ORDINANCE NO. 2424-15
by the Legislative & Licensing Committee

AMENDING VARIOUS SECTIONS OF CHAPTER 15.04, THE BUILDING CODE

The City of Brookfield Common Council do ordain as follows:

PART I. Section 15.04 of the Building Code is amended as follows:

Chapter 15.04
BUILDING CODE

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15.04.010 Scope.
The provisions of this chapter shall govern the design, construction, alteration, demolition, moving and maintenance of all buildings, structures and equipment, except to the extent otherwise provided herein. (Prior code § 14.01(1))

15.04.020 Title.
The provisions of this chapter shall be known and cited as the building code of the city of Brookfield. (Prior code § 14.01(2))

15.04.030 Purpose.
The purpose of this chapter is to promote the public health, safety, morals and general welfare of the citizens of the city by providing certain minimum standards, provisions and requirements for the design, methods of construction, structural strength, and quality and use of materials in buildings, structures and equipment which are subject to this chapter which are hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and to regulate the equipment, maintenance, use and occupancy of all such buildings or structures, except as hereinafter excepted. The provisions of this chapter and the other subject chapters (as defined herein) shall be construed to secure this expressed intent. (Prior code § 14.01(3))

15.04.040 Definitions.
For the purpose of this chapter, the following definitions shall apply. Words and phrases not herein defined shall have the meanings assigned them in COMM 20.07 SPS 320.07 of the UDC and COMM 51.04 of the BHVAC SPS 361.04 of the Wisconsin Commercial Building Code. Words and phrases not otherwise defined shall have the meanings accepted by common usage.

"Accessory building" means a detached building, not used as a dwelling unit, but which is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.

"Addition" means any new construction performed on a dwelling, building or structure which increases the outside dimensions of the dwelling, building or structure.

"Alteration" means a material change or modification other than an addition or repair to a dwelling or to systems involved within a dwelling.

"Approved" or "approval" means an approval of the director or his/her authorized representative. Approval is not to be construed as an assumption of any legal responsibility for the design or construction of the dwelling or building component.
"Applicable legal requirements" means the provisions of this chapter, the other subject chapters, any other applicable provision of this code, the Wisconsin Administrative Code (including, without limitation, the UDC and BHVAC WCBC Code), the Wisconsin Statutes and any lawful orders of any governing body having jurisdiction over the person and subject matter of such order.

"Arbor" A garden shelter providing privacy and partial protection from the weather, most commonly a lightweight, latticed framework (trellis) of wood or metal.

"Attached deck" means any deck which is physically connected to the principal building or accessory structure.

"Berm" means a manmade convex topographical land form for landscaping, screening or other similar purposes.

"Brookfield concept" refers to the general policy of the city for zoning, planning and building purposes to establish, maintain and otherwise encourage substantial open space around structures for generous light, air, convenience of access, safety from and the enhancement of property values and to encourage owners and occupants of property within the city to so grade and landscape their property as to preserve the natural terrain or, in the alternative, to create a natural appearance.

"Building" means any structure built for the support, shelter or enclosure of persons or property of any kind.

"Building component" means any subsystem, subassembly or other system designed for use in or as part of a structure which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

"Building system" means plans, specifications and documentation for a system of manufactured building or for a type or a system of building components which may include structural, electrical, mechanical, plumbing and variations which are submitted as part of the building system.

"Cabana" means a building used for storage or swimming pool equipment or accessories and/or as a changing area for swimming purposes.

"Certificate of Occupancy" A document issued by the Director of Inspection Services to the owner of premises attesting that the premises have been built and maintained according to the provisions of building or zoning ordinances. A certificate of occupancy is evidence that the building complies substantially with the plans and specifications that have been submitted to, and approved by, the Department of Inspection Services.

"COMM" means the Wisconsin Department of Commerce.

"Composting" means a controlled biological reduction of organic wastes (which may include yard waste of leaves, grass clippings and garden debris) to humus.

"DSPS" means the Department of Safety and Professional Services.
“Deck” means any outdoor structure which serves as a raised horizontal platform or floor constructed of wood or other materials without enclosing walls or roof.

“Department” means the Inspection Services division of the Finance Department.

“Detached building” means any building which is not physically connected to the dwelling.

“Director” means the director of inspection services Zoning and Building Administrator or Designee of the city, charged with the administration and enforcement of this chapter, or his/her duly authorized deputy.

“Dwelling” means a building, the initial construction of which is commenced on or after the effective date of the UDC, which contains one or two dwelling units.

“Dwelling unit” means a structure, or that part of a structure, which has plumbing, electrical and heating systems and is used or intended to be used as a home, residence or sleeping place (i.e., a domicile, meaning the place where such person lives, the place to which, whenever such person is absent, he/she intends to return) by one person or by two or more persons maintaining a common household, to the exclusion of all others.

“Equipment” means any self-contained system or apparatus attached to or built into the building and used for mechanical or electrical processing, comfort, safety, sanitation, communication or transportation within the building.

“Footings” means that portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

“Foundation” means the supporting structure as a whole below the lowest floor upon which rests the superstructure of a building or structure.

“Garage” means an enclosed or unenclosed portion of a dwelling used for storing motorized vehicles, private vehicles, recreational, yard maintenance and hobby equipment. A garage may be attached to or detached from a dwelling and use is accessory to the residential use of the property on which it is located.

Garage, Private. A “private garage” is an enclosed accessory building, attached to or detached from a dwelling, where private vehicles, recreational, yard maintenance and hobby equipment is kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is located.

“Gazebo” means a roofed open air structure with at least four sides.

“HVAC equipment” means all heating, ventilating and air conditioning systems, including, without limitation, all components thereof.

“Installation” means the assembly of a manufactured building on-site and the process of affixing a manufactured building to land, a foundation, footing or an existing building.
“Lot” means a geographic parcel of land that is separate from any other geographic parcel of real estate and that is not an out-lot or a dedication.

“Lot line” means a legally established line or lines dividing one lot, plot of land or parcel of land from an adjoining lot, plot of land or parcel of land.

“Nonconforming building” means a building, premises, structure, use, materials or equipment which was in compliance with this chapter when erected or completed, but which does not presently conform to the requirements of this chapter.

“Occupancy or use” means the purpose for which a building, structure, equipment, materials or premises, or part thereof, is used or intended to be used as regulated by this chapter.

“Occupy” means the occupation of a building whereby the director determines that any personal property, other than that absolutely necessary for construction of such building, has been moved into such building, or that any person, at any time, has used such building in the manner in which it is intended to be used upon completion.

“Other subject chapters” means this chapter and Chapters 15.08, 15.12 and Titles 16 and 17 of this code.

“Owner” means any person having a legal or equitable interest in the dwelling or property.

“Pergola” a horizontal trellis or framework, supported on posts, that carries climbing plants and may means form a covered walk or covered patio area.

“Pavillion” means a roofed structure with open sides, supported on posts, used for shelter.

“Plan Commission” means plan commission of the city.

“Repair” means the act or process of restoring to original soundness, including but not limited to, redecorating, refinishing, maintenance repair or replacement of existing fixtures, systems or equipment.

“Required” means mandatory by provisions of this chapter.

“Retaining wall” means a manmade wall or similar structure located on a slope to support uneven elevations of earth or ground.

“Room” means a space within a building or structure completely enclosed with walls, partitions, floor and ceiling, except for necessary openings for light, ventilation, ingress and egress.

“Small wind energy system” means a wind energy system that has a total installed nameplate capacity of three hundred (300) kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than one hundred (100) kilowatts, or as amended by the Wisconsin Administrative Code.

“Structure” means anything which is constructed, erected and framed of component parts and which is fastened, anchored or rests on a permanent foundation or on the ground for any occupancy or use
whichever, including, without limitation, radio broadcast antennas and towers, swimming pools, decks, solar collector systems, accessory buildings (including, without limitation, yard maintenance buildings, private garages, swimming pool cabanas, garden houses), tennis courts and retaining walls, but excluding fencing.

"Tent" means a portable or temporary shelter, structure or stand, the covering of which, in whole or in part, is made of pliable material, but not including shelters or tarpaulins used exclusively for construction purposes; provided, however, that this term shall not refer to any tent erected for noncommercial purposes.

"Wind energy system" means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy, or as amended by the Wisconsin Administrative Code.

"Workmanlike manner" means work of such character so as to meet manufacturer's specification, accepted national standards or recognized trade practices and to provide a durable result as intended to insure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

"Yard maintenance building" means a structure used for the storage of garden and cultivating tools, lawn mowers, snow blowers, yard maintenance equipment and similar tools and supplies. (Ord. 2289-12 § 1, 2012; Ord. 2116-07 § 1, 2007; Ord. 1819 §§ 1 and 2 (part), 2001; Ord. 1666 § 2, 1998; prior code § 14.02)

15.04.050 Application of Wisconsin Uniform Dwelling Code.
The Wisconsin Uniform Dwelling Code, Chs. 20 through 25 SPS 320 through 325, inclusive, and all amendments thereto (the UDC) are made a part of this chapter by reference and shall apply to all one- and two-family dwellings, the initial construction of which was commenced on or after the effective date of the UDC and to additions, alterations, repairs and maintenance of such dwellings, whether initially constructed before or after the effective date of the UDC. A copy of the UDC is on file in the office of the city clerk. (Prior code § 14.01(4))

The Wisconsin Administrative Commercial Building and Heating, Ventilating and Air Conditioning Code, Chs. COMM 50 through 64 SPS 360-380 Wisconsin Commercial Building Code, inclusive, and all amendments thereto (the BHVAC Code), are made a part of this chapter by reference with respect to those classes of buildings to which such provisions apply, including, without limitation, all commercial buildings and one- and two-family dwellings. A copy of the BHVAC WCBC Code is on file in the office of the city-clerk Inspection Services. (Ord. 1819 § 1 (part), 2001; Prior code § 14.01(5))

15.04.070 Application of this chapter.
All buildings and structures hereafter erected, altered, added to, repaired, moved or demolished shall comply with the provisions of this chapter, subject to the following provisions:

A. Zoning. No provision of this chapter shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations, including, without limitation, Title 17 of this code.
B. Existing Buildings and Structures. This chapter shall apply to existing buildings or structures as follows:

1. This chapter shall apply to the entirety of any existing building or structure that is altered or repaired if the cost of such alterations or repairs during the life of the building or structure exceeds fifty (50) percent of the assessed value of the building or structure (such value to be determined as of the time of such alteration or repair) such value to be determined by the director with the assistance of the city assessor.

