investigate all electrical deficiencies and make his recommendations thereon, which recommendations shall be made a part of the order made under the Minimum Housing Code to the property owner.

(3) Electrical service equipment shall be grounded to the metal cold water piping, including a bonding jumper around the water meter regardless of whether the grounding electrode conductor from the service equipment connects to the house or street side of the meter.

(4) "Bathroom" as employed in this Section shall be a non-habitable room within a dwelling unit which is used, or intended to be used, primarily for bathing and/or toilet purposes, and which contains a toilet, lavatory and, in some cases, bathtub or shower facilities. "Toilet compartment" refers to a room that is most often found in basements, which only houses a toilet, with no additional fixtures.

(e) **Public Halls and Stairways.** In every building accommodating two (2) dwelling units using the same halls and stairways, arrangements shall be made to supply conveniently located light switches, including two (2) way light switches at both the top and bottom of all stairways controlling an adequate lighting system which may be turned on when needed.

(f) **Insect Protection.** When flies or other pests are prevalent, all openable windows as required by this Chapter shall be effectively screened and screen doors shall be self-closing. Screens and screen doors shall be maintained in good condition.

(g) **Rodents.** Every basement window used for ventilation and every other opening to a building which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(h) **Heating**. Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms within its walls to a temperature of at least seventy (70) degrees under winter

temperatures .of minus twenty (-20) degrees, without forcing the heating facilities beyond safe capacity.

15.7.7 REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE.

All habitable buildings shall comply with the following maintenance requirements:

(a) **Floors, Walls, Etc.** Every floor, wall, ceiling, foundation and roof shall be weathertight, watertight and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair and in clean and sanitary condition. Exterior surfaces shall be painted or suitably surfaced:

(1) To prevent deterioration of the structure.

(2) When the appearance of surfaces is an obvious detriment to the visual character of the neighborhood and thus is a devaluating influence upon it.

(b) **Stairs and Porches.** Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair and in a clean and sanitary condition. Such stairs shall be kept free of refuse or stored material. Handrails shall be installed as required in City and State Building Codes.

(c) **Rainwater Drainage from Roof**. All rainwater shall be so drained and conveyed from the roof so as not to cause dampness in any wall, ceiling or floor of a habitable room, bathroom or toilet room. All exterior drain pipes shall be maintained in safe and sanitary condition. Such drain pipes, eave troughs, etc., shall be maintained so they do not detract from the visual character of the neighborhood.

(d) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe required under this Section shall be installed in accordance with the Plumbing Code and maintained in good working condition, free from defects, leaks and obstructions.

(e) **Toilet and Bathroom Floors.** The floors of all toilet and bathrooms shall be constructed and maintained so as to be leak proof and shall be kept in a clean and sanitary condition.

(f) **Chimneys and Supplied Smoke Pipes**. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably cleaned and maintained in a good state of repair. Each incinerator shall be connected to a separate flue, independent of all other equipment.

(g) **Discontinuance of Service.** No owner, occupant or operator shall cause any service, facility, equipment or utility which is required under this Section to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress or during temporary emergency when discontinuance of service is approved by the enforcing officer.

(h) **Vacant Dwelling** Units to Be Clean and Sanitary Before Being Let for Occupancy. No owner shall occupy or rent to any person for occupancy or allow any other person to occupy any dwelling unit unless it is safe, clean and sanitary

and complies with all provisions of this Chapter and all rules and regulations adopted pursuant thereto.

15.7.8 CONDITIONS OF OCCUPANCY OF DWELLINGS AND DWELLING UNITS.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(a) **Floor Space.** Every dwelling unit, except hotels and rooming houses, shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof.

(b) **Sleeping Rooms**. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least forty (40) square feet of floor area for each occupant.

(c) **Habitable Room Area.** Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit where provided may not count for more than ten percent (10%) of the required habitable floor area.

(d) **Ceiling Height**. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet six (6) inches, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing floor area of the room for determining the maximum permissible occupancy thereof.

(e) **Basement and Cellar Space**. No basement or cellar space may be used as a habitable room or dwelling unit, except as hereinafter provided. In one (1) and two (2) family dwellings, kitchens and dining rooms may be located in a basement area having its floor level not more than three (3) feet six (6) inches below the outside finished grade. A basement space may be used as a living or sleeping room or dwelling unit, provided its floor level is not more than three six (6) inches below the outside finished grade at any point and whose ceiling is four (4) feet or more above grade at any point. Family rooms may be located in basements or cellars provided adequate ventilation is provided. In a one (1) or two (2) family residence, any basement or cellar space may be used as a sleeping room by members of the immediate family of a resident owner, but only on condition that the floors and walls are made impervious to the leakage of underground and surface run-off water, the space is insulated against dampness and the space to be so used complies with all the requirements of this Code for habitable rooms.

