

TITLE 15

Building Code

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Building Code

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Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Cadott" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures in the Village of Cadott. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope; Applicability; Statutory Authority.**
 - (1) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Village of Cadott, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the

health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village of Cadott and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

- (2) **Applicability.** This Building Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings and accessory buildings. Not included are children's play structures and agricultural buildings on agricultural zoned parcels.

Sec. 15-1-2 Building Permits and Inspection.

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Village of Cadott and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Village Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
- New buildings.
 - Additions that increase the physical dimensions of a building including decks.
 - Alterations to the building structure, with cost determinations including market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for re-siding.
 - Permits are not required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or natural gas supply systems when altered.
 - Exempted are re-roofing and the finishing of interior surfaces, installation of cabinetry, and minor repair as determined by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof. [See Subsection (g)(3)].
 - Any electrical wiring for new construction or remodeling.
 - Any HVAC for new construction or remodeling.
 - Any plumbing for new construction or remodeling.
 - Exempt from permit requirements are normal repairs described in Subsection (a)(1)d-h above and electrical, HVAC and plumbing normal repairs, complying with Subsection (a)(2) below.
 - Agricultural buildings on properly zoned parcels are exempt.

- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, contact information (email address and fax, telephone and cellphone numbers), the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements and phasing are accepted by the Village Board.
- (d) **Utilities Required.**
 - (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical connection is presented to the Building Inspector. The Village Board determines the areas of availability of public utilities in the Village.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let and financial assurances to the Village filed, for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. The Village Board determines the areas of availability of public utilities in the Village.
 - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (e) **Elevations.** The first floor minimum elevation of a house shall be eighteen (18) inches above the curblin at the high side. The maximum driveway elevation shall be twelve percent (12%) from the flag of the curb to the threshold of the garage door.
- (f) **Submission of Plans.**
 - (1) **Basic Application Information-UDC Construction.** Two (2) sets of building plans shall be submitted to the Building Inspector or his/her designee for any work which expands the size of a building, involves a new building, or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction, building moving, or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.
 - (2) **Required Plot Plan Information.** The above-described "plot plan" for a new UDC building shall be a parcel survey [one (1) original with surveyor's signature and stamp plus two (2) copies] or other form of plot plan acceptable to the Building Inspector. Said plot plan or survey shall show the following:
 - a. Location and dimensions of all existing and proposed buildings.
 - b. Lot dimensions and all lot corner elevations using USGS datum.

- c. Building setbacks.
 - d. The elevation of the proposed structure using USGS datum (must be in accordance with the approved grading plan).
 - e. Elevation of the lot and relation to sidewalk, street, etc. using USGS datum.
 - f. Elevation and setback of adjacent buildings using USGS datum.
 - g. Type of monuments at lot corners (i.e., I.P.).
 - h. Water courses, existing drainage ditches, easements and drainage pattern.
 - i. Seal and signature of surveyor or professional engineer or a certificate signed by the applicant.
- (3) **Erosion Control Plan.** A construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site shall also be filed if needed for the project.
- (4) **Scale.** Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot].
- (5) **Filing of Plans.** One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State (Commercial) Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional Services. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.
- (6) **Additional UDC Requirements.** Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09, Wis. Adm. Code.
- (7) **Site Plan.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in accordance with the requirements of this Section. The applicant shall submit a site plan and completed site plan checklist obtained from the Village Clerk-Treasurer to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (g) **Waiver of Plans; Minor Repairs.**
- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, the Building Inspector may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed One Thousand Dollars (\$1,000.00).
- (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work without a building permit on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than One Thousand Dollars (\$1,000.00), as determined by the Building Inspector or his/her designee, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (3) **Roof Covering Replacement.** The replacement of roof coverings does not require the issuance of a building permit. However, whenever thirty-five percent (35%) or more

of the roof coverings are replaced, all roof coverings shall be in conformity to any applicable standards of the Wisconsin Uniform Dwelling Code.

- (h) **Permit Issuance — New Non-UDC Projects.** If the Building Inspector in the case of non-UDC projects determines that the building will comply with all applicable ordinances of the Village and all applicable laws and orders of the State of Wisconsin, the Building Inspector or his/her designee shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (i) **Approval of Plans; Permit Issuance for UDC Projects.**
- (1) **Preliminary Foundation Permit.** The Building Inspector may issue the requested building permit for UDC projects as a preliminary permit to construct the foundation if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. A preliminary foundation permit is valid for six (6) months. A preliminary foundation permit may be extended for a specific time frame upon the Building Inspector's approval and payment of appropriate fees.
 - (2) **Post-Foundation Final Building Permit Issuance.** Upon completion of the foundation, the owner or contractor shall submit data identifying setbacks and elevations. Said information shall be submitted to the Building Inspector who shall review it to determine that local setback and elevation requirements are satisfied. If the foundation conforms to the local requirements, a final building permit shall be issued and it shall be posted at the job site in a visible location from the street. A final building permit may be extended for a specific time frame upon the Building Inspector's approval and payment of appropriate fees.
 - (3) **Right of Inspection Access.** By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
 - (4) **Building Permits Conditioned Upon Compliance with Codes.** All permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable building codes, zoning ordinances and setback requirements on constructing the building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants.
 - (5) **Partial Building Permit.** In case adequate plans are presented for part of a UDC-classified building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(j) **Inspections.**

- (1) **Required Inspections.** The following inspections for UDC projects shall be requested two (2) business (Monday-Friday) days in advance by the applicant/contractor or property owner, to the Building Inspector, as applicable:

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

- (2) **Failure to Request Inspections.** The requirement to request any inspections is the responsibility of the contractor and/or property owner.

- (k) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within eighteen (18) months from the date of issuance thereof.

(l) **Revocation of Permits.**

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

- a. Whenever the Building Inspector or other Village authority finds at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to the permit holder.
- 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 or other Village authority, there is inadequate supervision provided on the job site.
- e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
- f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

- (2) **Permit Revocation.** The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.

- (3) **Permit Revocation Placard.** A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector or his/her designee.
- (4) **Construction Unlawful Following Permit Revocation.** After the notice is delivered upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Building Inspector may require for the preservation of life and safety.
- (m) **Report of Violations.** Village officers and officials shall report at once to the Building Inspector or Village office any building which is being carried on without a permit as required by this Chapter.
- (n) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- (o) **Inspection Warrants.** If the Building Inspector is denied access to inspect a property, the Building Inspector may request the Village Attorney to seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.

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

- (a) **Adoption of Codes.**
 - (1) **Wisconsin Administrative Codes Adopted.** The following Wisconsin Administrative Codes and subsequent revisions pertaining to construction activity are adopted by reference for municipal enforcement and incorporated herein:

SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured Home Communities
SPS 360-366	Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code
SPS 367	Rental Unit Energy Efficiency
SPS 375-379	Buildings Constructed Prior to 1914
SPS 381-387	Uniform Plumbing Code
 - (2) **Commercial and Pre-1914 Buildings Codes.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379,

Wis. Adm. Code (Existing Pre-1914 Buildings Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the Building Inspector.

- (3) **Adoption of Additional Codes.** By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
- a. **IBC.** The *International Building Code*®, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
 - b. **IECC.** The *International Energy Conservation Code*®, subject to the modifications specified in SPS 363, Wis. Adm. Code.
 - c. **IMC.** The *International Mechanical Code*®, subject to the modifications specified in SPS 364, Wis. Adm. Code.
 - d. **IFGC.** The *International Fuel Gas Code*®, subject to the modifications specified in SPS 365, Wis. Adm. Code.
- (4) **Violations; Amendments.** Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in the Village of Cadott. A copy of these administrative code provisions and any future amendments shall be kept on file in the Building Inspector's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - (4) **Roof Coverings** — Whenever more than thirty-five percent (35%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
 - (5) **Additions and alterations** — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.

(c) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) **Building Inspector.** The State-certified inspector who performs UDC inspections in the Village of Cadott. For purposes of this Chapter, the title shall also include the official performing plumbing, electrical and HVAC plan reviews and inspections.
- (4) **Department.** The Wisconsin Department of Safety and Professional Services.
- (5) **Dwelling.**
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (6) **Minor Repair.** A repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (7) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (8) **Person.** An individual, partnership, firm or corporation.
- (9) **Uniform Dwelling Code (UDC).** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

SPS	320	Administration and Enforcement
SPS	321	Construction Standards
SPS	322	Energy Conservation
SPS	323	Heating, Ventilating and Air Conditioning
SPS	324	Electrical Standards
SPS	325	Plumbing

(d) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the

provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services in each of the categories specified under SPS 326.06, Wis. Adm. Code.

- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept in the Office of Building Inspector.

Sec. 15-1-4 Unsafe Buildings.

Whenever the Building Inspector, Village Board and/or their designees find any building or part thereof within the Village of Cadott to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, such Village authorities shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

Sec. 15-1-5 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Cadott. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The

inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-6 Regulation and Permit for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Village of Cadott shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
 - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
 - (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the

neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.

- (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
 - (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
 - (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
 - (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.

- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-7 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

Sec. 15-1-8 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting,

draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

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

of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

Sec. 15-1-9 Duplex and Multi-Service Connections.

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

Sec. 15-1-10 Regulations for Moving Buildings.

(a) General Requirements.

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Village of Cadott without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.

- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such

determination shall be made by the Building Inspector, who may seek a recommendation from the Village Assessor.

- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (f) **Bond.**
 - (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Cadott in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.

- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(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 the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.
- (h) **Village Board Approval.**
- (1) No such permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village Board, which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of Village Clerk-Treasurer who shall send a copy of it to the Building Inspector.

Sec. 15-1-11 Construction Sites; Maintaining Clean Streets.

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

Sec. 15-1-12 Fees.

Fees for permits under this Chapter shall be established by resolution of the Village Board.

Sec. 15-1-13 Severability.