2. Additions, alterations, repairs or maintenance, regardless of the cost of same, to a building or structure, whether or not such building or structure is subject to the provisions of this chapter, shall themselves be subject to the provisions of this chapter and the other applicable legal requirements, as more fully described in subsection C of this section.

3. If more than twenty-five (25) percent of the roof covering of a dwelling or other building or structure is replaced in any twelve (12) month period, then all such roof covering shall comply with the provisions of this chapter and the other applicable legal requirements.

4. If the existing occupancy or use of an existing building or structure is changed to a use not permitted in a similar building or structure hereafter erected, then the entire building or structure shall be made to conform with the requirements of this chapter and the other applicable legal requirements; provided, however, that if the use or occupancy of only a portion of an existing building or structure is changed, only such portion or portions of the building need be made to comply with the requirements so long as the director determines that the same does not pose or otherwise create a threat to the public health and safety; and provided further, that the director may approve any change in occupancy or use of any existing building, even though such building is not made to fully conform to the requirements of this chapter if the director determines that such a change in use or occupancy of the existing building or structure will not extend or increase any nonconformity or hazard of such building or structure and otherwise pose or create a threat to the public health and safety.

Notwithstanding anything to the contrary set forth in this subsection, this chapter contemplates that, as specified in Sections 15.04.050 and 15.04.060, the UDC and BHVAC Wisconsin Commercial Building Codes shall apply to additions, alterations, repairs and maintenance to existing buildings or structures subject thereto; and the UDC shall apply to dwellings which would have been subject to the UDC by its terms but for the fact that construction of such dwelling was commenced prior to the effective date of the UDC.

C. Alterations and Repairs. Additions, alterations, repairs or maintenance regardless of cost to any existing building or structure, whether or not subject to the UDC or BHVAC Wisconsin Commercial Building Codes, as described above, which accommodates a legal occupancy and use but of non-conforming type of construction as to structural members of floors or roofs, beams, girders, columns, bearing or other walls, room heating or air conditioning systems, light and ventilation, changes in the
location of exit stairways or exits or any of the above, then the entirety of such building or structure shall be made to conform to the provisions of this chapter and the other applicable legal requirements.

D. Deteriorated Buildings and Structures. When any existing building or structure which, for any reason, does not conform to the regulations of this chapter or the other applicable legal requirements or has, in the opinion of the director, deteriorated from any cause whatsoever to an extent greater than fifty (50) percent of the value of such building or structure, no additions, alterations, repairs or maintenance to such building or structure shall be allowed unless the entirety of such building or structure is made to conform to the provisions of this chapter and the other applicable legal requirements.

1. In the event the director determines that any of the structural members of any such building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such building or structure shall cause such structural members to be restored to their required strength.

2. In the event the director determines that such building or structure is dilapidated or unsanitary or out of repair so as to be unfit for human habitation or otherwise a menace to public safety, the owner thereof shall take steps to cause such building or structure to comply with all provisions of this chapter, the provisions of the subject chapters and any other applicable legal requirements.

As to any buildings or structures described in this paragraph, the department may determine such building or structure to be a menace to public safety and require that such building or structure be vacated and remain unoccupied until same complies with all provisions of this chapter and any and all other applicable ordinances of the city or, if the alternative, proceed with respect to such building or structure under Section 15.04.310 of this chapter (razing). (Prior code § 14.01(6))

15.04.080 Department of inspection services—Creation.
There is created the Department of Inspection Services (the "department") which shall be responsible for the administration and enforcement of this chapter and the other subject chapters. (Prior code § 14.03(1))

15.04.090 Director of inspection services—Created.
There is created the position of director of inspection services (the "director"). The director shall be responsible for the operations of the department and shall act as head of the department.

A. Appointment. The director shall be appointed by the mayor in accordance with the provisions of Chapter 2.76.

B. Qualifications. The director shall have the necessary qualifications as stated in Wisconsin Administrative Code COMM 26.06 and be certified by the state of Wisconsin in the categories for which he or she is appointed. (Ord. 1819 § 1 (part), 2001; Prior code § 14.03(2)(a) and (b))
15.04.100 Director of inspection services—General powers and duties.
A. Administration and Enforcement. The director shall administer and enforce all provisions of this chapter and the other subject chapters, the UDC, the BHVAC-WCBC Code and all other applicable legal requirements relating to safe building construction within the city. The director shall be responsible for the organization, management and control of all matters pertaining to the department. The director shall also be the zoning administrator for those zoning related provisions of this code which the Director enforces; specifically Sections 15.04.290, 15.04.300, 15.04.330—15.04.380, 15.04.400—15.04.420 and 15.04.460 of this chapter.

B. Organization of Department. The director shall have the power to organize the department and, in connection therewith, to employ the following inspectors subject to the approval of the council:

1. Electrical Inspector. The powers, duties and qualifications of the electrical inspector shall be as described in Chapter 15.05. The electrical inspector shall supervise and direct the work of such assistant electrical inspectors as the director may appoint from time to time, subject to the approval of the council;

2. Plumbing Inspector. The powers, duties and qualifications of the plumbing inspector shall be as described in Chapter 15.12. The plumbing inspector shall supervise and direct the work of such assistant plumbing inspectors as the director may appoint from time to time, subject to the approval of the council;

3. Chief Building Inspector. The chief building inspector shall, in addition to such duties and responsibilities as may be given by the director, be responsible for assisting the director in supervising and executing building inspection and investigation, activities, the provisions of this chapter and the other subject chapters and other applicable laws and regulations. The chief building inspector shall supervise and direct the work of such building inspectors as the director may appoint from time to time, subject to the approval of the council;

And such other persons, including without limitation additional inspectors, as the council may authorize. The director may contract for such outside services, subject to council approval, as may be reasonably necessary to carry out his/her duties under this chapter and the other subject chapters.

C. Access Powers. The director and his/her authorized agents shall have the power, for any proper purpose, to enter upon any public or private premises at all reasonable times and make inspection thereof and to require the production of the permit for any building, plumbing, electrical or heating or other work being done subject to this chapter or the other subject chapters.

D. Police Powers. The director and his/her duly authorized agents shall each have the powers of a police officer for the purposes of enforcing this chapter and other subject chapters.

E. Chapter Not Exclusive. The powers set forth in this chapter shall be in addition and not in lieu of such other powers and rights as the department, the director and any inspector of the department may have under the other subject chapters, the Wisconsin Statutes, the Wisconsin Administrative Code or any other
applicable law or regulation or lawful order of any governing body having jurisdiction over the person and subject matter to which such order relates. (Prior code § 14.03(2)(c))

15.04.110 Rule making authority.
The director shall, with the approval of the council, have the authority to make rules and regulations relating to the construction, alteration, repair, moving, razing, use of building materials and equipment, plumbing, electrical use and occupancy, housing facilities and the fire hazard condition of all buildings and structures within the city. (Prior code § 14.03(2)(d))

15.04.120 Recordkeeping responsibility.
The director shall keep a record of all applications for permits under this chapter and of all permits issued by the department. Each permit issued by the department shall be regularly numbered in the order of its issue. Such record shall also show the number, description and size of all buildings erected, showing the kinds of materials used and the cost of each building and the aggregate cost of all buildings in the various classes. The director shall also keep a record of all inspections made by the department, all removal or condemnation of buildings, all notices and orders issued, all correspondence and statistics on the various phases of construction and housing, and all fees collected by the department pursuant to this chapter, showing the date of receipt of each such fee. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the director. Certified copies of any record may be obtained upon payment of a fee of twenty-five cents ($0.25) per page and in compliance with any rules and regulations of the director. The director shall make a written annual report to the mayor as to these and other matters relating to the discharge of his/her responsibilities under this chapter. The record keeping duties set forth herein shall be in addition to such recordkeeping requirements as may be set forth in the other subject chapters. (Prior code § 14.03(2)(e))

15.04.130 Police and Fire department assistance.
The police and fire departments of the city shall assist the department in carrying out its duties and powers, including, without limitation, the department's investigation and enforcement duties and powers, to the extent that such assistance is not in violation of any ordinances or other laws or regulations to which those departments are subject; provided, however, that any interpretation of any provision of this chapter, the other subject chapters or any other applicable law or regulation required or permitted to be made by the department shall be the sole domain of the department. (Prior code § 14.03(3))

15.04.140 Permits—Designated.
The department shall have the authority to require one or more of the following types of permits in addition to those permits which the director has the authority to issue under other chapters of this code:

A. Building permit under Section 15.04.220 of this chapter;
B. Certificate of occupancy under Section 15.04.290 of this chapter;
C. Moving permit under Section 15.04.300 of this chapter;
D. Razing permit under Section 15.04.310 of this chapter;
E. Street/road occupancy permit under Section 15.04.320 of this chapter;
F. Swimming pool permit under Section 15.04.330 of this chapter;

G. Fence permit under Section 15.04.340 of this chapter;

H. Radio broadcast antenna and tower permit under Section 17.108.095;

I. Tennis court, Sport court or similar permit under Section 15.04.360 of this chapter;

J. Retaining wall permit under Section 15.04.370 of this chapter;

K. Deck permit under Section 15.04.380 of this chapter;

L. HVAC permit under Section 15.04.390 of this chapter;

M. Tent permit under Section 15.04.400 of this chapter;

N. Television satellite permit under Section 15.04.410 of this chapter;

O. Residential accessory building permit under Section 15.04.420 of this chapter;

P. Solar collector systems permit under Section 15.04.430 of this chapter;

Q. Reroofing permit under Section 15.04.440 of this chapter;

R. Residing permit under Section 15.04.450 of this chapter;

S. Parking lot permit under Section 15.04.460 of this chapter;

T. Outdoor assembly facility permit or grandstand permit under Section 15.04.465 of this chapter;

U. Such other permits as may be authorized or required to be issued under this chapter, the other chapters of this code (including, without limitation, a permit to undertake a land disturbing or developing activity under Chapter 15.20 of this code) or otherwise.

V. Wind energy systems permit under Section 15.04.435 and as regulated under the Wisconsin Administrative Code. (Ord. 2289-12 § 2 (part), 2012; prior code § 14.04(1))

15.04.150 Permits—Application.

Application for any permit described in Section 15.04.140 shall be made in writing upon a form to be furnished by the department. The department shall use the standard building permit form prescribed by DILHR DSPS or such other form as the director may, from time to time, determine as and for its building permit form and file with DILHR-DPS a copy of each building permit issued for a one- or two-family dwelling as provided in Section 101.65(3), Wisconsin Statutes. As to other permits issued by the department, applications and the forms of permit therefor shall be on a form or forms established by the director from time to time and shall include the name and address of the owner of the building and the real property with respect to which such permit is being applied for, the name and address of each and every designer or contractor involved in the construction or other activity, as the case may be, the legal description of such real property, and such other information as the department shall require. Any
application for a permit under this chapter shall be signed by the owner or owners of the property with respect to which such permit is being issued or his/her or their duly authorized agent. As part of any such application, the department may require such representations or warranties from the applicant, owner, contractor or architect as it may deem necessary or appropriate under the circumstances, including, without limitation, representations and warranties relating to the following:

A. Whether the building which is the subject of the permit will, after completion of the project which is the subject of the permit, be in compliance with applicable provisions of the Federal Americans With Disabilities Act and other federal and state laws and regulations relating to disabled persons;

B. Consent to such inspections by the department with respect to the project as are authorized or permitted under this chapter and the other subject chapters;

C. The presence of any dangerous or toxic materials or conditions affecting the building or property which is the subject of the permit. (Prior code § 14.04(2))

15.04.160 Permits—Submission of items.
The applicant shall submit, in the course of applying for a permit under this chapter, such items as are expressly required to be submitted under any provision of this chapter or any other chapter of this code and such other items as the director may determine to be necessary or appropriate under the circumstances, including, without limitation, plans, specifications and a survey, all such items to be part of the permit application; provided, however, that the director may issue a permit without the filing of any such items and may require submission of additional or different items in order to effectuate the purposes of this chapter and the other applicable legal requirements.

A. Plan Requirements. All plans required to be submitted by the director must be drawn to a scale of no less than one-eighths inch per square foot on paper or cloth in ink or by some other process that will not fade or obliterate. Plans must disclose, as applicable, the existing and proposed provisions for water supply, sanitary sewers connections, surface water drainage and the grades of the lot upon which the building is to be constructed and of the immediately adjacent lots. Plans shall be of sufficient clarity to indicate the nature and character of the construction or other activity proposed and show that all applicable legal requirements are met. Computations and other data necessary to show the correctness of such plans shall accompany the plans if requested by the director. All plans and additional documents shall follow the City’s record retention policy. All plans shall remain on file with the department until at least one year after the completion of the building, after which time the Department may return the same to the owner thereof, keep same on file as a public record or destroy same.

B. Survey Requirements. All surveys required to be submitted to the director shall be prepared and certified by a surveyor registered by the state and shall be dated not more than one year prior to the date of issuance of the building permit except as permitted in Section 15.04.340 (D)(3), 15.04.370 (C)(2), 15.04.380 (A)(3) and 15.04.390 (A)(3). Such survey shall show the following:

1. Date of the survey;

2. Location and dimensions of all buildings on the lot, both existing and proposed;
3. Dimensions of the lot;
4. Dimensions showing all offsets and setbacks to all buildings on the lot;
5. Grade of lot and of road opposite lot;
6. Grade, offsets and setbacks of all other buildings or structures on adjacent lots and, if the lot is vacant, the elevation of the nearest building on same side of the road;
7. Type of monuments at each corner of lot;
8. Water courses or existing drainage ditches;
9. Any one hundred (100) year floodplain inundation line located on the property and proper description of any one hundred (100) year floodplain inundation line within three hundred (300) feet of the property;
10. Seal and signature of surveyor;
11. The location and depth, if applicable, of any existing or planned sanitary sewers, storm sewers, inverts, laterals, driveways and easements and other matters of record.

All elevations shall be converted to city datum.

(Ord. 2148-08 § 1, 2008; prior code § 14.04(3))

15.04.170 Drainage requirements for permit issuance.
A. Grading. No permit shall be issued if the construction or other work which is the subject of the permit or other work or the proposed grade resulting therefrom will unreasonably obstruct the natural flow of any existing ravine, ditch, drain or stormwater sewer draining neighboring property unless provision is made for such flow by means of a ditch or pipe which is suitable to the director which shall be shown on the plans submitted with the application for such permit and be constructed so as to provide continuous drainage at all times.

B. Storm Sewer Drainage. No building or structure shall be erected or other work be conducted nor shall existing provisions for conveyance of water from the roof of any building or structure be altered or replaced unless:

1. Provision is made to convey water from the roof of such dwelling in such a manner that it will not, directly or indirectly, pass thence into the sanitary sewer system;

2. All other ordinances, comprehensive management plans and other applicable legal requirements (including, without limitation, the requirement of payment of fees or charges for area wide or city-wide storm water or wetlands programs) are complied with. No storm water or surface water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground. (Prior code § 14.04(4))
15.04.180 Permit issuance. 
If the director determines that all applicable legal requirements and other requirements for the issuance of a permit are complied with and there is no moratorium then in effect with respect to the subject of such permit, such permit shall be issued. After being approved, plans and specifications submitted with the application for such permit shall not be altered in any respect except with the prior written approval of the director. The issuance of a permit shall not prevent the director from thereafter requiring correction of errors in plans and specifications or from preventing building operations from being carried on when in violation of any applicable legal requirements. The director may issue a permit to persons in arrears of payment of any fees imposed by this chapter or the other subject chapters or to persons who have failed to comply with any outstanding order of the department if the permit is required to comply with an outstanding order or notice. The director may refuse to issue any permit under this chapter to any person who the director determines has continually or wilfully violated any of the provisions of this chapter or any other applicable legal requirements. (Prior code § 14.04(5))

15.04.190 Revocation of permits. 
The director may revoke any permit issued under this chapter and may stop construction or use of approved new materials, equipment or methods of construction, devices or appliances in the event any of the following occurs:

A. There is a violation of any applicable legal requirements;

B. The continuance of any construction becomes dangerous to life or property, as determined by the director;

C. There is a violation of any condition or requirement of the application for permit or of the permit itself, including, without limitation, any material deviation from the plans approved in connection with the issuance of such permit;

D. The director determines that there is inadequate supervision provided on the construction or work site;

E. Whenever any falsehood or misrepresentation has been made in the application for permit, plans, specifications or other data or information upon which the issuance of the permit was based;

F. There is a violation of any condition of a permit established by the director for the use of any new materials, equipment, methods or construction devices or appliances;

G. Such permit was issued by mistake of, or due to the error by, the director or any other person in the department.

Such revocation shall be effected by written notice of same delivered to the applicant for the permit, the owner of the subject premises or his agent or on the person having charge of the construction or activity which is the subject of such permit. A revocation placard shall be posted on the building or structure, equipment or appliance, as the case may be. After the notice is delivered, it is unlawful for any person to thereafter proceed with any construction or activity which is the subject of the permit and the revoked
permit shall be null and void. Before any such construction or activity may resume, a new permit must be obtained in accordance with the provisions of this chapter. (Prior code § 14.04(6))

15.04.200 Permit fees.
Before receiving a permit under this chapter, the applicant shall pay to the city a fee therefor as specified in Section 15.04.780. No fee shall be charged for one reinspection. The director may charge a fee not to exceed seventy-five dollars ($75.00) for an additional reinspection and one hundred and fifty dollars ($150.00) thirty-five dollars ($35.00) for each succeeding reoccurring inspection thereafter reinspection. In the event any construction, use, occupancy or other activity requiring a permit is commenced before obtaining such permit, the fee charged for such permit shall be doubled. (Amended by memo, 12/21/01; Prior code § 14.04(7))

15.04.210 Posting of permit.
Following the issuance of a permit under this chapter or the other subject chapters and before any work is done, a weatherproof card, signed by the director or his/her duly authorized agent, verifying that a permit has been issued, shall be posted in a conspicuous place at the front of the site where the construction or other activity which is the subject of the permit is taking place. (Prior code § 14.04(8))

15.04.220 Lapse of permit.
A permit shall lapse and become void in the event:

A. The construction or other activity which is the subject of the permit has not commenced within four months after the date thereof; or

B. Such construction or other activities suspended at any time after work is commenced for a period of sixty (60) days; or

C. Such construction or other activity is not completed within eighteen (18) months after the date of the permit or designated otherwise.