(f) **Occupants to Have Access to Sanitary Facilities**. Every occupant of every dwelling shall have unrestricted access to a bath and flush toilet and to a sink or lavatory basin located within that dwelling.

(g) **Windows**. All windows shall be maintained in good repair.

15.7.9 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

Where in this Code the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant is as follows:

(a) **Sanitary Responsibilities of Owner**. Every owner of a dwelling shall be responsible for maintaining in a safe, clean and sanitary condition all communal, shared or public areas of the dwelling and premises thereof which are shared or used by the occupants of three (3) or more dwelling units.

(b) **Sanitary Responsibilities of Occupants**. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling unit and yard which he occupies and controls.

(c) **Disposal of Rubbish**. Every occupant of a dwelling or dwelling unit shall place all his rubbish accumulating between times of collection or other satisfactory disposal in proper receptacles.

(d) **Disposal of Garbage**. Every occupant of a dwelling or dwelling unit who does not otherwise provide for the disposal of garbage in a sanitary and inoffensive manner shall prepare all his garbage for collection and place it, pending collection, in a proper receptacle as provided herein. The owner shall be responsible for supplying such facilities or receptacles for all dwelling units in dwellings containing more than two (2) dwelling units. In all other cases, the occupant shall be responsible for such facilities or receptacles.

(e) **Extermination of Pests, Occupant's Responsibilities**. Every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein, whenever his dwelling unit is the only one infested, provided, however, when infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or substantially insect-proof condition, extermination shall be the responsibility of the owner.

(f) **Extermination of Pests**. Owners' Responsibilities. Every owner or operator shall be responsible for exterminating of any insects, rodents or other pests whenever infestation 'occurs in more than one (1) dwelling unit in a dwelling or in the shared or public parts of a dwelling of two (2) or more units or in any vacant unit.

(g) **Use and Operation of Plumbing Fixtures**. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in clean and sanitary condition and shall be responsible for the care in the proper use and operation thereof.

(h) **Use and Operation of Heating Facilities**. Every occupant of a dwelling unit shall be responsible for care in the 'proper use and proper operation of heating facilities.

(i) **Destruction, Mutilation and Defacing of Property**. No person shall willfully or wantonly damage, mutilate or deface any part of residential real estate, supplied fixtures, equipment and furnishings or any other property of another.

(j) **Grading, Landscaping and Drainage of Premises**. No premises shall be graded or maintained so that stagnant water will accumulate or stand on the. premises or adjacent premises or within any building or structure. No premises shall be graded or maintained so that surface run-off causes damages to any person or property. In addition, yards shall be landscaped so that the visual character of the neighborhood is preserved.

(k) **Responsibilities in Case of Contract**. A contract effective between owner and operator, operator and occupant, or owner and occupant with regard to compliance hereunder shall not relieve any part of his direct responsibility under this Chapter.

(l) **Owner to Note in Writing the Number of Occupants Allowed**. Every owner or operator shall advise the occupant in writing, either by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in the occupied premises under this Chapter.

15.7.10 ROOMING HOUSES.

No person shall operate a rooming house or let to another for occupancy any rooming unit in any rooming house, except in compliance with the following requirements:

(a) **To Comply With Code**. Every owner, operator or occupant of a rooming unit shall comply with the provisions of this Code as though such unit were a dwelling unit, except as herein noted.

(b) **Toilets and Lavatories**. At least one (1) flush toilet, lavatory basin, and bathtub or shower, properly connected to a municipal water and sewer system and in good working condition, shall be supplied for each six (6) persons, including the operator's quarters or family whenever they share the use of said facilities, provided that in rooming houses where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of flush toilets. All such facilities shall be so located within the dwelling to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be adequately supplied with hot water at all times. No such facilities shall be located in a basement.

(c) **Linen**. The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The owner shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(d) **Area of Sleeping Rooms.** Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least an additional fifty (50) square feet of floor space for each additional occupant thereof.

(e) **Exits.** Every rooming unit shall have at least two (2) separate safe and unobstructed means of exit in accordance with the State Code requirements.