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

Sec. 15-1-14 Penalties and Violations.

- (a) **Violations.** Any building or structure in the Village of Cadott erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall

promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of Section 1-1-6 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

(b) **Compliance; Penalties.**

- (1) **Notice of Noncompliance.** If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector or his/her designee shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to SPS 320.10, Wis. Adm. Code.
- (2) **Stop-Work Orders.** If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector or his/her designee after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) **Each Day a Separate Offense.** Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village of Cadott from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
- (4) **Double Permit Fees for Violations.** If any construction or work governed by the provisions of this Chapter, the Uniform Dwelling Code, or other applicable Codes adopted and incorporated in this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.

(c) **Appeals.**

- (1) **UDC Appeals.** Any person feeling aggrieved by an order or determination of the Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services for a UDC interpretation.
- (2) **Board of Appeals Review.** Any person feeling aggrieved by an order or a determination of the Building Inspector and/or other Village official administering this Chapter may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

- (d) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Cadott charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

Title 15 ► Chapter 2

Fair Housing

15-2-1 Fair Housing

Sec. 15-2-1 Fair Housing.

- (a) The Village of Cadott hereby adopts Sec. 106.50, Wis. Stats., as amended and all subsequent amendments thereto.
- (b) The officials and employees of the Village shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Cadott to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.05, Wis. Stats., as amended.
- (c) The Village Clerk-Treasurer shall maintain forms for complaints to be filed under Sec. 106.50, Wis. Stats., as amended and shall assist any person alleging a violation thereof in the Village to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division for enforcement of Sec. 106.50, Wis. Stats., as amended.

Title 15 ► Chapter 3

Historic Preservation

15-3-1	Declaration of Public Policy and Property
15-3-2	Definitions
15-3-3	Power and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts
15-3-4	Criteria for Determining Eligibility
15-3-5	Register of Historic Sites, Structures, Landmarks and Districts
15-3-6	External Alteration of Designated Property
15-3-7	Transfer of Historically Designated Property
15-3-8	Review of Permits
15-3-9	Designation of Repository for Documents

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

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

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

Sec. 15-3-2 Definitions.

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

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

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

- (a) **Composition.**
 - (1) The Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Committee will act in an advisory capacity to the Village Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village.
 - (2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a. Active interest in the historic preservation of the Village of Cadott.
 - b. Knowledge of the history of the Village and its environs.
 - c. Expertise and knowledge concerning architecture and archeology.
 - d. Ability to utilize authoritative resources concerning historic preservation.
 - (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years. As each term expires, a new appointment or reappointment shall be made by the Village Board for a term of three (3) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.

- (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (5) The Historic Preservation Committee shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
 - (6) The Village Board and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-3-4 below.
 - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
 - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
 - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof.
 - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of Village designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
 - (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.
 - (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.

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- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

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

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

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

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

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

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

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

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

- (a) The Village Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.

- (b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

Sec. 15-3-8 Review of Permits.

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

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

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

Title 15 ► Chapter 4

Property Maintenance Code

15-4-1	Title
15-4-2	Intent and Purpose
15-4-3	Rules and Definitions
15-4-4	Minimum Standards for Basic Residential Equipment, Lighting, Ventilation, Heating and Electrical Service
15-4-5	Safe and Sanitary Maintenance of Property Exteriors
15-4-6	Minimum Quantity, Location and Use of Space in Residential Buildings
15-4-7	Fixing the Responsibility of Residential Owners, Operators, Tenants, and Occupants
15-4-8	Inspection
15-4-9	Designation of Unfit Dwellings and Legal Procedure Therefor; Condemnation
15-4-10	Enforcement; Service of Notice and Orders; Hearings

Sec. 15-4-1 Title.

This Chapter shall be known as the Village of Cadott Property Maintenance Code.

Sec. 15-4-2 Intent and Purpose.

- (a) **Intent.** This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village of Cadott and environs. This includes, among others, physical, aesthetic, and property values.
- (b) **Purpose.** It is recognized that there may now be or may, in the future, be buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum

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housing and property maintenance standards is necessary to preserve and promote the private and public interest.

(c) **Conflict of Provisions; Exceptions.**

(1) In any case where a provision of this Chapter is found to be in conflict with another provision of the Village of Cadott Code of Ordinances, the provision which established the higher or more restrictive standard for the protection of the public health, safety and welfare shall prevail.

(2) The provisions of this Chapter shall not apply to construction of new buildings, which are subject to other local and state regulations.

(d) **Validity of Prior Regulations.** Equipment, systems, devices and safeguards required by a previous state law, local ordinance or code under which the structure was constructed, lawfully altered or repaired or the premises developed, shall be maintained in good repair and in good working order. The requirements of this Chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in good repair and in proper working order in structures.

(e) **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Chapter shall be executed, constructed and/or installed in a workmanlike manner and in accordance with the manufacturer's installation instructions.

(f) **Historic Buildings.** The provisions of this Chapter shall apply to structures designated by the federal, state or local government as historic buildings. However, any work to said structures shall also comply with appropriate zoning regulations, the standards contained in Title 15, Chapter 1 "Building Code", and Title 15, Chapter 5 "Historic Preservation", of the Cadott Code of Ordinances; and COMM 70, Wis. Adm. Code, Historic Building Code.

Cross-Reference: Title 11, Chapter 6, Public Nuisances; and
Section 10-5-8, Junked Vehicles, Refuse and Appliances

Sec. 15-4-3 Rules and Definitions.

(a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

(1) Words used in the present tense shall include the future.

(2) Words used in the singular number shall include the plural number, and the plural the singular.

(3) The word "shall" is mandatory and not discretionary.

(4) The word "may" is permissive.

(5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) **Adequate.** Shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.
- (2) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (3) **Approved.** Approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter or this Code of Ordinances.
- (4) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the Village of Cadott and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (5) **Basement.** A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (6) **Boarding House.** See "Lodging House" and "Lodging Room."
- (7) **Building.** A combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (8) **Capacity in Persons.** The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
- (9) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Village Board, Village Clerk-Treasurer, Police Department, Building Inspector, or public health authorities, for the purpose of certifying the fulfillment of an official requirement listed in the order.
- (10) **Dwelling.** A place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- (11) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (12) **Endanger(s) Safety.** To threaten to or to injure or damage any person or property, or the life, health and safety of any person.
- (13) **Extermination.** The control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

- (14) **Family.** An individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers. For the purpose of this Subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (15) **Friable Material.** Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (16) **Good Working Condition.** Capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (17) **Habitable Space.** One (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- (18) **Impervious to Water.** Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (19) **Infestation.** The sustained presence of household pests, vermin, or rodents.
- (20) **Living Room.** A room used primarily for living, dining, or cooking purposes.
- (21) **Lodging House.** A dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.
- (22) **Lodging Room.** A portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.
- (23) **Mixed Occupancy.** Occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- (24) **Nuisance Vehicles.** Any inoperable, unlicensed, unroadworthy, disassembled or wrecked motorized or unmotorized vehicle or trailer in violation of Sec. 10-5-8.
- (25) **Occupant.** One who occupies or has actual possession of usable space.
- (26) **Open and Accessible Structure.** A structure which has no barrier to unlawful entry.
- (27) **Operator.** Any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- (28) **Owner.** Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal

or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

- (29) **Person.** Any individual, firm, corporation, association, or partnership.
- (30) **Properly.** As deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (31) **Provided.** Furnished, supplied, paid for or under control of the owner.
- (32) **Residential Building.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:
 - a. Single-family dwellings.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Lodging houses.
 - e. Fraternity and sorority houses.(For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)
- (33) **Room.** A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.
- (34) **Rooming House.** See "Lodging House" and "Lodging Room."
- (35) **Screened.** The use of any acceptable screening materials that comply with Village Zoning Code requirements and results in a screening that is at least seventy-five (75%) percent opaque.
- (36) **Sleeping Room.** A room used for sleeping purposes.
- (37) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (38) **Structure Unfit for Occupancy.** A structure which is an unsafe structure; or a structure which is unfit for habitation, occupancy or use because of the degree to which the structure is dilapidated, in disrepair or lacks maintenance, or a structure which is unsanitary, vermin or rat infested, contains filth and contamination, or which lacks adequate ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Chapter.

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- (39) **Supplied.** Paid for, furnished, or provided by or under control of the owner or operator.
- (40) **Unlawful Structure.** A structure, in whole or in part, occupied by more persons than permitted under this Chapter, or a structure which is erected, altered or occupied contrary to state law or the Village of Cadott Code of Ordinances.
- (41) **Unsafe Equipment.** Any equipment within the structure or servicing the structure which is in such disrepair or condition that such equipment is unsafe for operation and use.
- (42) **Unsafe Structure.** A structure that endangers safety for reason that it is in imminent danger of failure or collapse, or a part of the structure has failed or collapsed, or the structure is in a condition of decay or dilapidation, or the structure has the presence of explosives, toxic or unhealthy fumes or vapors.
- (43) **Vacant Substandard Structure.** A vacant structure that has been damaged by fire, water, wind, animals, or vandalized and/or entered and/or inhabited and unfit for habitation or occupancy.
- (44) **Workmanlike.** Work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and to provide a durable result as intended to ensure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

Sec. 15-4-4 Minimum Standards for Basic Residential Equipment, Lighting, Ventilation, Hearing and Electrical Service.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage, recyclables and other refuse, safe means of egress, provision of light, air, heat, and electrical service.
- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
 - (1) **Basic Plumbing Requirements.** Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Sec. COMM 82.40, Wis. Adm. Code.