In all events, the above time periods may be extended by the director if he/she determines that such delay was due to conditions beyond the control of the applicant. Before any construction or other activity is commenced or recommenced after the permit therefor has lapsed, a new permit must be obtained in accordance with the provisions of this chapter. In the event of the lapse of a permit, any occupancy bond deposited with the department under Section 15.04.280(B) shall become the property of the city and the city shall have no further responsibility to the permit holder therefor and the building or work which is the subject of the permit shall be subject to such nuisance or razing proceedings as the director shall deem necessary or appropriate. (Prior code § 14.04(9))

15.04.230 Partial permit.
In order to facilitate construction, the director may, upon presentation of sufficient preliminary or partial structural plans, data, specifications and certified lot or plot plan whereupon there is indicated the character of the proposed construction and the proposed use of the building, structure, equipment and premises, issue a partial permit for the excavation, foundations or structural parts thereof, not higher than the first floor level, subject to all of the provisions of this chapter and other applicable legal requirements.
The issuance of a partial permit shall not be construed as an approval of any part of the building, structure, equipment or premises. (Prior code § 14.04(10))

15.04.240 Permit denial—Substandard work.
The director may refuse to issue a permit for the construction or alteration of a building or structure or any other work if the director determines that the materials and/or manner of construction is substandard as compared to the type of construction determined by the director to meet industry standards of construction for the field of work be standard for the vicinity around which such proposed construction is to occur. (Prior code § 14.04(11))

15.04.250 Nontransferability Non-transferability of permits.
Permits issued under this chapter shall be nontransferable from one permit holder to another without the prior written consent of the department. (Prior code § 14.04(12))

15.04.260 Applicant’s consent to inspections.
The acceptance by an applicant of any permit issued under this chapter shall constitute the consent by such applicant and, if different, the owner or owners thereof to any inspections required or permitted under this chapter or any other applicable legal requirements. (Prior code § 14.04(13))

15.04.270 Inspections.
A. Required and Permitted Inspections. Following the issuance of any permit under this chapter or the other subject chapters, the director may, with or without notice or invitation, from time to time and at any time, inspect the work which is the subject of the permit at intervals sufficiently frequent, as determined by the director, to ascertain if the work is being done or executed in compliance with this chapter and all other applicable legal requirements.

B. Permit Holder Duties. The permit holder or his representative shall notify the director at such times as an inspection is required under this chapter or otherwise pursuant to any other applicable legal requirements. All ladders, scaffolds and test equipment required to complete an inspection shall be provided by the property owner or permit holder or his representative. If, upon any inspection, it is found that a required inspection cannot be made because work to be inspected has been covered or concealed, the permit holder or agent shall uncover the work, as directed by the director, and no approval of covered or concealed work shall be given until the required inspection can be made and the work complies with the provisions of this chapter and all other applicable legal requirements.

C. Other Matters Regarding Inspection Requests. The department shall respond to inspection requests without unreasonable delay. The director shall approve the work inspected, waive the inspection or give notice of defective work to the permit holder or agent in charge of the work wherein it fails to comply with any applicable legal requirement. Any work which does not so comply shall be corrected and no such work shall be covered, concealed with additional work or otherwise continued until approved.

D. Record of Approval. When any inspection that is required under this chapter have been made and approved, the director shall so record in a conspicuous place on the official permit sticker posted on the premises.
E. Existing Buildings and Structures. The director may make inspections from time to time, or as otherwise required by this chapter or the other subject chapters, of all existing buildings, structures or equipment to ascertain whether the same are being used, maintained and occupied in accordance with all applicable legal requirements.

F. Reinspection. When violations of this chapter or any other applicable legal requirements are found to exist, the director may determine, upon reinspection, whether all work resulting from corrections of same have been performed in compliance with all applicable legal requirements and otherwise in a workmanlike manner.

G. Final Inspection. Upon completion of any building, structure, equipment or other work for which a permit was issued and before the same is occupied or used, a final inspection may be made by the director and until the building, structure, equipment or work is in compliance with all applicable legal requirements and the terms of the permit, a certificate of occupancy shall not be issued. If a registered architect or engineer has supervised the construction or other work with respect to which a permit was issued, such architect or engineer shall deliver to the director, at the time of the final inspection, a certificate in form and substance satisfactory to the director certifying that all work with respect to which such final inspection was requested was performed and completed in accordance with all of the terms of the applicable permit, plans and all provisions of this chapter and otherwise of this code. The director or his designee may request at any time additional information, engineering, calculations or similar. A detailed record shall be made of such final inspection.

H. Certified Report. The director may require a certified report of all inspections required under this chapter or the other subject chapters from a registered architect or engineer supervising any construction or other work requiring such supervision. Such certified report shall state in detail that all such construction or other work has been executed in accordance with all of the provisions of this chapter and other applicable legal requirements, approved plans and specifications and the terms of the applicable permit and that such work was executed in accordance with all applicable architectural and engineering standard procedures.

I. Photographs. The department may take such photographs as it may deem necessary or appropriate during any inspection which is required or permitted to be made under this chapter or any of the other subject chapters.

J. Special Inspection Warrants. In addition to the inspection powers of the department under this section, the director and his/her duly authorized agents, the chief of the fire department, the county health office, the city engineer and the chief of the police department are authorized to obtain special inspection warrants as provided in Section 66.0119, Wisconsin Statutes, to ascertain violations under this chapter, the other subject chapters and other applicable legal requirements. (Ord. 1819 § 3 (part), 2001; Prior code § 14.05)

15.04.280 Building permits.
A. Permit Required. No person shall erect or construct, or cause to be erected or constructed, any building or structure within the city, or improve, enlarge, alter, convert or extend same, unless a building
permit therefor shall first be obtained from the department in accordance with the provisions of Sections 15.04.140 through 15.04.260.

B. Occupancy Bond Required. Every person requesting a building permit shall, before such permit is issued, deposit with the department an occupancy bond in an amount required by this subsection to ensure and guarantee to the city that the building or structure for which the permit is requested shall not be occupied before any occupancy permit for such building or structure has been obtained under Section 15.04.290. The amount of such occupancy bond shall be as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family residential unit</td>
<td>$500.00</td>
</tr>
<tr>
<td>Duplex residential unit</td>
<td>$500.00</td>
</tr>
<tr>
<td>Commercial and manufacturing space</td>
<td>$1,000.00 per each 10,000 square feet (maximum $3,000.00)</td>
</tr>
</tbody>
</table>

Such occupancy bond shall be held by the department until the director determines that all provisions of this chapter and other applicable legal requirements are complied with prior to any persons occupying such building or structure. Such occupancy bond shall be returned upon issuance of an occupancy permit, less any costs, fees or penalties owing the city. Failure to obtain an occupancy permit prior to occupying such building or structure shall result in forfeiture of such occupancy bond and subject such person to any applicable fines, costs or penalties as may be assessed by the director or others. The director may waive the requirements of such occupancy bond if he/she determines that such occupancy bond is not necessary.

C. Plan Requirements. In addition to the plan requirements set forth in Section 15.04.160, all plans for construction of residential buildings shall also set forth:

1. All elevations, including, without limitation, the elevations of exterior corners of the subject lot;
2. All floor plans;
3. Complete construction details;
4. Fireplace details showing a cross section of fireplaces and flues;
5. Garage plans when the garage is to be built immediately or location of garage when garage is to be built at a later date.

D. Progress Inspections. In addition to the inspections described in Sections 15.04.140 through 15.04.260, the holder of any permit under this section or his agent shall notify and allow the following inspections:

1. Inspection to determine that the location of the building, structure, equipment or other work is in compliance with the terms of the permit and the approved certified lot or plot plan for the subject premises;
2. Inspection to determine that the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundation walls is in compliance with approved plans, data and the terms of the permit. A recertification survey as to the footings and foundation location and elevation shall be provided to the director prior to pouring concrete;

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

4. Inspection prior to pouring laying concrete for basement floor to inspect subgrade, drain tile and forms;

5. Inspection after installation of plumbing under Chapter 15.12;

6. Inspection after installation of electrical systems under Chapter 15.04;

7. Upon completion of such building, structure or equipment and before the same is occupied or used, a final inspection shall be made by the director;

8. Inspection of the completed building or structure by the fire department, if required under this code or any other applicable law or regulation or if otherwise deemed necessary or appropriate by the director or the fire chief of the fire department.

Such inspections shall in all respects be subject to the provisions of Sections 15.04.140 through 15.04.260.

E.D. Waiver of Requirements. The director may waive any of the requirements set forth in this chapter, the other subject chapters or any other city ordinance for any permit which he/she has authority to issue if the purpose of the permit is to execute minor alterations or repairs to a building or structure or any components thereof and such alterations or repairs are, in the discretion of the director, sufficiently described in the permit application.