(f) **Sanitary Maintenance**. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire structure or building leased or occupied by the operator.

(g) **Rubbish Storage.** Adequate garbage disposal facilities or garbage storage containers whose type and location are approved shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all garbage in a clean and sanitary manner through the use of approved mechanical equipment or by placing it in the required containers.

(h) **Includes Hotels.** Every provision of this Chapter which applies to rooming houses shall also apply to hotels. If, however, the state or any of its agencies is found to have a more restrictive regulation in regard to or in conflict with these provisions, that regulation shall take precedence over this Code.

15.7.11 DWELLINGS AND DWELLING UNITS WHICH MAY BE OCCUPIED.

(a) No dwelling. or dwelling unit in the City may be occupied if such dwelling or dwelling unit has been inspected by the Building Inspector and it has been determined that such dwelling or dwelling unit does not conform to the requirements of this Chapter.

(b) The Building Inspector shall order compliance with the Chapter within a stated period of time not to exceed six (6) months. However, in case of hardship, he may grant, at his discretion, time extensions not exceeding six (6) months each and, in any case, not exceeding a total of two (2) years from the time of the original order. Said extension shall be granted only upon evidence of substantial fort to and progress in removing the violation.

(c) Any dwelling declared structurally unsafe shall be restored or razed according to the provisions of the Wisconsin Statutes and the Building Code. The Building Inspector is hereby designated as an officer to carry out the provisions thereof.

15.7.12 FAILURE TO COMPLY WITH ORDER.

If any person fails to comply with the orders imposed by the Building Inspector, the Building Inspector shall give notice to the City Attorney to commence such legal action as to effectuate the purpose of this Chapter.

15.7.13 PENALTIES.

Any person who shall violate any provision of this Chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 1-1-7 of this Municipal Code.

15.7.14 MINIMUM REQUIREMENTS.

The regulation and standards herein prescribed are minimum standards. If any standard or regulation required by the "Minimum Housing Code" differs from a standard or regulation of some other provision of the "Minimum Housing Code" or other City ordinances or regulations or state regulations, the stricter shall take precedence.

15.8 Code Compliance Upon Change of Ownership

15.8.1 Purpose of Chapter
15.8.2 Certificates of Compliance Required
15.8.3 Requirements
15.8.4 Noncompliance
15.8.5 No Warranty
15.8.6 Permission to Inspect
15.8.7 Fee and Notice Requirements
15.8.8 Forms

15.8.1 PURPOSE OF CHAPTER.

In order to prevent the development of hazardous conditions presenting a threat to the well-being of occupants of buildings and to other persons, and to prevent the deterioration of buildings and appurtenances related thereto resulting in substantial depreciation in the property values of the neighborhood, and in order to protect and secure the health, safety and welfare of those living in the City, it is necessary that buildings and appurtenances related thereto in the City be kept in a reasonable state of repair.

15.8.2 CERTIFICATES OF COMPLIANCE REQUIRED.

(a) In this Section, the term "change of ownership" means any transfer of legal or equitable ownership, including deeds in fulfillment of a land contract, but excluding the following:

(1) Conveyances which are executed for nominal, inadequate or no consideration, and which confirm, correct or reform a conveyance previously recorded;

(2) Conveyances solely in order to provide or release security for a debt;

(3) Conveyances pursuant to or in lieu of condemnation by eminent domain, or pursuant to a foreclosure under federal law;

(4) Conveyances by land contract until such time as a deed is executed in fulfillment of the land contract;

(5) Conveyances where the percentage of change in ownership is fifty percent (50%) or less, except that this exception shall not apply to transfers which, in conjunction with prior transfers, result in a total ownership interest being transferred greater than fifty percent (50%);

(6) Leases less than ten (10) years initial term;

(7) From the United States, or from this state or from any instrumentality, agency, or subdivision of either;

(8) By gift, to the United States, or to this state or any instrumentality, agency, or subdivision of either;

(9) On partition, meaning the division among several persons of real property, including noncontiguous real property, that belongs to them as co-owners;

(10) Between husband and wife, parent and child, stepparent and stepchildren, parent and son-in-law or parent and daughter-in-law for nominal or no consideration;

(11) Between agent and principal or to or from a trustee to a beneficiary without actual consideration;

(12) To a trust if a transfer from the grantor to the beneficiary of the trust would be exempt under Sec. 77.25, Wis. Stats.