- (2) **Water Heating Facilities.** Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
- (3) **Refuse Storage.** Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location of which is in compliance with Village regulations, specifically Title 8, Chapter 3 "Recycling", of the Village of Cadott Code of Ordinances.
- (4) **Egress.** Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in Secs. COMM 21.04(2) or COMM 51.161 and COMM 51.162, Wis. Adm. Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.
- (5) **Plumbing.** Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- (6) **Windows and Ventilation.**
 - a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Secs. COMM 21.05 or COMM 57.13, Wis. Adm. Code, as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with COMM Codes may remain in use with the granting of a variance by the Board of Appeals.
 - b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is

- greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.
- c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.
 - d. All exterior door and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15th, but no later than November 15th annually.
 - e. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.
- (7) **Electrical.** Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the capacity of the smallest wire size in the circuit:
- a. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area [air conditioners, ranges, space heaters and motor driven equipment one-eighth (1/8) hp. or over excluded.]
 - b. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room and furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at the center of the room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for the ceiling or wall fixture in the dining room.)
 - c. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves)
 - 1. Living Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 - 2. Dining Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]

3. Kitchen: One (1) per eight (8) feet or fraction of countertop and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each eight (8) feet or less of length. Separate outlets shall be provided for refrigerators.
 4. Dining Areas in Kitchen: One (1) per seventy-five (75) square feet or major fraction.
 5. Bedroom: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 6. Laundry: One (1) when laundry equipment is present.
 7. Bathrooms and Lavatories: One (1) [may be part of wall fixture if seventy-two (72.0) inches or less from floor].
 8. Other Habitable Rooms: Minimum of two (2).
- d. Fixed appliances exceeding one-eighth (1/8) hp. or three hundred (300) watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to present use of extension cords (NEC 400-8).
 - e. All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring, shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
 - f. Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted.
 - g. Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least two and one-half (2-1/2) foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2-1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.
 - h. When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be one hundred (100) amps for the first two (2) dwelling units in a building and fifty (50) amps for each additional unit. Where electric heat and air conditioner over twenty (20) amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electrical Code.
- (8) **Heating.**
- a. All habitable rooms shall be provided with a permanently connected heating system complying with the Village ordinances.

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- b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the Village shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
 - c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.
- (9) **Lighting.**
 - a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
 - b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.
- (10) **Cooking Areas Restricted.** The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.
- (11) **Emergency Work Information.** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Sec. 15-4-5 Safe and Sanitary Maintenance of Property Exteriors.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of structures, yards, or vacant

areas. Attractive and well-maintained property will enhance the neighborhood and Village of Cadott and provide a suitable environment for increasing physical and monetary values.

- (b) **Exterior Premises Maintenance Requirements.** Every owner, operator, occupant or tenant shall improve and maintain all property under his/her control to comply with the following minimum requirements:

- (1) **Drainage.** All courts, yards, or other exterior areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
- (2) **Weeds.** All exterior property areas covered with grasses and vegetation shall be kept properly trimmed and free from noxious weeds as required by Sections 8-1-4, 8-1-5 and 8-1-6 of the Cadott Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Weed Commissioner or other appropriate Village official shall perform said weed/grass cutting, pursuant to Section 8-1-6, and process the charge therefor as a special charge against the benefitted property.
- (3) **Debris.** Pursuant to this Chapter and Section 8-1-2 "Public Safety and Health Hazards/Nuisances Regulated", Section 8-1-8 "Unhealthy, Hazardous or Unsightly Materials on Public or Private Property", Section 10-5-8 "Junked Vehicles and Appliances on Private Property", and Title 11, Chapter 6 "Public Nuisances", of the Cadott Code of Ordinances, all exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, junk rubbish, recyclables or garbage; physical hazards; inoperable vehicles; rodent harborage and vermin infestation; and animal feces. Exterior property areas shall be kept free from rubbish, debris and garbage which are not contained as required under Title 8, Chapter 3 "Recycling" of the Cadott Code of Ordinances. Specifically, all exterior property areas shall be maintained:
 - a. Free from recyclable materials which are not properly separated and contained as required by Title 8, Chapter 3 "Recycling" for purposes of collection and storage, provided such outside storage of recyclables is for not longer than fourteen (14) days or to accommodate collection, whichever is first.
 - b. Free from inoperable or nuisance vehicles, boats, recreational vehicles, trailers, building materials, scrap metals, appliances, furniture or other debris in violation of Section 10-5-8, "Junked Vehicles, Refuse and Appliances on Private Property".
 - c. In a condition so as not to become infested with rodents or a rodent harborage as required by Section 8-1-9 "Rodent Control".
 - d. Free from building materials as required by Section 10-5-8 "Junked Vehicles and Appliances on Private Property", unless such materials are temporarily stored on the property for use with a building project pursuant to a valid Village building permit.

- e. Free from animal feces as required by Section 7-1-10 "Animal Feces."
 - f. Free from physical hazards.
 - g. Free from appliances, furniture, furnaces, water heaters, air conditioners, etc., which are not integrated into a structure within ten (10) days of being placed on the premises.
 - h. Free from any accumulation of combustible materials which are not used as an integral part of an authorized business lawfully carried out on the premises.
- (4) **Walks; Parking Areas.** Sidewalks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Proper walks shall provide convenient all-weather access to buildings.
- (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) **Yard Areas.**
- a. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.
 - b. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby the appearance and value of the neighborhood and Village. The Village, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.
 - c. The unpaved public terrace area, as defined in Section 6-4-2, abutting private property shall be maintained by the abutting property owner, specifically conforming to Sections 8-1-4, 8-1-5, and 8-1-6 of the Village of Cadott Code of Ordinances.
- (7) **Removal of Debris.**
- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village of Cadott, except at approved disposal sites.

- b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c. All vacant lands within the Village shall be leveled off to permit the mowing of weeds as outlined within this Code. This includes the removal of stones, bottles, wires and other debris that will interfere with mowing operations.
 - d. All lands in the Village of Cadott shall be kept free of weeds and maintained so there is no detrimental influence to the public health, safety, comfort or general welfare of the immediate neighborhood or community.
- (8) **Accessory Buildings/Structures.** All accessory structures and buildings, including windows, doors and roofs which are a part thereof, shall be maintained structurally sound, in good repair, reasonably watertight and rodent-proof. Factors indicating a state of disrepair include, but are not limited to, defective or collapsed roofs, missing windows, and/or deteriorated or missing siding.
- (9) **Fences.** Pursuant to Section 13-1-142 "Fences and Hedges", all fences shall be maintained in good repair, be structurally sound and plumb. Fence surfaces shall be free of rust corrosion, deterioration, decay, missing parts, and peeling, flaking or deteriorated paint. Wood surfaces, other than decay-resistant wood, shall be protected from the elements and decay by painting, staining or other protective covering or treatment. Fences shall not be of a type prohibited by Section 13-1-142.
- (10) **Graffiti.** In accordance with Section 11-3-12, the owner, occupant, operator, or tenant of any building or accessory building/structure shall be responsible for removing all graffiti therefrom within fifteen (15) days following receipt of a Village notice to remove the graffiti.
- (c) **Hazardous Conditions.** Every dwelling shall be structurally sound and shall be free of conditions which constitute a substantial hazard to the health and safety of the occupant(s) or which create an unreasonable risk of personal injury resulting from any reasonably foreseeable use of the dwelling (other than negligent use of the dwelling by the occupants). Violations include, but are not limited to, sewage in the basement, excessive damage to the interior which may pose a health problem, or excessive solid waste accumulation inside the structure which may pose a health problem.
- (d) **Public Areas.** Every owner of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.

Sec. 15-4-6 Minimum Quantity, Location, and Use of Space in Residential Buildings.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the

public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.

(b) **Size of Dwellings and Rooms.**

- (1) **Detached Single-Family Dwellings.** Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
- (2) **Size of Rooms.**
 - a. **Apartments.** The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - b. **Lodging Rooms.** The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
- (3) **Excluded Spaces.** The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
- (4) **Hallways.** Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
- (5) **Cellar Space.** No cellar space shall be used as a sleeping room.
- (6) **Basement Use as a Sleeping Area.** No basement space shall be used for a sleeping room unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.
- (7) **General Interior Requirements.**
 - a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
 - b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and

shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

- c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.
- (8) **Stairs.** 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 may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in Secs. COMM 21.04 or 51.16, 51.161, 51.162 and 51.164, Wis. Adm. Code, as dictated by the type of occupancy in the building.
- (9) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (10) **Bathrooms.** Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (11) **Supplied Facilities.**
 - a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
 - c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (12) **Equipment Removal Restricted.** No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
- (13) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building.
- (c) **Exterior Walls and Surfaces; Repairs.**
 - (1) **Good Repair Requirement.** All building exterior walls and surfaces, including, but not limited to, decorative features and overhang extensions, doors, door and window frames, cornices, porches and trim, shall be maintained in good repair. All exterior

surfaces shall be free from decay, missing parts, rot, serious cracking, irregularities and peeling.

(2) **Adequate Paint/Stain to be Maintained.**

- a. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting, staining or other protective covering or treatment. Peeling, flaking and chipped paint shall be corrected and affected surfaces restored and repainted in a workmanlike manner.
- b. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and watertight. All surface repairs shall be completed to closely match the existing surface color and texture.
- (d) **Structural Members.** All structural members shall be maintained structurally sound in good repair, and be capable of safely supporting the imposed loads.
- (e) **Roofs and Drainage.** The roof and flashing shall be maintained structurally sound and not have defects that admit water. The roof coverings shall be in good repair, free from missing components, storm damage and missing components. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance.
- (f) **Overhang Extensions.** All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.
- (g) **Porches, Decks, Ramps, Balconies and Stairways.** Every exterior stairway, deck, porch, ramp and/or balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Any new or replacement stairways, decks, porches, ramps and/or balconies shall be installed in accordance with the requirements of COMM 20-25, Wis. Adm. Code.
- (h) **Windows.** Every window, storm window, skylight and/or screen window, including frames, shall be kept in sound condition, good repair and weathertight. All window glazing shall be maintained free from holes and cracks.
- (i) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good working condition and good repair.
- (j) **Animals – Unsanitary Conditions.** No occupant of a residence shall keep any animals or pets in a dwelling or rooming unit, or on any premises, in such a manner as to create unsanitary conditions, including, without limitation, accumulation of excrement.