F.E. Building Permit Driveway Requirement. No building permit shall be issued for the construction or erection of a building or structure unless and until the following are installed:

1. A driveway comprised of gravel (or some other material satisfactory to the director) from the public road to the site of such construction;

2. A culvert which provides drainage and is satisfactory to the director.

G.F. Inadequate Roads. The director may deny a building permit if the real property upon which such construction is to occur abuts a road which, in the discretion of the director, is of insufficient width or condition to service such real property during or after such proposed construction.
H.G. Continuous Footing and Foundations. No building permit shall be issued unless the building or structure which is the subject of such permit is constructed on a continuous footing and foundation, with all footings placed at least forty-eight (48) inches below grade. (Prior code § 14.06)

15.04.290 Occupancy permits.
A. Issuance of Occupancy Permit. If, upon the director making a final inspection under Section 15.04.270, the director determines that a new building, structure, addition, alteration, item of equipment or other work which is the subject of the permit conforms to the requirements of this code and all other applicable legal requirements, a certificate of occupancy shall be issued, stating the purpose for which the building, structure, addition, alteration, equipment or other work is to be used. Until such building, structure, equipment or work is in compliance with all of the requirements of this chapter, all other applicable legal requirements, the permit with respect to same and until any occupancy permit under this section is obtained, no occupancy or use thereof shall be maintained.

B. Subsequent Failure to Comply with Code. Whenever any aspect of the occupancy or use of a building, structure, equipment or other work which is the subject of the permit or any portion thereof violates any provision of this chapter or any other applicable legal requirement, the occupancy permit therefor shall lapse and be without further force and effect. In such event, in addition to such other remedies the director may have under this chapter, the director may order such occupancy or use discontinued and the building, structure or equipment, or portion thereof, vacated by notice served on any person occupying or using or causing such occupancy or use to be continued and such person shall, within ten days after receipt of such notice, either vacate the building or structure, or portion thereof, or correct, to the reasonable satisfaction of the director, all such violations. Any building or structure hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without same until a new certificate of occupancy has been obtained.

C. Change in Use. It is unlawful to change the use of any building, structure or equipment or any portion thereof without first obtaining from the director a new occupancy certificate therefor in accordance with the provisions of this chapter and Title 17.

D. Hardship. The director shall have the authority and power to permit the occupancy of any building, structure or equipment within the city prior to the issuance of an occupancy permit if the director determines that a hardship exists and that occupancy is warranted before the final stage of completion as described in this chapter, provided, however, that this provision shall not apply with respect to any occupancy for commercial purposes or occupancy by tenants for residential purposes. Before granting such permission, the director shall first inspect the subject property to determine that it is safe and otherwise sanitary and to determine the time, not to exceed one hundred twenty (120) days, within which the construction or other work thereon shall be completed.

D. E. Certificate to be Posted. The certificate of occupancy shall be posted in a conspicuous place in the subject building or structure or on the subject premises, except one- and two-family dwellings and accessory buildings or structures thereto.
No Water Service Until Occupancy Permit Issued. Upon the satisfactory completion of the final inspection under Section 15.04.270 with respect to any new building or structure, the municipal water service, if any, provided thereto shall be turned off until a certificate of occupancy is issued under this section of this chapter, at which time such water service shall be restored. (Prior code § 14.07)

15.04.300 Moving of buildings.

A. General. No building or structure shall be moved into the city from another jurisdiction. No person shall move, or cause to be moved, within or out of the city, any buildings or structures or otherwise move or cause to be moved a building or structure upon any public right-of-way of the municipality without first obtaining a permit therefor from the director and upon the payment of the required fee. Every such permit issued by the director for the moving of a building shall designate the route to be taken and the conditions to be complied with and shall limit the time during which the moving operations shall be continued. The director may refuse to issue a permit under this section if the director reasonably determines that such building or structure may not be moved without unduly damaging such building or structure, any public right-of-way or any property of the municipality or others or that such moving would unduly endanger or otherwise be contrary to the public health and safety.

B. Moving Damaged Buildings. No building shall be moved within the municipality 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) greater than or equal to fifty (50) percent or more of its assessed value and no permit shall be granted to move such building within or into the municipality.

C. Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

D. Street Repair. Every person receiving a permit to move a building shall, within one day after the building reaches its destination, report the fact to the director who shall thereupon, in the company of the city engineer, inspect the streets and highways over which the building has been moved and ascertain their condition. If the removal of the building has caused any damage to a street or highway, the person to whom the permit was issued shall forthwith prove them in good repair as they were before the permit was granted. On the failure of the permittee to do so within ten days thereafter to the satisfaction of the director, the department shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

E. Conformance with Municipal Code. No permit shall be issued with respect to a building or structure under this section until the director has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that the building or structure is in a sound and stable condition and of such construction, dimensions, aesthetics and quality that it will meet the requirements of this chapter and all other applicable legal requirements in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building or structure, shall be submitted to the director and the director shall make a finding of fact to the effect that all such repairs,
improvements and remodeling are in conformity with the requirements of this chapter and that when same are completed, the building, as such, will so comply therewith. In the event a building or structure is to be moved from the city to some point outside of 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 under this section, the party applying therefor shall deliver a bond to the city in a sum, to be fixed by the director, and which shall not be less than one thousand dollars ($1,000.00). The bond is to be executed by a corporate surety or two personal sureties to be approved by the director conditioned upon, among other things, the indemnification to the city for any costs or expenses incurred by it in connection with any claims for damages to any persons or property and the payment of any judgment, together with the costs of expenses incurred by the municipality in connection therewith, arising out of the removal of the building or structure for which the permit is issued.

2. Unless the director, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building or structure from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers to the location, nature and physical characteristics of the premises and the falling into such excavation by children under twelve (12) years of age unlikely, the bond required by subsection A of this section 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 director and reasonably adopted or calculated to prevent the occurrences set forth herein.

3. The director may require security different than or in addition to that specified in subsection A of this section, as more fully described in Section 15.04.750.

G. Letter of Credit. The director shall require a letter of credit, based on the city format, for the following:

1. Site restoration of the vacated site;

2. Abandonment of all water wells per state code, if necessary;

3. Grading, topsoil and seeding of the site to be occupied.

H. Insurance. The director shall require, in addition to the bond above indicated, public liability insurance covering injury to one person in the sum of not less than one hundred thousand dollars ($100,000.00) and for one accident in a sum not less than two hundred thousand dollars ($200,000.00), together with property damage insurance in a sum not less than fifty thousand dollars ($50,000.00) or such other coverage deemed necessary.

I. Plan Commission Approval.
1. No permit under this section shall be issued unless it has been found as a fact by at least a majority vote of the plan commission based on the following criteria:
   
a. The building will not be 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;
   
b. The building will be in character with the applicable zoning district established by the city;
   
c. The building shall not cause a substantial depreciation in the property values of the district neighborhood;

2. Required submittals for application to the plan commission agenda:
   
a. Application fee,
   
b. Statement of operations or cover letter,
   
c. Area study map,
   
d. Site plan/survey,
   
e. Two copies of building plans,
   
f. Building materials,
   
g. Landscape plan,
   
h. Any other information that is deemed necessary to properly address the request. (Prior code § 14.08)

15.04.310 Razing of buildings.
A. Mandatory Razing of Buildings. The provisions of Section 66.0413, Wisconsin Statutes, as the same may be amended from time to time, shall govern all matters coming within the scope thereof relating to the razing of buildings and all acts supplementary or otherwise in connection therewith and said provision is incorporated herein by this reference. The director is authorized to act for the city under the provisions of Section 66.05, Wisconsin Statutes. The city treasurer is authorized to place the assessment and collect the special tax as therein provided.

B. Razing by Owner. No person shall raze or otherwise demolish any building or structure or any portion thereof unless a permit therefore shall first be obtained from the director. Applications for such permit shall be on forms provided by the director and shall be accompanied by the fee prescribed in Section 15.04.780. The director shall have the authority, as a condition to granting such permit, to require additional items (including, without limitation, such insurance and/or bond as the director deems appropriate) and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section. The owner of the building or structure to be razed or his agent shall notify all
utilities having service connections within the building or structure such as water, electric, gas, sewer and other connections in accordance with all applicable regulations of such utilities. A permit to demolish or remove a building or structure shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five days of removal of the structure. Any such excavation shall be protected with such fences, barriers and/or lights as the director may deem necessary. (Ord. 1819 § 3 (part), 2001; Prior code § 14.09)

15.04.320 Street/road occupancy permit.
A. Permit Required. No person shall place any stone, brick, sand, dirt, gravel, cement, lumber, plank, boards or other building material, components, equipment or machinery upon any sidewalk, street, road or public grounds within the city unless a permit to do so shall first be obtained from the director. Applications for such permit shall be on forms provided by the director and shall be accompanied by the fee prescribed in Section 15.04.780. The director shall have the authority, as a condition to granting such permit, to require additional items and safeguards and he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Additional Requirements.

1. All materials placed upon any street, alley or road shall be piled in compact form and, in case of permanently improved streets or roads, there shall be placed a level plank floor under all brick, tile, stone or cement blocks. All accumulations of rubbish upon the sidewalk, street, alley or road shall be cleaned up every day at the close of working hours and also on the expiration of the permit or, if the work or construction is completed before the permit expires, on completion of the work all material and rubbish shall be removed and the sidewalk, street, alley or road left in good condition, clean and in good repair.

2. The person or persons to whom any such permit shall be granted shall cause such material or machinery placed in the street, alley or road to be properly guarded by day and each separate pile of material properly guarded by night, properly lighted by a yellow flashing light in such manner as to warn all persons traveling upon the sidewalk, street, alley or road of the presence of such material or machinery.