(b) Except as otherwise provided herein, whenever there is a proposed change of ownership, occupancy or use, of any structure requiring an occupancy permit, including but not limited to any commercial building, industrial building, retail facilities, manufacturing plant or facility, warehouse, office structure, residential building, or part thereof, such as a dwelling or multi-family building, and any appurtenance related to any of the foregoing structures. Such change in ownership, occupancy or use, shall not be made unless a certificate of compliance has been issued by the City. Exclusion: Changes in occupancy within any property classified as a single dwelling unit and located within a residential duplex or multi-family dwelling for which only a change of tenant(s) occurs, and whose primary functions is to provide shelter, shall not be subject to this requirement. Certificates of Occupancy based upon a change of occupancy or use shall not be issued until all items of noncompliance have been corrected and approved after inspection by the City.

(c) Changes in ownership, occupancy or use, or accepting change of ownership, occupancy or use, without such certificate of compliance is a violation of this Chapter of the City Code, subjecting the former owner (seller) and the new owner (buyer), or a licensed sales agent responsible for or actively involved in brokering such sale to be jointly and severally liable and responsible for correcting all Code violations existing at the time of the inspection for the certificate of compliance, said corrections to take place within the time established by the City.

(d) Notwithstanding subsection (b) above, in order not to delay or impede a pending change of ownership upon sale, the City may issue a temporary certificate of compliance if the Code violations existing at the time of the change of ownership (sale), in the opinion and judgment of appropriate City officials, are not an immediate and imminent threat to the health or safety of the owners, the tenants or the occupants of the property in question.

(e) The new owner (buyer) must submit a letter of assumption of all outstanding violations listed on the Statement of Noncompliance, also stating that the premises will be brought into compliance within thirty (30) days of closing. If outstanding violations are those of an exterior property maintenance nature, or similar matter, that requires a lengthy extension due to unfavorable, seasonal weather conditions, the new owner (buyer) must submit a letter of acknowledgement of future enforcement via the Property Maintenance Ordinance or other applicable ordinance. In this instance, a temporary certificate

of compliance shall or may be issued before the change of ownership, allowing for the conveyance.

(f) Notwithstanding any other provisions of this Chapter, in the event that the owner of a structure sold within the City of Glendale is an entity exempt from prosecution for violations of this Chapter under the supremacy clause of the United States Constitution or such other similar federal or state laws, including but not limited to the Department of Housing and Urban Development and the Veteran's Administration, inspection, and payment of any requisite fees for such inspection shall be required. In the event of noncompliance, a statement of non-compliance shall be issued pursuant to Section 15-8-4. However, no certificate of compliance shall be required of the exempt seller or the buyer as a condition of use or occupancy by the buyer. Upon resale or future transfer of ownership, all provisions of this Chapter shall then apply to such future sale or transfer.

(g) Notwithstanding any other provisions of this Chapter, in the event a structure is sold, leased, rented or redeveloped, within the City of Glendale with an intent to renovate equal to or greater than 25% of the square footage of the structure or space, or 25% of the assessed value, or is contemplated for razing, the owner may assign, provided the buyer so assumes, the responsibility, for procurement of a code compliance certificate, under the following conditions:

(1) The Director of Inspection Services may determine, in her/his sole discretion, whether or not to perform an inspection.

(2) In the event of an inspection, the Director of Inspection Services may, in her/his sole discretion, determine to require code compliance regardless of the contemplated renovation or razing as to those violations or deviations from code requirements deemed to present an unreasonable risk to the health or safety of occupants or frequentors or to persons or properties in the surrounding area.

(3) In the event the building or structure renovation is not commenced within six (6) months or razed as contemplated within one (1) year of the transfer of title, this exception shall then be inapplicable, and code compliance shall be required under all terms and conditions as set forth in this Chapter.

(h) All Assumption Agreements and Assignment and Assumption Agreements and the terms outlined within shall be binding.

15.8.3 REQUIREMENTS.

(a) A certificate of compliance shall be issued by the City after an inspection of the premises discloses that the premises are in compliance with the City Building Code, Housing Code, Plumbing Code, Electrical Code, Property Maintenance Code, Fire Prevention Code, Life Safety Code, and any other applicable codes.

(b) Compliance with the provisions of said Codes shall be met if the provisions of the respective Codes in effect at the time of the inspection are met, or if the provisions of the Codes in effect at the time the permit was issued for the particular construction or installation were met.