Sec. 15-4-7 Fixing the Responsibility of Residential Owners, Operators, Tenants, and Occupants.

- (a) **Purpose.** Except as otherwise specified herein, each owner, operator, tenant and/or occupant shall be responsible for the maintenance of structures and premises under this

Chapter, and shall be subject to any penalties for conviction of any violation of this Chapter.

- (b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:

- (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
- (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his/her refuse, recyclables, and garbage as required by this Code of Ordinances.
- (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.
- (4) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his/her dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.
- (5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.
- (7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.
- (8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

Sec. 15-4-8 Inspection.

- (a) **Inspection Authorization; Right of Entry.** The Building Inspector is authorized and empowered to inspect all residential buildings within the Village for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- (b) **Reinspections.** Every owner, occupant, operator and tenant of a premises shall cooperate with and facilitate reinspections of premises at reasonable times to determine Chapter compliance with an order to repair. Failure of said owner, occupant, operator and/or tenant to cooperate with and facilitate such reinspection(s) by the Building Inspector shall be a violation of this Chapter.
- (c) **Right of Tenant to Provide Entry.** No owner, occupant, occupant, or tenant of a residential or commercial building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

Sec. 15-4-9 Designation of Unfit Dwellings and Legal Procedure Therefor; Condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (a) **Condemnation Criteria.** Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
 - (2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
 - (4) One which, because of its general condition, location or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.

- (b) **Vacation of Dwelling.** Any dwelling, dwelling unit, building or structure designated and placarded as unfit for human habitation and in need of repair by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- (c) **Unfit Dwelling Not to be Reoccupied.** No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.
- (d) **Removal of Condemnation Placard.** No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.
- (e) **Legal Proceeding for Razing.** Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter.
- (f) **Vacant Damaged Buildings.** Any building which has been vacant for more than sixty (60) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage:
 - (1) The building's utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
 - (2) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

Sec. 15-4-10 Enforcement; Service of Notices and Orders; Hearings.

- (a) **Notice of Violation.**
 - (1) Whenever the Building Inspector or Chief of Police determines that there are reasonable grounds to believe that there has been a violation of any provision of this

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Chapter or of any rule or regulation adopted pursuant thereto, notice shall be given of such alleged violation to the person or persons responsible therefor (owner, occupant, operator and/or tenant) as hereinafter provided. Such notice shall:

- a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his/her agent, or the occupant/tenant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant/tenant, if a copy thereof is served upon him/her personally; or if a copy thereof is sent by first class registered mail to his/her last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he/she is served with such notice by any other method authorized or required under the laws of this state.
- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- (b) **Notice of Subsequent Violations.** Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant/tenant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction or condemnation action in a court of record.
- (c) **Hearing.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in the Building Inspector's judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (d) **Post-Hearing Determination; Permit Revocation.** Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such

notice, it shall be deemed to be an order. Any notice given pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is provided. Following a hearing in the case of any notice suspending any permit required for this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.

- (e) **Written Record.** The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (f) **Further Appellate Actions.** Determinations of the Building Inspector and/or Chief of Police under this Section may be appealed to the Board of Appeals using the procedures prescribed in Sections 13-1-170 through 13-1-174 of this Code of Ordinances.
- (g) **Emergency Situations.** Whenever the Building Inspector and/or Chief of Police finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, the Building Inspector and/or Chief of Police may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the Building Inspector and/or Chief of Police deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector and/or Chief of Police shall be afforded a hearing as soon as possible. After such hearing, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector and/or Chief of Police shall continue such order in effect, or modify it, or revoke it.
- (h) **Penalties.** In addition to injunctive relieve and/or other corrective remedies permitted by state law, violators under this Chapter are subject to the penalties prescribed in Section 1-1-6 of the Village of Cadott Code of Ordinances. In addition to forfeiture and injunctive remedies, the Village or its agent may also, in the event of non-compliance, remove the refuse from the parcel at the owner's expense as a special charge pursuant to Sec. 66.0627, Wis. Stats.

Title 15 ► Chapter 5

Stormwater Management

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Sec. 15-5-1 Authority.

- (a) **Statutory Authority.** This Chapter is adopted by the Village Board under the authority granted by Section 61.354, Wis. Stats. This Chapter supersedes all conflicting and contradicting stormwater management regulations previously enacted that relate to stormwater management regulations. Except as otherwise specified in Section 61.354, Wis. Stats., Section 61.35, Wis. Stats., applies to this Chapter and to any amendments to this Chapter.
- (b) **Chapter Relationship with Other Regulatory Powers.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the Village of Cadott.
- (c) **Enforcement Official Designated.** The Village Board designates the Director of Public Works, with assistance from the Village Engineer, to administer and enforce the provisions of this Chapter.
- (d) **More Stringent Regulations.** The requirements of this Chapter do not preempt more stringent stormwater management requirements that may be imposed by any of the following:

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- (1) Wisconsin Department of Natural Resources (WisDNR) administrative rules, permits or approvals, including those authorized under Sections 281.16 and 283.33, Wis. Stats.
- (2) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.
- (3) Other Village ordinances and zoning regulations.

Sec. 15-5-2 Findings of Fact; Purpose and Intent.

- (a) **Findings of Fact.** The Cadott Village Board finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction water runoff can:
 - (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing ground water recharge, diminishing stream base flows and increasing stream temperature.
 - (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.
 - (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
 - (4) Reduce the quality of ground water by increasing pollutant loading.
 - (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainageways, and other minor drainage facilities.
 - (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
 - (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (b) **Purpose.** The general purpose of this Chapter is to establish long term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (1) Further the maintenance of safe and healthful conditions.
 - (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

- (c) **Intent.** It is the intent of the Village Board that this Chapter regulate post-construction stormwater discharges within the Village of Cadott and to waters of the state. This Chapter may be applied on a site by site basis. The Village Board recognizes that the preferred method of achieving the stormwater performance standards set forth in this Chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one (1) site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Section 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Village Board, it is the intent of this Chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 15-5-3 Applicability and Jurisdiction.

(a) **Applicability.**

- (1) **Regulatory Applicability Criteria.** Where not otherwise limited by law, this Chapter applies after final stabilization to a site of land development or land disturbing activity of any size, which changes the pre-development hydrology and/or increases the rate of volume of runoff, or the thermal, chemical, or sediment loading leaving the site beyond the conditions that existed prior to any planned land development or land disturbing activity.
- (2) **Small Site Maintenance Exemption; Underground Utility Construction Exemption.** A site that meets any of the criteria below in this Subsection is exempt from the requirements of this Chapter:
 - a. Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 - b. Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.
- (3) **Applicability Based on Administrative Authority Determination That Work Will Exceed Safe Capacities of Existing Facilities.** Notwithstanding the applicability requirements of Subsection (a)(1) above, this Chapter applies to post-construction sites of any size that, in the opinion of the administering authority, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

- (4) **Less Stringent Requirements Option When Off-Site Facility Used.** The Director of Public Works, with the assistance of the Village Engineer, may establish on-site stormwater management requirements less stringent than those set forth herein, provided that provisions are made to manage stormwater by an off-site facility; provided, that all of the following conditions for the off-site facility are met:
- The off-site facility is operational prior to commencing the proposed land development or land disturbing activity.
 - The off-site facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the requirements of this Chapter.
 - The off-site facility has a legally obligated entity responsible for its long term operation and maintenance.
- (b) **Jurisdiction; Permit Required Prior to Commencing Work.** This Chapter applies to any land development activity or land disturbing activity within the boundaries of the Village of Cadott. No landowner or land operator may undertake a land development or land disturbing activity subject to this Chapter without having met the performance standards set forth in this Chapter and without having received a permit from the Director of Public Works, with the assistance of the Village Engineer, prior to commencing the proposed activity.
- (c) **Exclusions.** This Chapter is not applicable to:
- State Agency Activities.** Activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(22), Wis. Stats.
 - Single-Family Zoned Lots.** Any lot existing as of the effective date of this Chapter that is currently zoned single-family residential; provided, however, that the use after the land disturbing activity or land development activity shall be that of a single-family residence.
 - Existing Single-Family Residence Lots.** Any lot containing, as of the effective date of this Chapter, a single-family residence, regardless of zoning classification; provided, however, that the use after the land disturbing activity or land development activity shall continue to be that of a single-family residence.

Sec. 15-5-4 Definitions.

- (a) **General Definitions.** The following definitions shall be applicable in this Chapter:
- Administering Authority.** A governmental employee, empowered under Section 61.354, Wis. Stats., that is designated by the Village Board to administer this Chapter. In the absence of a formal designation, such administrative responsibilities shall be

performed by the Director of Public Works as assisted by the Village Engineer and Building Inspector.

- (2) **Agricultural Facility and Agricultural Practice.** Have the meaning given in Section 281.16(1), Wis. Stats.
- (3) **Average Annual Rainfall.** A calendar year of precipitation, excluding snow, which is considered typical.
- (4) **Best Management Practices (BMPs).** Practices, techniques, or measures that are effective in reducing flooding, removing pollutants, providing thermal mitigation, enhancing infiltration, and/or providing other benefits related to stormwater management.
- (5) **Business Day.** A day the offices of the Village of Cadott are routinely and customarily open for business.
- (6) **Cease and Desist Order.** A court issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (7) **Connected Imperviousness.** An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (8) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (9) **Detention.** The temporary detaining or storage of stormwater in reservoirs, on rooftops, in streets, parking lots, or other areas under predetermined and controlled conditions, with the rate of discharge therefor regulated by appropriately installed devices.
- (10) **Development.** Residential, commercial, industrial or institutional land uses and associated roads.
- (11) **Director of Public Works.** The Village employee designated by the Village Board to administer this Chapter, and includes assistance from the Village Engineer and Building Inspector, and any other governmental employees designated by the Director of Public Works or the Village Board in the absence of the Director of Public Works.
- (12) **Effective Infiltration Area.** The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (13) **Erosion or Soil Erosion.** The detachment process and movement of soil and rock fragments by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (14) **Excavation.** Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting from the activity.
- (15) **Exceptional Resource Waters.** Waters listed in NR 102.11, Wis. Adm. Code.
- (16) **Fill.** Any act, by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by human activity to a new location and shall include the conditions resulting therefrom.