3. If any such material or machinery shall not be removed from the street, road, alley or public grounds within the time therein required, the director shall cause such material or machinery to be removed and the cost thereof shall be charged against and collected from the owner of the premises for whose benefit such permit was issued and the person obtaining such permit shall be liable also for the penalty hereinafter prescribed for a violation of this chapter.

4. Any such material or machinery or other thing placed in a street, road, alley or public grounds shall be removed upon twenty-four (24) hours' notice given by the director where such removal is necessary in order to repair, oil or otherwise improve such street, road, alley or public grounds or to lay water, sewer or other service pipes therein.
5. Application for a permit to place material, machinery or other things connected with building purposes in a street, road, alley or public ground shall be in writing and shall describe the premises by lot, block, street and street number, if any, in front of which such material, machinery or other things connected with building purposes is desired to be placed and shall specify the character of the material for which the permit is desired.

6. Before a permit is granted under this section, the applicant therefor shall execute to the city and deliver to the director a bond in the sum of five thousand dollars ($5,000.00) with surety or sureties to be approved by the council conditioned to save the city harmless from all liability which may be incurred by the deposit or maintenance of such material, machinery or other things connected with building purposes in the street, road, alley or public ground by the applicant or by his contractors, servants, agents or employees, whether such material, machinery or other things shall be placed within or beyond the limit specified by this chapter.

7. To avoid interference with city snow plowing equipment and damage to private driveway lamp posts, such lamp posts shall not be installed or located within any part of the dedicated street right-of-way. They shall be installed, located and kept within the owner’s lot line. (Ord. 2002-05 § 1, 2005; prior code § 14.10)

15.04.330 Swimming pools.
A. Permit Required. No person shall construct, install, enlarge or alter any swimming pool described in subsection B of this section unless a permit has first been obtained from the director and all other provisions of this section and all other applicable legal requirements are complied with. Application for a permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. Two copies of a manufacturer’s brochure and instructions which show the type, style, etc., of the pool to be constructed;

3. Plans drawn to scale showing the following:
   a. Type of pool installation, above or below ground;
   b. Pool height at the highest point of grade, if above-ground installation;
   c. Type and height of fence, if proposed;
   d. Type and support of decking, if proposed;
   e. Overall size and locations of the above with regard to existing buildings and lot lines for property survey reference;
   f. Any change in grade near pool;
   g. County health department approval for properties using a private septic system, where applicable;
h. Site inspection letter from a local wiring utility;

i. As to outdoor swimming pools, a landscaping plan;

j. A description of how the swimming pool will be filled with water;

4. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permits, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Types of Pools Requiring Permits. Permits shall be required for the construction of the following types of swimming pools:

1. Above-ground pools, except the following:
   a. Storable swimming or wading pools having a diameter of eighteen (18) feet or less and a wall height of forty-two (42) inches or less and which are constructed in such a way as to be readily disassembled for storage and reassembled to original integrity;
   b. Storable swimming or wading pools with nonmetallic inflatable walls regardless of dimension;

2. In-ground pools, whether indoor or outdoor;

3. Public pools.

C. Construction/Maintenance Requirements. Any private swimming pool subject to this section shall be constructed or erected in accordance with architectural plans, if any, and all manufacturers’ specifications and instructions and, in addition, shall be subject to the following construction requirements:

1. Location. A swimming pool shall be located outside the setback and offset lines of the lot upon which it is located and otherwise in accordance with Title 17. The area of such pool shall not exceed five percent of the area of such lot. All mechanical equipment, including, without limitation, pumps, filters and heaters, shall be located so as to minimize the occurrence of noise to owners of adjacent lots. For the purpose of establishing the location of in-ground pools, three feet of the concrete apron surrounding the pool shall be considered as part of the pool and included in all offset measurements.

2. Well/Septic/Drainage. A swimming pool shall be located away from well and septic systems in accordance with the Wisconsin State Plumbing Code, COMM 83. No direct connection shall be made between such pool or the systems which are part of same and the sanitary sewer or septic system. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage from the lot shall be in accordance with Title 17.
3. Fence. A swimming pool fence shall be located outside the setback and offset lines of the lot on which it is located and otherwise in accordance with Title 17. The fence shall be located no further than ten feet from the hard surface surrounding the swimming pool. Except as otherwise provided herein, a swimming pool shall be completely fenced, before it is filled with water, by a fence, wall or other structure not less than five feet in height, which is a minimum of fifty (50) percent open, such as picket or wrought iron. Chain link fences are prohibited. There shall be no opening in the fence or wall larger than six inches square. Such fence shall be located not less than ten feet from any interior lot line. All gates shall be kept securely closed at all times and shall be equipped with self-closing and self-latching devices placed at least three feet above the ground, accessible deck or stairs. Fence posts shall be decay- and corrosion-resistant and shall be set in concrete bases. Pools erected on top of the ground shall, before filling with water, be completely constructed and adequately screened from the view of abutting properties. When not completely fenced, all ladders, steps or other means of access to an above ground pool shall be removed and/or designed to prevent access when the pool is unattended.

   a. Upon removal of any swimming pool, the fence surrounding the pool shall also be removed.

4. When Fence Not Required. A fence is not required around an aboveground swimming pool where the pool wall is at least three and one-half feet (forty-two (42) inches) above grade for the full pool perimeter. The finished grade shall be maintained for a minimum of four feet beyond the outside perimeter of the pool.

5. Disinfection Systems. Such equipment as the director deems necessary shall be utilized for the disinfection of all pool water. Gas chlorination shall not be permitted.

6. Unobstructed Area Around Pool. An unobstructed area around the perimeter of a swimming pool of at least three feet shall be required.

D. Electrical Requirements.

1. All electrical installations provided for, installed or otherwise used in connection with a private swimming pool shall comply with Chapter 15.08, all applicable state laws and regulations and the National Electrical Code.

2. No current-carrying conductor shall cross a private swimming pool, whether overhead or underground, or pass within ten feet of such pool.

3. All fences, enclosures or railings near or adjacent to a private swimming pool made of or otherwise containing metal or such other material which could become electrified or otherwise electrically active shall be effectively grounded.

E. Lights. If overhead or other electrical or other artificial lights are used to illuminate a private swimming pool at night, such lighting shall be erected and maintained so as to eliminate direct rays and minimize reflected rays of light onto adjoining properties and roadways. Lighting installation shall be done in accordance with Chapter 15.08.
F. Noise Prohibited. No loud, unnecessary or unusual noises or noises which disturb the peace, quiet or comfort of neighboring residents shall be permitted in connection with the use or operation of a private swimming pool. Noise from radios, musical instruments, phonographs and the like shall not exceed the volume necessary for convenient hearing of the persons using such pool.

G. Restrictions on Operation and Maintenance. No private swimming pool shall be operated or maintained so as to create a nuisance, hazard, eye sore or otherwise result in a substantial adverse effect on neighboring properties or otherwise be detrimental to public health, safety and welfare.

H. Sanitation. A private swimming pool and its appurtenant facilities shall be kept clean and in sanitary condition.

I. Plan Commission Authority. The director may refer to the plan commission any permit application for a swimming pool which he/she determines to be undesirable in appearance. The plan commission shall have the authority to approve or deny such permit and to require such additions or changes as it may deem necessary or appropriate.

J. Safety Devices. Every swimming pool which has a capacity for water exceeding four feet in depth at any point shall be equipped with at least one life preserver and/or other similar safety device.

K. Solar Collectors. Any solar collector system proposed to be installed in connection with or at any time after the installation of a swimming pool shall be subject to Section 15.04.430. (Ord. 2219-10 §§ 1, 2, 2010; Ord. 1819 § 1 (part), 2001; Amended during 1997 codification; prior code § 14.11)

15.04.340 Fences.
A. Legislative Purpose. This section is enacted with express reference to the Brookfield concept and it is intended that the Brookfield concept, as defined in this code, be adhered to with respect to all matters subject to this section. The intent of this section is to place restrictions on fencing so the city of Brookfield may maintain the open spaces and vistas which are desired as part of the Brookfield concept.

B. Fences Regulated. Fences shall not be constructed within the city, except as hereinafter provided:

1. Decorative Fences. Decorative fences which are more than fifty (50) percent open and less than four feet in height such as picket fences and split rail fences and wrought iron used for ornamental purposes. A chain link fence shall not be considered a decorative fence within the intent of this subsection.

2. Swimming Pool or Tennis Court Fences. Fences in connection with swimming pools or private tennis courts, as described in Sections 15.04.330 and 15.04.360 of this chapter, respectively, which are part of the approved swimming pool or tennis court plan.

3. Privacy or Patio Fences. A fence designed to provide privacy for a patio, not over six feet in height nor more than twenty (20) feet in total length, shall be allowed, provided a building permit is obtained from the director and such fence is located in the rear yard.
4. Screening Fences. Fences, including garden walls, required of business or industry for screening purposes, under other provisions of this code, shall require a permit after processing under subsections D and E of this section.

5. Pet Enclosures. One pet enclosure not in excess of one hundred (100) square feet or more than six feet in height. Such enclosure shall be in the rear yard and not closer than twenty feet to the lot line.

6. Garden/Activity Area Fences. Fences to enclose an area in the rear yard for a children activity area or a garden, not in excess of six feet in height and enclosing not in excess of five hundred (500) square feet of the rear yard. Fence must have no greater visual impact than a chain link fence.