(c) In a situation where there is compliance with the applicable Code in effect at the time a permit was issued but there is noncompliance with the current Code and, in the opinion of the appropriate City official, the situation presents a hazardous condition endangering health or safety, the Building Inspector, or his designee, shall issue a noncompliance notice setting forth the hazardous condition.

15.8.4 NONCOMPLIANCE.

If an inspection by the City discloses noncompliance with any of the City Codes referred to herein, the City shall issue a noncompliance notice setting forth the areas of noncompliance and stating that the premises shall be brought into compliance within thirty (30) days or a reasonable time thereafter. When a subsequent inspection discloses compliance, a certificate of compliance shall be issued. If there is continual noncompliance after the time limit established by the City, no new occupancies shall be permitted. Entry into occupancy, or continued use of any building or structure, after the compliance period established by the City has elapsed without such certificate of compliance having been issued is a violation of the City Code, subjecting the person, firm or corporation so entering into occupancy and the owner of the premises permitting such occupancy, to the penalties set forth in the general penalty section of the City Code. Once the statement of noncompliance has been issued, all item corrections must be completed whether or not the proposed change of ownership, occupancy or use, occurs per Section 15-8-29.

15.8.5 NO WARRANTY.

A certificate of compliance indicates that so far as can be reasonably determined by a visual inspection of the premises and a review of City records, the premises meet the requirements of the City Code. Neither the City of Glendale nor the Department of Inspection assumes any liability in the inspection or the issuance of a certificate of compliance and by the issuance of a certificate of compliance does not guarantee or warrant as to the condition of the premises inspected.

15.8.6 PERMISSION TO INSPECT.

If the owner of the premises refuses to grant the City or its representatives permission to inspect the premises, no such inspection shall be made unless a special inspection warrant authorized and provided for under Sec. 66.122 of the Wisconsin Statutes is properly obtained.

15.8.7 FEE AND NOTICE REQUIREMENTS.

(a) A fee shall be paid to the City of Glendale at the time of applying for the inspection of the premises that is required prior to the issuance of a certificate of compliance as follows:

Residential	
Condominium	$75.00 per unit
Single Family and Multi-Family (up to 4 family)	$100.00 for a single unit; $75.00 per each additional dwelling unit
Expedited Residential Inspection:	Fee plus $100.00 additional
Commercial/Industrial	
Up to 5,000 sq. ft	$100.00
5,000 to 20,000 sq. ft.	$200.00
Over 20,000 sq. ft.	$10.00 per 1,000 sq. ft.
Expedited Commercial/Industrial Inspection:	Fee plus $200.00 additional

Note: Expedited inspections will be conducted within three (3) business days of receipt of application and fees. In certain circumstances, an expedited inspection may not be available within the timeframe.

(b) There shall be a minimum of ten (10) working days' notice to the code compliance office before inspection of said property shall be required, subsequent to which inspection shall occur as soon as reasonably practicable. If more than one re-inspection is required, an additional fee, as from time to time set by the Common Council, shall be paid in advance for each re-inspection.

(c) In the event a change of ownership is effectuated, which change in ownership requires a certificate of compliance, and application was not made or a certificate was not procured as required by the Chapter, such certificate of compliance shall remain a requirement for occupancy, and the fees as set forth in Subsection (a) of this provision shall double, with the exception that the penalty portion of residential fees shall be capped at twice the original amount and in addition to any expedited inspection fees.

(d) Any owner, real estate brokerage, broker, sales associate, attorney, or agent for a buyer or seller, lessor or lessee of real estate in the City of Glendale who knowingly contributes to the failure to produce a Certificate of Code Compliance as required by this Chapter shall be deemed to have violated the provisions of this Chapter and subject to a penalty as provided in Section 1.1.7 of this Code of Ordinances.

15.8.8 FORMS.

The Department of Inspection shall provide the forms for:

(a) Application for inspection and issuance of certificate of compliance.
(b) Certificate of compliance.
(c) Statement of noncompliance.
(d) Temporary certificate of compliance.