- (17) **Final Stabilization.** All land disturbing construction activities at the construction site have been completed and a dense uniform, perennial, vegetative cover has been established, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (18) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village by the responsible party to assure that the requirements of this Chapter are carried out in compliance with the stormwater management plan.
- (19) **Governing Body.** The Village Board of the Village of Cadott, Wisconsin.
- (20) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling or soil materials, or any combination thereof, and shall include the land from which the material was taken or upon which it was placed.
- (21) **Hydrocad.** A water quantity modeling program developed and released by HydroCAD Software Solutions, LLC, most current version, or similar program.
- (22) **Impervious Surface.** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.
- (23) **In-Fill Area.** An undeveloped area of land located within existing development.
- (24) **Infiltration.** The process by which rainfall or surface runoff percolates or penetrates into the underlying soil.
- (25) **Infiltration System.** A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or roadside channels designed for conveyance and pollutant removal only.
- (26) **Karst Feature.** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to ground water, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (27) **Land Cover.** The various cover types found on a specific parcel including impervious surface, green space, wooded area, parking lot, etc.
- (28) **Land Development Activity.** Any construction of buildings, roads, parking lots, paved and unpaved storage areas and similar facilities, including agricultural facilities.
- (29) **Land Disturbing Activity.** Any manmade alteration of the land surface of public or private lands resulting in a change in the topography, or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment within the Village and into waters of the state. "Land disturbing activity" includes, but is not limited to, clearing and grubbing, tilling, removal of vegetative cover, stockpiling of soil, demolition, excavating, pit trench dewatering, filling and grading activities, except that the term shall not include

- such minor land disturbing activities as home gardens and normal repair and maintenance of private roads. This term does not include agricultural practices.
- (30) **Land Occupier.** Any person who holds title to land either as sole owner, a tenant in common or a joint tenant, or has title as a trustee, assignee, or has a land contract vendor's or vendee's interest.
- (31) **Lot.** A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings and abutting on a public street or officially approved place.
- (32) **Maximum Extent Practicable (MEP).** A level of implementing best management practices in order to achieve a performance standard specified in this Chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (33) **Maintenance and Monitoring Agreement.** A legal document that is filed with the county register of deeds as a property deed restriction, and which provides for long term maintenance of stormwater management practices.
- (34) **Natural Resources Conservation Service (NRCS).** The United States agency responsible for establishing standards for and design of many water quality structures and practices. The NRCS was formerly the Soil Conservation Service (SCS).
- (35) **New Development.** Development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (36) **Off-Site.** Located outside the property boundary described in the permit application for land development activity or land disturbing activity.
- (37) **On-Site.** Located within the property boundary described in the permit application for land development activity or land disturbing activity.
- (38) **Ordinary High Water Mark.** Has the meaning given in NR 115.03(6), Wis. Adm. Code.
- (39) **Outstanding Resource Waters.** Waters listed in NR 102.10, Wis. Adm. Code.
- (40) **Parcel.** All contiguous lands under the ownership or control of a landowner, land occupier, or land user.
- (41) **Peak Runoff Rate.** The maximum rate at which stormwater is discharged from a site as expressed in cubic feet per second.
- (42) **Percent Fines.** The percentage of a given sample of soil, which passes through a #200 sieve.
- (43) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (44) **Permit.** A written authorization made by the administering authority to an applicant to conduct land development or land disturbing activities or to discharge post-construction runoff within the Village and to waters of the state.

- (45) **Permit Administration Fee.** A sum of money paid to the administering authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (46) **Permittee.** Any person to whom a permit is issued.
- (47) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government or any combination thereof.
- (48) **Pervious Surface.** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (49) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (50) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (51) **Post-Construction Site.** A construction site following the completion of land development or land disturbing activities and final site stabilization.
- (52) **Pre-Development Condition.** The extent and distribution of land cover types present before the initiation of land development activity or land disturbing activity, provided that the current stormwater drainage system is sufficient to satisfy the requirements of this Chapter. If the current stormwater drainage system is insufficient to satisfy the requirements of this Chapter with respect to current existing land cover, "pre-development condition" shall mean that extent and distribution of land cover types which the current stormwater drainage system would be sufficient to satisfy the requirements of this Chapter.
- (53) **Preventive Action Limit.** Has the meaning given in NR 140.05(17), Wis. Adm. Code.
- (54) **Public Lands.** All publicly-owned lands which are subject to regulation by the Village, including, but not limited to:
 - a. All lands owned by the Village.
 - b. All lands which are owned by another unit of government, if that unit of government or the development project is legally subject to erosion and stormwater runoff control by the Village under this Chapter or by reference under other ordinances.
- (55) **Redevelopment.** Areas where development is replacing older development.
- (56) **Regional Pond.** A stormwater pond intended to serve multiple parcels and/or developments, thus eliminating the need for individual on-site facilities.
- (57) **Removal.** Cutting vegetation to the ground or stumps, complete extraction or killing by spraying.
- (58) **Responsible Party.** Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.
- (59) **Retention.** The permanent storage of stormwater without discharge.
- (60) **Runoff.** The same definition for "Stormwater Runoff."

- (61) **Safe Capacity.** The rate of flow that can be handled by the receiving waterway without causing flooding or erosion damage.
- (62) **Sediment.** Solid material, both mineral and organic, that has been deposited by water, is in suspension in water, is being transported or has been removed from its site of origin by the processes of soil erosion or is discharged into surface waters from other sources.
- (63) **Sedimentation.** Settling or deposition of sediment.
- (64) **Sensitive Resources.** Natural resources that are sensitive to the impacts of urbanization, specifically including groundwater, cold water springs, wetlands with diverse functions and values and other unique resources.
- (65) **Site.** The entire area included in the legal description of the land on which the land development or land disturbing activity occurred.
- (66) **Site Restriction.** Any physical characteristic which limits the use of stormwater best management practices as prescribed in the *Wisconsin Stormwater Manual* published by the Wisconsin Department of Natural Resources.
- (67) **Stop Work Order.** A method of giving notice to the permittee that one (1) or more provisions of this Chapter have been violated. Notice is given both by posting upon the lands where the disturbing activity occurs one (1) or more copies of a poster stating the violation and by mailing a copy of this poster by certified mail to the permittee at the address shown on the permit.
- (68) **Storm Sewer.** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains.
- (69) **Stormwater Drainage System or Drainage System.** All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, reservoirs, detention basins, storm sewers, streets and pumping stations.
- (70) **Stormwater Management Plan.** A document that identifies what actions will be taken to reduce stormwater quantity, volume, pollutant loads, thermal increases to the receiving stream and/or erosion resulting from land development activity to levels meeting the purpose and intent of this Chapter and the water management plan.
- (71) **Stormwater Management System Plan.** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (72) **Stormwater Runoff.** That portion of the precipitation falling during a rainfall event, or that portion of snowmelt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.
- (73) **TR-55.** The United States Department of Agriculture, Natural Resources Conservation Service (previously the Soil Conservation Service), *Urban Hydrology for Small Watersheds*, second edition, technical release 55, June 1986.

- (74) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (75) **Top of the Channel.** An edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the initial fifty (50) feet landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.
- (76) **Type II Distribution.** A rainfall-type curve as established in the *United States Department of Agriculture, Soil Conservation Service, Technical Paper 149*, published 1973. The "type II curve" is applicable to all of Wisconsin and represents the most intense storm pattern.
- (77) **Village.** The Village of Cadott and its representatives.
- (78) **Winslamm.** A water quality modeling program developed and released by PV & Associates, most current version, and similar such programs.
- (79) **WPDES Stormwater Permit.** A permit issued by the Wisconsin Department of Natural Resources under Section 283.31, Wis. Stats., that authorizes the point source discharge of stormwater to waters of the state.
- (80) **Waters of the State.** Has the meaning given in Section 281.01(18), Wis. Stats.
- (81) **Wetlands.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. These wetlands include natural, mitigated, and restored wetlands.

Sec. 15-5-5 Technical Standards.

- (a) **Design Criteria, Standards and Specifications.** All BMPs required to comply with this Chapter shall meet the design criteria, standards and specifications based on the following in this Section.
- (b) **Determining Priority of Technical Standards.** If technical standards contained in the following documents conflict, the governing document shall be determined based on the order presented. The technical standards with the highest priority shall prevail. In determining priorities, Subsection (b)(1) below shall be deemed to have top priority followed by Subsection (b)(2) below, with Subsection (b)(3) having the lowest priority:
 - (1) **Design Criteria in This Chapter.** Applicable design criteria, standards and specifications identified in this Chapter.
 - (2) **Other WisDNR Standards.** Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of NR 151, Wis. Adm. Code.

- (3) **Other Standards.** Other technical standards not identified above, but equivalent thereto, may be used; provided, that the methods have been approved by the Director of Public Works, with assistance from the Village Engineer.

Sec. 15-5-6 Performance Standards.