7. Nonresidential Fences. Fences located between nonresidential and residential or public lands. The preferred method of buffering residential or public lands from the impacts of nonresidential uses is the installation of naturalized landscape features and/or the enhancement of existing natural landscape features. The plan commission may review requests for the installation of fences to serve similar purposes and shall determine whether the preferred method of natural landscape features is capable of accomplishing the buffering goals, and if not, then shall consider whether the erection of a fence or other alternatives should be pursued. The expressed goal of the applicant as well as the location, design, impact on the neighborhood, construction materials to be used, architecture, and the relationship of the proposed fence with the adjacent building or landscaping are all factors which will be considered when applications for nonresidential fences are reviewed. If approved, the fence shall be designed in such a way as to be architecturally compatible with the nonresidential building and be of uniform appearance as determined through the development review processes outlined in the city zoning code.

8. I-94 and Train Tracks Corridors. Residential fencing along the I-94 corridor and/or abutting train tracks shall conform to the following:

   a. Location. Fences shall be placed in a manner that preserves existing vegetation for screening.

   b. Grade. Fences shall be erected in a manner consistent with existing topography requiring minimal earth work or topographical alteration.

   c. Design. Stockade, board on board or brick masonry fencing shall be used.

   d. Materials. Wood fences shall be permitted. Prohibited fence materials include metal standing seam, chain link, chain link with slats, plastic or vinyl.

   e. Color. All wood fences shall be stained in natural colors of earth tone tans or browns.

   f. Height. No fence shall exceed eight feet in height.
g. Landscaping. When a suitable planting screen is not present, plantings shall be added to the highway side of the fence. Plants shall be spaced so that in ten years time they have matured into a continuous vegetative screen. Suitable plants include upright evergreens, coniferous trees and shrubs such as honeysuckle, lilac or multiflora rose.

9. All fencing must be located on the subject property. No fencing shall be allowed in the right-of-way area.

10. Residential Fences. Fences located between residential property and commercial or industrial property in order to screen the residents from unsightly property, noise, business activities, or similar situations that detract from the quiet enjoyment of residential property. Residential property owners shall be permitted, at their own expense, to construct a fence to screen the situations described above. The right of a residential property to maintain such a fence shall cease upon a change of the neighboring commercial or industrial property to residential property. The fence shall conform to the following:

   a. Location. Fences shall be placed in a manner that preserves existing vegetation and natural screening.

   b. Design. Only natural materials such as wood stockade, board on board or masonry materials shall be used.

   c. Such residential fencing shall be permitted only if the developed or used portion, including parking, of the commercial or industrial property is less than seventy-five (75) feet from the residential property line at the nearest point.

   d. Color. Colors must be natural with no staining or painting permitted.

   e. Height. The fence may not be more than eight feet high and shall be constructed along the lot line only to perform a screening function between the residential property and neighboring commercial or industrial properties. It shall not create any enclosure.

   f. Uniformity. If, at a future date, an additional residential property owner chooses to construct a fence in the same fence line, such fence must be the same as any existing fences in that fence line provided such existing fences were constructed in conformance with this section.

11. Special Needs Residents. Owners of properties where a special needs resident has a documented need for a contained yard area are permitted to provide an enclosed fenced yard in the rear of the residence. The property owner, in order to secure a permit to construct and maintain such a fence, must provide independent medical documentation of a resident's special needs requiring a contained yard area. The right to maintain such a fence expires when the special need no longer exists and the fence shall be removed at such time. The fence shall be constructed at the owner's expense and shall conform to the following:
a. Location. Fenced enclosures shall be placed in the rear of the home in a manner that preserves existing vegetation and natural screening.

b. Design. Only natural materials such as wood stockade, board on board or masonry materials shall be used.

c. Color. Colors must be natural with no staining or painting permitted.

d. Height. The fence may not be more than five feet high.

e. Landscaping. When suitable planting screen is not present, plantings shall be added to the nonresidential side of the fence. Plants shall be spaced so that in ten years time they have matured into a continuous vegetative screen. Suitable plants include upright evergreens and coniferous trees and shrubs such as honeysuckle, lilac or multi-flora rose.

C. Prohibited Fences. No person shall install:

1. An electric, or razor, hog or chicken wire fence. No part of a fence structure may have these materials.

2. A fence composed solely of fence posts. Lot line posts shall be permitted at the intersections of lot lines only.

3. An incomplete fence, consisting only of posts and supporting members.

D. Permit Required. No person shall construct, erect, install, enlarge or alter any fence unless a permit has first been obtained from the director and all other provisions of this section are complied with. Application for a permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. As to manufactured fences, two copies of the manufacturer’s brochure and instructions which show the type, style, etc., of the fence to be constructed;

3. Plans drawn to scale showing the type and height of the fence, the size and location of the fence with regard to existing buildings and lot lines, and the general appearance and design of the fence. If the fence is located a minimum of five (5) feet from the rear and side property line, the applicant may submit a survey which is over one year old. Any individual who is issued a permit with a survey which is over one year old shall, as a condition of accepting the permit, agree to indemnify and hold harmless the city, its officers and agents from all and any claims in the event that the residential deck is located within an easement, floodplain, drainageway or other similar encumbrance. The survey must accurately portray existing conditions.

4. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable;
Provided, however, that no permit shall be required for decorative fences described in subsection (B)(1) of this section.

E. Permit Processing. All permit applications under subsections (B)(4), (8), (10) and (11) of this section shall be referred to the plan commission, which shall pass upon the purpose, appearance, materials, design, location, height, harmony with the principal structure on the subject lot and neighboring structures, and consistency with the stated legislative purpose of this section. After approval by the plan commission is obtained, the director shall issue such a permit.

F. Setback Areas. Fences or portions thereof within setback areas are prohibited except for those described in subsection (B)(1) of this section. Structural and support components of a fence shall face away from adjacent properties. All fencing must be located on the subject property. No fencing shall be allowed in the right-of-way area.

G. Offset Areas. Fences are prohibited in offset areas except as provided in subsections (B)(1), (3), (4), (7), (8), (10) and (11) of this section. Structural and support components of a fence shall face away from adjacent properties. All fencing must be located on the subject property. No fencing shall be allowed in the right-of-way area.

H. Structural and support components of a fence shall face away from adjacent properties.

H.I. Maintenance. Fences shall be kept and maintained in good, sound and presentable condition at all times. Fences not so maintained, which become an eyesore or otherwise adversely affect property values in the neighborhood, shall be removed upon the order of the director. Such order shall provide twenty (20) days minimum for such removal and shall be appealable to the administrative review board.

H.J. Penalty. Violations of this section shall be subject to the penalties provided in Chapter 1.12.

(Ord. 2312-12 § 1, 2012; Ord. 1997-05 §§ 1-3, 2005; Ord. 1968-04, 2004; Ord. 1964-04 § 1; Ord 1836 § 1, 2001)

15.04.345 Dumpster enclosures.

A. Legislative Purpose. This section is enacted with the intention of maintaining the quality appearance of Brookfield's commercial properties while integrating this use with the principal structure of the property.

B. Dumpster Enclosure Required. All newly constructed buildings, including but not limited to commercial, office, industrial, governmental, garages, theaters, restaurants, multifamily, schools and educational facilities, and places of assembly shall install dumpster enclosures which meet the standards of subsection D of this section at the time of building construction, with the following exceptions:

1. Single-family residential properties shall meet the standards of Section 15.04.450(D)(3);

2. All existing buildings which would be required to install a dumpster enclosure had they been newly constructed shall conform to this chapter on or before January 1, 2002 unless exempted from this dumpster enclosure ordinance;

3. Any building that does not have any exterior storage of garbage, refuse or like items.
C. Permit Required. No person shall construct, install, enlarge or alter any dumpster enclosure described in subsection D of this section unless a permit therefor has first been obtained from the director of community development and all other provisions of this section are complied with. Application for a permit shall be on forms provided by the director of community development and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. Two copies of a plan, drawn to scale. Plan must include an elevation drawing of the enclosure, showing method of construction and building materials;

3. A landscaping plan;

4. Two copies of a survey, showing the location of the enclosure and distances from lot lines;

5. Such other items required under Sections 15.04.140 through 15.04.260 as the director of community development may deem applicable.

D. The director of community development shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary to appropriate to carry out the provisions of this section, and to protect the peace, safety, health and welfare, and to maintain property values.

E. Construction Requirements.

1. Location.
   
a. Dumpster enclosures shall not violate the building setback and parking offset requirements of the zoning district in which the enclosure is located;

b. Dumpster enclosures shall be located at the edges of use areas rather than in the middle of open space, parking lot or along streets; however the plan commission may waive the location requirements of paragraphs (a) and (b) of this subsection when:

   i. In cases of existing development the existing building is at or so close to a building offset that an enclosure would be in the offset; or the property owner can demonstrate that an enclosure so located would result in an unsafe access condition, or
   
   ii. In the case of through lots, or
   
   iii. In cases of new construction the plan commission recommends a contemporary development pattern. i.e., a clustering or placement of buildings that necessitates a departure from this section. In such instances the enclosure will be screened through the combination of grading and/or landscaping so as to screen the exterior walls of the enclosure.
c. Dumpster enclosures not located next to buildings shall be screened with year round landscaping on three sides;

d. The side of the dumpster enclosure with gates or doors, if practical, shall face away from view of public streets and residential uses;

e. The color of the enclosure shall match the exterior wall predominant color of the building.