15.9 Public Safety Radio Coverage in Buildings and Structures

15.9.1 General
15.9.2 Applicability
15.9.3 Testing Procedures
15.9.4 Amplification Systems Allowed
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15.9.6 Exemptions
15.9.7 Variances and Appeals
15.9.8 Enforcement
15.9.9 Penalty

15.9.1 GENERAL.

Except as otherwise provided, no person or organization shall maintain, own, erect or construct any building or structure which is used for commercial, multi-family, or institutional use or any part thereof or cause the same to be done which fails to support adequate radio coverage to public safety service workers, including but not limited to firefighters and police officers. For purposes of this section, adequate radio coverage shall include all of the following:

(a) A minimum signal strength of -101 dBm available in 95 percent of the area of each floor of the building when transmitted from the public safety radio communications system; and

(b) A minimum signal strength of -101 dBm received at the public safety radio communications system when transmitted from 95 percent of the area of each floor of the building, via portable radio with public safety microphone.

(c) Channel performance criterion (CPC): CPC is the minimum performance level in a faded channel, per TSB-88, clause 4.2. TSB-88 is a “Telecommunications Systems Bulletin” published by the TIA, Telecommunications Industry Association.

The performance level is rated using “delivered audio quality.” Industry standard DAQ definitions are shown in table 1. DAQ level 3 is commonly specified as the minimum performance level for public safety systems.

(d) Table 1--Delivered Audio Quality Definitions

DAQ--Delivered Audio Quality	Subjective Performance Description
1	Unusable, speech present but unreadable.
2	Understandable with considerable effort. Frequent repetition due to noise/distortion.
3	Speech understandable with slight effort. Occasional repetition required due to noise/distortion.
3.5	Speech understandable with repetition only rarely required. Some noise/distortion.
4	Speech easily understood. Occasional noise/distortion.
4.5	Speech easily understood. Infrequent noise/distortion.
5	Speech easily understood.

15.9.2 APPLICABILITY.

The provisions of this ordinance shall be applicable to new construction commenced the day after this ordinance shall take effect by publication, and thereafter. The provisions of this ordinance shall further be applicable to remodeling, rebuilding, additions, repairs, or alterations, commenced the day after this ordinance shall take effect by publication, and thereafter. The provisions of this ordinance shall apply to buildings or structures used for commercial, multi-family, or institutional use, regardless of the date of construction upon transfer of ownership, or not later than January 1, 2010, whichever is earlier. A change of ownership shall be deemed to have occurred if a certificate of code compliance is mandated under Section 15.8.2 of the Glendale Code of Ordinances.

15.9.3 TESTING PROCEDURES.

There shall be the following testing procedures.

(a) Initial tests. Initial tests will be performed by public safety employees or their designees. A certificate of occupancy shall not be issued to any structure if the building fails to comply with this section.

(b) Annual tests. Annual tests will be conducted by the fire or police department in conjunction with inspection procedures.

15.9.4 AMPLIFICATION SYSTEMS ALLOWED.

Buildings and structures which cannot independently support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC type-accepted signal booster amplifiers as needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. Any battery system employed shall automatically recharge in the presence of an external power input. The installation of equipment as indicated above can not be detrimental to the operation of the public safety radio system. In the event that a signal booster is employed it shall be fully encased within a dust and water resistant case.

15.9.5 FIELD TESTING.

Police and fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present.

15.9.6 EXEMPTIONS.

This section shall not apply to single-family and two-family dwellings not put to commercial or institutional use. For purposes of this section, basements, parking structures and stairwells are included in the definition of “all parts of a building” but elevators may be excluded.

15.9.7 VARIANCES AND APPEALS.

(a) Variances**.** The Board of Appeals will hear and decide applications for variances from the provisions of this Chapter. The Board of Appeals shall consider whether or not compliance presents a hardship on the part of the property owner, and shall further solicit and consider information from the Glendale Police Department, North Shore Fire Department, and Director of Inspection Services as to whether or not a variance creates an unreasonable risk to the public health, welfare, and safety, or the health, welfare, and safety of owners, occupants, users, invitees, or frequentors of the subject premises.

(b) Appeals**.** The Board of Appeals shall treat any appeal from the enforcement of the provisions of this ordinance as a request for a variance from the provisions as stated herein.

15.9.8 ENFORCEMENT.

The enforcement authority for the provisions of this ordinance is vested in and placed under the Director of Inspection Services. The Director of Inspection Services shall receive, investigate, and refer to the City Attorney any violations of the provisions of this ordinance, specifically including but not limited to complaints of the North Shore Fire Department and the Glendale Police Department.

15.9.9 PENALTY.

Violation or non-compliance with the provisions of this Chapter shall be subject to all penalties and remedies as set forth in Section 1.1.7 of the Glendale Code of Ordinances.