- (a) **Responsible Party.** The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this Section.
- (b) **Stormwater Management Plan Requirement.** A written stormwater management plan in accordance with Sec. 15-5-8 of this Chapter shall be developed and implemented for each post-construction site. Unless the Director of Public Works, with assistance from the Village Engineer, gives prior written authorization, the methods in conformance with the technical standards shall be followed.
- (c) **Requirements.** The stormwater management plan required under Subsection (b) above shall include the following:
- (1) **General Requirements for Stormwater Management Measures.** The following shall be observed in managing stormwater runoff:
- The applicant shall attend a pre-application meeting with Village representatives before any data will be accepted. The purpose of the meeting is to specifically address required approvals and permits, and applicable technical standards.
 - Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural ground water recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this Chapter.
 - Emergency overland flow for all stormwater facilities shall be provided during and after construction to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
 - All stormwater rate control facilities shall be located within drainage, utility, and/or flowage easements to provide access and to prevent future alteration or encroachment.
 - Water quality facilities are required for all developments unless a development is part of a village-approved regional pond drainage area.
 - All hydrologic data shall be submitted to the Village. Data shall be obtained using NRCS methodology including, but not limited to, HydroCAD or TR20/TR55 as defined by the NRCS.
 - Hydraulic calculations will be accepted in the rational method format or HydroCAD.
 - When runoff from an upstream property passes through a downstream property, and it is desirable, in the opinion of the Village, to oversize a pond or

conveyance system to serve increased runoff from predicted development of adjacent properties, the cost of oversizing the facility shall be determined by the Village, and assessed, in accordance with state law and this Chapter.

- i. Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:
 1. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
 2. Prevent the discharge of sediment as part of the site dewatering.
 3. Protect the separate storm drain inlet structure from receiving sediment.
 - j. The use, storage, and disposal of chemicals, cement, and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this Subsection.
- (2) **Total Suspended Solids.** BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
- a. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.
 - b. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by forty percent (40%), based on the average annual rainfall, as compared to no runoff management controls.
 - c. All water quality analyses shall be based on the WinSLAMM model or other comparable model as approved by the Director of Public Works, with assistance from the Village Engineer.
 - d. For this Chapter, the following year has been selected as average annual rainfall: Minneapolis 1959 (October 1, 1958 through September 30, 1959).
 - e. Notwithstanding Subsections (c)(2)a-d above, if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
- (3) **Peak Discharge Rate.** By design, BMPs shall be employed to meet the following performance standards:
- a. For the 1-year, 2-year, 10-year, and 100-year rainfall event, the post-development peak flow rate shall not exceed the peak flow rate for pre-development land use conditions, or less if downstream system capacity problems exist.
 - b. Pre-development conditions shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology.

The meanings of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 1 shall be used:

Table 1:
Maximum Pre-Development Runoff Curve Numbers

Hydrologic Soil Group	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

- c. The Village will not require the use of outlets smaller than four (4) inches in diameter.
- (4) **Infiltration Practices.** BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:
 - a. *Low Imperviousness.* For development up to forty percent (40%) connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the post-construction site is required as an effective infiltration area.
 - b. *Moderate Imperviousness.* For development with more than forty percent (40%) and up to eighty percent (80%) connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least seventy-five percent (75%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.
 - c. *High Imperviousness.* For development with more than eighty percent (80%) connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall at least sixty percent (60%) of the pre-

development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.

- d. *Pre-Development Condition.* Pre-development condition shall be the same as in Subsection (c)(3)b above.
- e. *Exclusions.* The runoff from the following areas are prohibited from meeting the requirements of this Subsection:
 - 1. Areas associated with tier 1 industrial facilities identified in NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
 - 2. Storage and loading areas of tier 2 industrial facilities identified in NR 216.21(2)(b), Wis. Adm. Code.
 - 3. Fueling and vehicle maintenance areas.
- f. *Exemptions.* The following are exempt from the requirements of this Subsection:
 - 1. Parking areas and driveways less than five thousand (5,000) square feet.
 - 2. Redevelopment post-construction sites.
 - 3. In-fill development sites less than five (5) acres.
 - 4. Roads in commercial, industrial and institutional land uses and arterial residential roads.
 - 5. Sites where the measured infiltration rate is less than 0.6 inches per hour.
 - 6. Sites where the least permeable soil layer within five (5) feet below the bottom of the proposed infiltration system is sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay or clay.
- g. *Where Infiltration Practices Shall Not Be Located.* Infiltration practices shall not located:
 - 1. Areas within one thousand (1,000) feet upgradient or within one hundred (100) feet downgradient of karst features.
 - 2. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five (5) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high ground water or the top of bedrock.
 - 3. Areas within four hundred (400) feet of a community water system well as specified in NR 811.16(4), Wis. Adm. Code, or within one hundred (100) feet of a private well as specified in NR 812.08, Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
 - 4. Areas where contaminants of concern, as defined in NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.
 - 5. Any area where the soil does not exhibit one (1) of the following soil characteristics between the bottom of the infiltration system and the seasonal

high ground water and top of bedrock: At least a three (3) foot soil layer with twenty percent (20%) fines, or greater; or at least a five (5) foot soil layer with ten percent (10%) fines, or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This Subsection does not prohibit infiltration of roof runoff.

- h. *Alternate Uses of Runoff.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this Subsection.
- i. *Compliance with Preventive Action.* Infiltration systems designed in accordance with this Subsection shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to ground water and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
- j. *Discharge to Remain Below Enforcement Standard.* Notwithstanding Subsection (c)(4)i above, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(5) ***Protective Area Defined.***

- a. *Protective Areas – Standards.* "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this Subsection, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location:
 - 1. For outstanding resources waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in NR 103.04, Wis. Adm. Code: Seventy-five (75) feet.
 - 2. For perennial and intermittent streams identified on a United States Geological Survey 7.5 minute series topographic map, or a county soil survey map, whichever is more current: Fifty (50) feet.
 - 3. For lakes: Fifty (50) feet.
 - 4. For highly susceptible wetlands: Fifty (50) feet. "Highly susceptible wetlands" include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with NR

- 103.08(1m), Wis. Adm. Code. This Subsection does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
5. For less susceptible wetlands, ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
 6. Determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03, Wis. Adm. Code.
 7. For concentrated flow channels with drainage areas greater than one hundred and thirty (130) acres: Ten (10) feet.
- b. *Protective Area Post-Construction Sites Applicability.* This Subsection applies to post-construction sites located within a protective area, except those areas specifically exempted.
- c. *Requirements.* The following requirements shall be met:
1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site specific explanation for any parts of the protective area that are disturbed during construction.
 2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock rip-rap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
 3. Best management practices, such as filter strips, swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
- d. *Where Not Applicable.* This Subsection does not apply to:
1. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 2. Structures constructed in accordance with Section 59.692(1v), Wis. Stats.
 3. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

- (6) **Fueling and Vehicle Maintenance Areas.** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the Village and state contains no visible petroleum sheen.
- (d) **General Considerations for On-Site and Off-Site Stormwater Management Measures.**

The following considerations shall be observed in managing runoff:

 - (1) **Natural Topography and Land Cover to be Preserved.** Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural ground water recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this Section.
 - (2) **Emergency Overland Flow Facilities.** Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (e) **Location of Regional Treatment Option.**
 - (1) **Location.** The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.
 - (2) **Post-Construction Runoff Within a Non-Navigable Surface Water.** Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this Chapter. Post-construction BMPs may be located in non-navigable surface waters.
 - (3) **Post-Construction Runoff From New Development Prior to Entering a Navigable Surface Water.** Except as otherwise specifically allowed, post-construction runoff from new development shall meet post-construction performance standards prior to entering a navigable surface water.
 - (4) **Post-Construction Runoff Within a Navigable Surface Water Flowing Into a BMP.** Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this Chapter if:
 - a. The BMP was constructed prior to the effective date hereof and the BMP either received a permit issued under Chapter 30, Wis. Stats., or the BMP did not require a Chapter 30, Wis. Stats., permit; and
 - b. The BMP is designed to provide runoff treatment from future upland development.
 - (5) **Runoff From Existing Development, Redevelopment and In-Fill Areas.** Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this Subsection (e)(5):
 - a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 - b. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as NR 103, Wis. Adm. Code, and Chapter 30, Wis. Stats.

- (6) **Discharge of Runoff to BMPs Regulated.** The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs, is subject to this Chapter.
- (7) **Approval of Off-Site Management Measures.** The administering authority may approve off-site management measures provided that all of the following conditions are met:
 - a. The administering authority determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Village and that contains management requirements consistent with the purpose and intent of this Chapter.
 - b. The off-site facility meets all of the following conditions:
 - 1. The facility is in place.
 - 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this Chapter.
 - 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance (i.e. homeowners' association, property owners' association, etc.).
- (8) **Regional Treatment Facility Option.** Where a regional treatment option exists such that the administering authority exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the administering authority. In determining the fee for post-construction runoff, the administering authority shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment.

Sec. 15-5-7 Permitting Requirements, Procedures and Fees.

- (a) **Permit Required.** No responsible party may undertake a land development or land disturbing activity without receiving a post-construction runoff permit from the administering authority prior to commencing the proposed activity.
- (b) **Permit Application and Fees.** Unless specifically excluded by this Chapter, any responsible party, landowner, or operator required to obtain a permit under this Chapter desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose:
 - (1) **Required Application Materials.** Unless otherwise excepted by this Chapter, a permit application must be accompanied by a stormwater management plan, a maintenance and monitoring agreement and a nonrefundable permit administration fee.
 - (2) **Required Application Standards.** The stormwater management plan shall be prepared to meet the requirements of Sections 15-5-6 and 15-5-8, the maintenance and

monitoring agreement shall be prepared to meet the requirements of Sec. 15-5-9, the financial guarantee shall meet the requirements of Sec. 15-5-10, and fees shall be those established by the Village Board as set forth in Sections 1-3-1 and 15-5-11.

- (c) **Review and Approval of Permit Application.** The administering authority shall review any permit application that is submitted with a stormwater management plan, maintenance and monitoring agreement, and the required fee. The following approval procedure shall be used:
- (1) **Application Acceptance.** Accept all pre-application requests, and all permit applications that are accompanied by the stormwater plan and the required fee.
 - (2) **Application Approval/Disapproval Timeline.** Within thirty (30) business days of the receipt of a complete permit application, including all items as required by Subsection (b) above, the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this Chapter. The administering authority shall base the decision on requirements set forth in this Chapter, including technical standards set forth herein.
 - (3) **Permit Issuance Conditioned on Standards Compliance.** If the stormwater permit application, plan, and maintenance and monitoring agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the administering authority shall issue the permits required in accordance with the procedures as set out in this Chapter, but only when sedimentation and runoff will be controlled to meet the performance standards set forth herein.
 - (4) **Application Disapproval Reasons to be Provided.** If the stormwater permit application, plan or maintenance agreement is disapproved, the administering authority shall detail in writing the reasons for disapproval.
 - (5) **Request for Additional Application Information.** The administering authority may request additional information from the applicant by notifying the permit applicant in writing if additional information is required for review of the stormwater plan. If additional is submitted, the administering authority shall have fifteen (15) business days from the date the additional information is received to inform the applicant that the plan and maintenance and monitoring agreement are either approved or disapproved.
 - (6) **Automatic Application Approval Upon Failure of Authority to Issue a Decision.** Failure by the administering authority to inform the permit applicant of a decision within thirty (30) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued. If the applicant proceeds under this approval process, the applicant shall comply with the permit requirements in Subsections (d), (e) and (f) of this Section.
 - (7) **Administering Authority Records.** The administering authority shall keep an accurate record of all plan data accepted, plans approved, permits issued, inspections made, and other official records.

- (d) **Permit Requirements.** All permits issued under this Chapter shall be subject to the following conditions, and holders of permits issued under this Chapter, and permit applicants proceeding as if a permit had been issued under the approval process provided in this Chapter, shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the administering authority to suspend or revoke this permit may be appealed in accordance with Section 15-5-13:
- (1) **Compliance With Other Regulatory Requirements.** Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (2) **Facilities Design and Construction to Comply with Standards.** The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, the technical standards set forth in Section 15-5-5, and the performance standards set forth in Section 15-5-6 of this Chapter, and the permit, prior to commencing any land development or land disturbing activity.
 - (3) **Start of Construction Notification.** The responsible party shall notify the administering authority at least five (5) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices. If required as a special condition under Subsection (e) below, the responsible party shall make additional notification according to a schedule set forth by the administering authority so that practice installations can be inspected during construction.
 - (4) **"As Built" Certification; Final Inspection; Notification of Required Changes.** Practice and infrastructure installations required as part of this Chapter shall be certified "as built" by a Wisconsin-licensed professional engineer who is not the Village Engineer. Completed stormwater management practices must pass a final inspection by the administering authority or its designee to determine if they are in accordance with the approved stormwater management plan and this Chapter. The administering authority or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of the permit. The administering authority shall notify the permit holder when stormwater management practices have passed final inspection.
 - (5) **Notice of Significant Modifications; Prior Approval May Be Required.** The responsible party shall notify the administering authority of any significant modifications it intends to make to an approved stormwater management plan. The administering authority may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (6) **Ongoing Responsibility for Stormwater Management Practices; Transfer of Responsibility.** The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either

become the responsibility of the Village or are transferred to subsequent private owners as specified in the approved maintenance agreement.

- (7) **Responsible Party Authorization for Village to Perform Compliance Work; Consent to Special Assessments.** The responsible party authorizes the administering authority to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Sections 66.0627 or 66.0703, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-5-10 in accordance with this Chapter to cover the costs of such work or operations. The responsible party shall waive notice and hearing as provided by Section 66.0703(7), Wis. Stats.
- (8) **Responsibility to Repair Damage to Municipal Facilities.** If so directed by the administering authority, the responsible party shall repair, at the responsible party's own expense, all damage to adjoining municipal facilities, including, but not limited to, roads, road rights-of-way, streets, runoff and drainage facilities, and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan until they are accepted and become the responsibility of the government entity.
- (9) **Property Access for Compliance Inspections.** The responsible party shall permit property access to the administering authority or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) **Legal Arrangements with Affected Property Owners.** If an approved stormwater plan involves changes in direction, changes in post-development hydrology, increases in peak rate and/or total volume of runoff, the sediment loading and/or thermal pollution from a site, the administering authority may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- (11) **Cost of Stormwater Improvements.** The permittee shall provide and install at its expense all drainage, runoff control, and erosion control improvements as required by this Chapter and the approved stormwater plan, and also shall bear its proportionate share of the total cost of off-site improvements to drainage systems based upon the existing developed drainage area or planned development of the drainage area, as determined by the administering authority.
- (12) **Copy of Stormwater Plan to be Kept at Job Site.** A copy of the stormwater plan shall be available at the job site when land development or land disturbing activities are in progress.
- (13) **Site Inspections by Permittee Following Rain Events.** The permittee shall inspect, or cause to be inspected, the BMPs within twenty-four (24) hours after each rain of 0.5 inch or more which results in runoff during active construction periods, and, at

least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

- (14) **Floodplain Zoning Compliance.** The permittee shall comply with applicable floodplain zoning standards if the land development or land disturbing activity is in an identified flood hazard area on the official floodplain zoning map.
- (15) **Repair of Damage to Other Properties Caused by Noncompliance.** If so directed by the administering authority, the permit holder shall repair, at the permit holder's own expense, all damage to adjoining properties, municipal facilities, and stormwater drainage systems caused by stormwater runoff, where such damage is caused by activities not in compliance with the approved stormwater plan.
- (16) **Responsible Party Subject to Enforcement Actions and Penalties.** The responsible party is subject to the enforcement actions and penalties detailed in Section 15-5-12, if the responsible party fails to comply with the terms of the permit.
- (e) **Permit Conditions.** Permits issued under this Section may include conditions established by the administering authority in addition to the requirements needed to meet the performance standards in Section 15-5-6 or a financial guarantee as provided for in Section 15-5-10.
- (f) **Permit Duration.** Permits issued under this Section shall be valid for one hundred eighty (180) days from the date of issuance, except as provided as follows:
 - (1) **Final Inspection Response.** If the administering authority has notified the permit holder that all stormwater practices have passed the final inspection as required under this Chapter, then the permit expires upon notification by the Village Engineer.
 - (2) **Permit Extension.** The administering authority may extend an existing permit if continuous progress is being made by the applicant towards completion of stormwater practices.

Sec. 15-5-8 Stormwater Management Plan.

- (a) **Plan Requirements.** The stormwater management plan shall contain any information the Director of Public Works, with assistance from the Village Engineer, may need to evaluate the environmental characteristics of the area affected by land development or land disturbing activity, the pre-development and post-development hydrology, the potential impacts of the proposed activity upon the quality (including thermal) and quantity of stormwater discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed stormwater management measures in meeting the technical and performance standards and other requirements of this Chapter. All site investigations, plans, designs, computations, and drawings shall be certified by a

licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this Chapter. The stormwater management plan required under Section 15-1-7(b) shall contain at a minimum the following information:

- (1) ***Applicant and Contact Information.*** Name, address, telephone number(s) (land line, cellphone and fax), and email address for the following or their designees:
 - a. Landowner;
 - b. Developer;
 - c. Project engineer for practice design and certification;
 - d. Person(s) responsible for installation of stormwater management practices; and
 - e. Person(s) responsible for the maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
- (2) ***Property Description.*** A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey System or to block and lot numbers within a recorded land subdivision plat.
- (3) ***Pre-Development Site Conditions Description.*** Pre-development site conditions, including:
 - a. One (1) or more maps at a scale of not less than one (1) inch equal one hundred (100) feet [1"=100']. The site maps shall show the following:
 1. Site location and legal property description;
 2. Predominant soil types and hydrologic soil groups;
 3. Existing cover type and condition;
 4. Topographic contours of the site at a scale not to exceed two (2) feet;
 5. Topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site;
 6. Watercourses that may affect or be affected by runoff from the site;
 7. Flow path and direction for all stormwater conveyance sections;
 8. Watershed boundaries used in hydrology determinations to show compliance with performance standards;
 9. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;
 10. Limits of the 100-year floodplain; and
 11. Location of wells and wellhead protection areas covering the project area and delineated pursuant to NR 811.16, Wis. Adm. Code.
 - b. Hydrology, hydraulic, and pollutant loading computer model computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- (4) ***Post-Development Site Conditions.*** Post-development site conditions, including:
 - a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

- b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 - c. One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet (1"=100') showing the following:
 - 1. Post-construction pervious areas including vegetative cover type and condition;
 - 2. Impervious surfaces including all buildings, structures, and pavement;
 - 3. Post-construction topographic contours of the site at a scale not to exceed two (2) feet;
 - 4. Post construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site;
 - 5. Locations and dimensions of drainage easements;
 - 6. Locations of maintenance easements specified in the maintenance agreement;
 - 7. Flow path and direction for all stormwater conveyance sections;
 - 8. Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area;
 - 9. Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainageway; and
 - 10. Watershed boundaries used in hydrology, hydraulic, and pollutant loading computer modeling calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 - d. Hydrology, hydraulic, and pollutant loading computer model computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - e. Results of investigations of soils and ground water required for the placement and design of stormwater management measures. Detailed drawings including cross sections and profiles of all permanent stormwater conveyance and treatment practices.
- (5) **Installation Schedule.** A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 15-5-6.
 - (6) **Maintenance Plan.** A maintenance plan developed for the life of each stormwater management practice including and required maintenance activities and maintenance activity schedule.
 - (7) **Cost Estimates.** Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
 - (8) **Other Information to Determine Compliance.** Other information requested in writing by the administering authority to determine compliance of the proposed stormwater management measures with the provisions of this Chapter.

- (9) **Licensed Engineer Certification.** All site investigations, plans, designs, computations, and drawings shall be certified by a Wisconsin licensed professional engineer to be prepared in accordance with accepted engineering practice and the requirements of this Chapter.
- (b) **Alternate Requirements.** The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-5-6(e) of this Chapter.

Sec. 15-5-9 Maintenance and Monitoring Agreement.

- (a) **Maintenance and Monitoring Agreement Required; Deed Restriction.** The maintenance and monitoring agreement required under this Section for stormwater management practices shall be an agreement between the administering authority and the responsible party to provide for maintenance and monitoring for both short-term and long-term of stormwater management practices beyond the duration period of this permit. The maintenance and monitoring agreement shall be filed with the Chippewa County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices. The permittee shall provide verification to the Village that such deed restriction has been properly recorded within seven (7) days of commencing authorized work; failure to do so shall invalidate the permit:
 - (1) **Short-Term Maintenance and Monitoring Agreement.** The maintenance and monitoring agreement shall provide for short-term maintenance and monitoring of stormwater management practices necessary to maintain temporary drainage and erosion control measures and to establish permanent drainage and erosion control measures. Short-term maintenance provisions are generally those that do not continue in perpetuity.
 - (2) **Long-Term Maintenance and Monitoring Agreement.** The maintenance and monitoring agreement may provide for long-term maintenance and monitoring of stormwater practices that continue in perpetuity. Such long-term maintenance will be required where the stormwater practice serves an individual landowner or organized group of landowners, or where required as a condition of new land division approval pursuant to Title 14 of the Village of Cadott Code of Ordinances.
- (b) **Compliance Monitoring Requirements.** Stormwater facilities shall be monitored in accordance with the stormwater plan, the conditions of the permit and the maintenance and monitoring agreement. Monitoring shall verify whether or not the practice is functioning as designed. Monitoring may include, but not be limited to, quality, temperature, and quantity of runoff.
- (c) **Maintenance and Monitoring Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15-5-8(a)(1) and Subsection (a) above:

- (1) **Description.** Identification of the stormwater facilities and designation of the drainage area served by the facilities.
- (2) **Maintenance Schedule.** A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required by this Chapter.
- (3) **Identification of Responsible Parties.**
 - a. Identification of the responsible party(ies), organization, legal entity, or village, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under this Chapter.
 - b. Requirement that the responsible party(ies), organization, legal entity, or village, county, town or village shall maintain stormwater management practices in accordance with the schedule.
- (4) **Inspection Authorization.** Authorization for the administering authority to access the property to conduct inspections and monitor the stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- (5) **Responsibility to Maintain Records.** A requirement that the administering authority maintain public records of the results of the site inspections, shall inform the party responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working and functioning condition.
- (6) **Notice of Maintenance Problems.** Agreement that the responsible party be notified by the administering authority of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the administering authority.
- (7) **Authorization for Municipal Authority to Take Corrective Action.** Authorization of the administering authority to perform the corrected actions identified in the inspection report if the responsible party does not make the required corrections in the specified time period. The administering authority shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Sections 66.0627 or 66.0703, Wis. Stats., or it may charge the cost against the financial guarantee posted under this Chapter.

Sec. 15-5-10 Financial Guarantee.

- (a) **Establishment of Financial Guarantee.** The administering authority may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the administering authority. The financial guarantee shall be in an amount determined by the

administering authority equal to the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period for which the designated party in the maintenance and monitoring agreement has maintenance and monitoring responsibility. If the construction is being done in conjunction with infrastructure work associated with the development of new subdivision plat, the standards for financial guarantees prescribed in 2013 Wisconsin Act 280 and Sec. 13-1-51 of this Code of Ordinances shall be complied with. The financial guarantee shall give the administering authority the authorization to use the funds to complete the project stormwater management practices and fulfill maintenance and monitoring requirements if the responsible party defaults or does not properly implement the approved project stormwater management plan, or fails to perform required maintenance and/or monitoring responsibilities, upon written notice to the responsible party by the administering authority that the requirements of this Chapter have not been met.

(b) **Conditions for Release of Financial Guarantee.** Conditions for the release of the financial guarantee are as follows:

- (1) The administering authority may release the portion of the financial guarantee established to assure installation of stormwater management practices under this Section, minus any costs incurred by the administering authority to complete the project installation of practices, upon submission of "as built" plans by a Wisconsin licensed professional engineer. The administering authority may make provisions for a partial pro rata release of the financial guarantee based on the completion of various development stages.
- (2) The administering authority may release the portion of the financial guarantee established under this Section to assure maintenance of stormwater practices, minus any costs incurred by the administering authority, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance and monitoring agreement.

Sec. 15-5-11 Fee Schedule.

An application for a stormwater management permit under this Chapter shall be accompanied by a permit administration fee in the amount of Fifty Dollars (\$50.00) per acre but not less than a minimum fee of Two Hundred Dollars (\$200.00).

Sec. 15-5-12 Compliance Enforcement.

- (a) **Violations.** Any land development or land disturbing activity or post-construction runoff initiated after the original effective date of this Chapter by any person, firm, association or

corporation subject to this Chapter's provisions shall be deemed a violation unless conducted in accordance with said provisions.

- (b) **Complaint Response; Site Inspections; Access Denial.** The administering authority shall investigate and take action on all complaints made in regard to the application of this Chapter. The administering authority is authorized to enter any public or private lands affected by this Chapter to inspect the land prior to permit issuance for the purpose of determining whether to approve the plan and, after permit issuance, to determine compliance with this Chapter. If permission to enter is denied prior to permit issuance, the land development or land disturbing activity that is the subject of the permit shall not occur or commence. Following permit issuance, if permission cannot be received from the land occupier or land user, entry by the administering authority shall be according to Section 66.0119, Wis. Stats., regarding inspection warrants.
- (c) **Noncompliance Notice.** The administering authority shall notify the responsible party by personal service or certified mail of any nonconforming development or land disturbing activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action(s) which may be taken.
- (d) **Required Corrective Work.** Upon receipt of written notification from the administering authority under Subsection (c) above, the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of the permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the administering authority in the notice. This provision also applies to land development or land disturbing activities that commenced under the approval process provided herein without obtaining a permit.
- (e) **Emergency Corrective Work.** If the violations to a permit issued pursuant to this Chapter are likely to result in damage to properties, public facilities, or waters of the State of Wisconsin, the administering authority may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the administering authority, plus interest and legal costs, shall be billed to the responsible party.
- (f) **Stop Work Orders.** The administering authority is authorized to post a stop work order upon any land development or land disturbing activity in violation of this Chapter. The administering authority shall supply a copy of each stop work order to the Village Attorney and Village Clerk-Treasurer. In lieu of a stop work order, the administering authority may issue a written cease and desist order to any land occupier or land user whose activity is in violation of this Chapter. These orders shall specify that the activity must be ceased or brought into compliance with the requirements of this Chapter within ten (10) calendar days. Any such stop work order or cease and desist order shall be subject to Chapter 68, Wis. Stats., reflected in Title 4 of the Village of Cadott Code of Ordinances.
- (g) **Permit Revocation; Material Misrepresentations; Revocation Reviews.** The administering authority may revoke a permit issued under this Chapter for noncompliance

with this Chapter's provisions and requirements. Any such revocation shall be subject to the review provisions of Chapter 68, Wis. Stats., reflected in Title 4 of the Village of Cadott Code of Ordinances. Any permit granted under this Chapter may be revoked if the holder of the permit has:

- (1) Misrepresented any material fact in the permit application or plan;
 - (2) Failed to comply with the plan as originally approved or as modified in writing subsequently by the administering authority;
 - (3) Violated any provision of this Chapter; or
 - (4) Violated any of the other conditions of the permit as issued to the applicant.
- (h) **Effective Validity of Any Permit Revocation or Stop Work Order.** Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted or modified by the administering authority; the reviewing authority under a Chapter 68, Wis. Stats., proceeding; the Village Board upon appeal; or a court of competent jurisdiction.
- (i) **Referral of Enforcement Proceedings.** The administering authority is authorized to refer any violation of this Chapter, or of a stop work order or cease and desist order, issued pursuant to this Chapter, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (j) **Penalties.**
- (1) Any person, firm, association, or corporation who does not comply with the provisions of this Chapter shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per offense, based on the severity of the violation and/or the potential impact to the Village and receiving water, together with costs of prosecution. Each day that a violation exists shall constitute a separate offense.
 - (2) In addition to any forfeitures, the Village reserves the right to seek injunctive relief to the extent permitted by law and/or make remedial site corrections, the cost of which shall be assessed to the permit holder as a special assessment or special charge. Every violation of this Chapter is a public nuisance.
- (k) **Remedial Corrective Actions.** When the administering authority determines that the holder of a permit issued pursuant to this Chapter has failed to follow practices set forth in the technical and performance standards and stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the administering authority or a party designated by the administering authority may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The administering authority shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to this Chapter. Where such guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be imposed as a special assessment or special charge, pursuant to Sections 66.0627 or 66.0703, Wis. Stats., as set forth in this Chapter.

State Law Reference: Sections 66.0627 and 66.0703, Wis. Stats.

Sec. 15-5-13 Appeals.

Appeals of determinations made under this Chapter shall be made in the form of a written document filed with the Village Clerk-Treasurer. To have standing to file an appeal, the party shall have first exhausted any applicable reviews pursuant to Chapter 68, Wis. Adm. Code [Title 4 of the Cadott Code of Ordinances. Upon receipt of the appeal, the Village Board shall:

- (a) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the administering authority in administering this Chapter.
- (b) Authorize upon appeal in specific cases such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, the problems are unique to the site and are not self-created hardships, so that the spirit of this Chapter shall be observed, public safety and welfare protected, and substantial justice done. Advisory recommendations from the Village Engineer and Village Attorney may be requested as part of this review.