2. Construction Materials.

a. Acceptable materials for dumpster enclosures include:

   i. Stained or natural wooden fence,
   
   ii. Decorative concrete block,
   
   iii. Brick,
   
   iv. Fieldstone,
   
   v. Prefabricated concrete enclosures,
   
   vi. Chain link fence with slates, in industrial zoned districts only,
   
   vii. Other materials approved by the director of community development or his/her designee;

b. Acceptable door and gate exteriors include:

   i. Metal,

   ii. Wood,

   iii. Other materials, as approved by the director of community development or his/her designee,

   iv. All enclosure materials not approved by the director of community development may be approved after review by the city plan commission or its designee upon request of the applicant.

3. A separate dumpster enclosure shall not be required for any use located in "I" (industrial) zoned property where the garbage, refuse or like items are stored within a properly screened exterior storage area.

F. Maintenance.
1. Painted surfaces shall be kept painted as necessary, for presentable appearance and the preservation of the surfaces that are painted. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration.

2. Enclosure doors shall be kept in good working order. Doors shall be kept closed at all times unless being accessed for removing or adding garbage or refuse.

3. Areas surrounding dumpsters and enclosures shall be kept clean and free of debris, garbage, refuse and other like items at all times.

G. Enforcement. If the landowner, building owner, tenant, or waste removal contractor does not comply with this section, the community development department will issue an order to correct conditions. This order may be issued to the property owner and/or tenant. If the conditions of the order are not met within the stated time frame, a municipal citation will be issued to the property owner (per Section 1.12.010) and/or tenant. (Ord. 2019 § 1, 2005; Ord. 1735 § 1, 2000)

15.04.360 Tennis courts, Sport Courts or similar.

A. Permit Required. No person shall construct, install, enlarge or alter any private tennis, sport court or similar unless a permit therefor has first been obtained from the director and all other provisions of this section are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780.

2. Plans drawn to scale showing the following:
   a. Court dimensions,
   b. Location of the court on the lot on which it is located, distance from lot lines and distance from structures,
   c. Fencing (including type and height of fence) and landscape plan,
   d. Lighting plan;

3. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section. Application shall be forwarded by staff to the plan commission or its designee for review and approval.

B. Construction Requirements.

1. Location. No tennis court, sport court or similar shall be constructed in the front yard of any parcel of property nor shall it be located nearer than ten feet to any structure located on the
subject lot or extend into offset areas or the rear or side yard setbacks without first obtaining a variance from the plan commission.

2. Fencing. Fencing around a private tennis court or similar shall be of minimum number 9 gauge woven wire mesh, corrosion-resistant, and shall be otherwise governed by and subject to Section 15.04.340. Such fence shall be of a maximum height of ten feet. Fences shall be no more visible than a chain link. Fence posts shall be decay- and corrosion resistant and set in concrete bases. The fencing requirements may be waived by the plan commission where foliage or structures provide a substantial equivalent of the fencing required by this section.

3. Drainage. Provision shall be made which is satisfactory to the director to prevent drainage of surface water onto adjoining properties.

4. Lighting. Lighting, if any, shall be shielded so as to direct light only onto the court and protect adjoining properties from such lights. Lights shall be extinguished no later than 10:00 pm.

C. Electrical Requirements. All electrical installations provided for, installed or otherwise used in connection with a private tennis court shall comply with Chapter 15.08, all applicable state laws and regulations and the National Electrical Code.

D. Noise Prohibited. No loud, unnecessary or unusual noises or noises which disturb the peace, quiet and comfort of neighboring residents shall be permitted in connection with the use of a private tennis court, sport court or similar.

E. Hours of Operation. No private tennis court, sport court or similar located within two hundred (200) feet of an adjoining residence shall be operated between eleven p.m. and seven a.m.

F. General Regulations. No private tennis court, sport court or similar shall be operated or maintained so as to create a nuisance, hazard, eyesore or otherwise result in a substantial adverse effect on neighboring properties or in any other way detrimental to the public health, safety and welfare. The director shall refer any complaints or questions under this section to the plan commission, which may issue an appropriate order to terminate the condition complained of. The director shall refer the application for any private tennis court which the director considers to be undesirable in appearance or which might result in conditions described herein to the plan commission. The plan commission may approve, deny or impose appropriate changes of safeguards and its decision shall be based upon the avoidance of a substantial adverse effect on property values in the neighborhood. (Amended during 1997 codification; prior code § 14.14)

15.04.370 Retaining walls.
A. Legislative Purpose. This section is enacted with express reference to the Brookfield concept and it is intended that the Brookfield concept be adhered to with respect to all matters subject to this section and that the construction of retaining walls within the city be avoided where reasonably possible.

B. Permit Required. No person shall construct, install, enlarge, alter, repair or replace any retaining wall unless a permit therefor has first been obtained from the director and all other provisions of this section
are complied with; provided, however, that the following types of retaining walls shall not be required to obtain a permit:

1. Edgings. Edgings less than six inches in height of metal, stone, brick, concrete, timber or other materials around driveways, patios, gardens, flower beds, plantings or trees.

2. Decorative Walls. Decorative walls not in excess of eighteen (18) inches in height and located at least five feet from the lot line used around gardens, plantings, trees, patios or driveways and constructed of natural stone, brick or timbers.

Applications for such permit shall be on forms provided by the director and shall be accompanied by the fee prescribed in Section 15.04.790 and such other items as the director may deem necessary or appropriate. The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

C. Permit Processing.

1. The director may issue a permit for a retaining wall which conforms to all of the following:

   a. Not more than five feet in height and one foot or more from a property line;

   b. Not constructed in a drainageway, drainage swale or drainage easement or city right of way, unless approved by the city engineer.

   c. Is of structurally sound materials, form and color that are harmonious with the surroundings;

   d. Does not have an adverse effect on property values or the values of adjacent or nearby properties.

2. Any application for a permit under this section for any retaining wall designed to be more than five feet high or proposed to be located closer than one foot to a property line shall be referred to the plan commission or its designee and no permit shall be issued unless and until the plan commission or such designee approves same as to appearance, materials, location, drainage and landscape so as to assure that same is consistent with the Brookfield concept and harmonious with and not adverse to the values of adjacent or nearby properties. If the retaining wall is located a minimum of five (5) feet from the property line, the applicant may submit a survey which is over one year old. Any individual who is issued a permit with a survey which is over one year old shall, as a condition of accepting the permit, agree to indemnify and hold harmless the city, its officers and agents from all and any claims in the event that the retaining wall is located within an easement, floodplain, drainageway or other similar encumbrance. The survey must accurately portray existing conditions.
D. Standards. Approval of any retaining wall subject to the provisions of this section shall be based on such factors as the director or the plan commission, as the case may be, may deem relevant, including, without limitation, determinations whether:

1. In the offset area, the difference in grade between lots is better controlled by a retaining wall;

2. In setback areas terrain makes a slope to the road impractical;

3. The retaining wall will be structurally sound and so constructed that it will properly contain and support the ground and pavement, walks and other nearby structures;

4. The appearance, materials, design, location and height are harmonious with the principal structure and consistent with the Brookfield concept;

5. On corner lots, the retaining wall will obstruct the vision setback area.

E. Slopes. No permit shall be issued for a retaining wall where the grading or landscaping of properties in connection therewith, whether residential or commercial, slopes in excess of a ratio of one foot rise per four lineal feet.

F. E. Maintenance. Retaining walls shall be kept and maintained in good sound and presentable condition at all times. Retaining walls which in the discretion of the director are not so maintained or which become an eye sore or otherwise adversely affect the values of adjacent or nearby properties shall be removed or repaired by order of the director. Such order shall provide no less than twenty (20) days nor more than forty (40) (60) days for such removal or repair. (Prior code § 14.15)

15.04.380 Decks.
A. Permit Required. No person shall construct, install, enlarge or alter any deck described in subsection B of this section unless a permit therefor has first been obtained from the director and all other provisions of this section are complied with. Application for a permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. Plans drawn to scale;

3. If the residential deck is located a minimum of twenty (20) feet from the rear and outside of the side offset, the applicant may submit a survey which is over one year old. Any individual who is issued a permit with a survey which is over one year old shall, as a condition of accepting the permit, agree to indemnify and hold harmless the city, its officers and agents from all and any claims in the event that the residential deck is located within an easement, floodplain, drainage way or other similar encumbrance. The survey must accurately portray existing conditions, including all easements.

4. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.
The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Construction Requirements. Any deck subject to this section, including the construction thereof, shall be subject in all respects to the requirements and other provisions of the UDC.

C. Location. A deck shall be located within the setback and offset lines of the lot upon which it is located but in no case closer than ten feet. Side and rear yard offsets shall be a minimum of ten feet from the property line or as regulated by Title 17. Exception: Decks located on substandard single-family residential lots (zoned R-1, R-2 or R-3) that are twelve (12) inches or less above grade are permitted within ten feet of the rear property line.

D. Size. The maximum lot coverage (footprint) of the principal building and deck shall not exceed twenty (20) percent. (Prior code § 14.16)

15.04.390 HVAC equipment.
A. Permit Required. No person shall construct, install, enlarge or alter any HVAC equipment unless a permit therefor has first been obtained from the director under Section 15.04.280 and all other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. Two copies of the manufacturer's brochure, plans, specifications and instructions for the HVAC equipment;

3. Two copies of a site plan indicating the location of the HVAC equipment;

4. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Construction/Other Requirements.

1. Construction Standards. HVAC equipment shall be constructed, installed, enlarged and altered only in accordance with manufacturer's plans and specifications, if any, and all other applicable legal requirements.

2. Noise. No HVAC permit shall be issued if any HVAC equipment which is the subject of such permit would create an unreasonable amount of noise.

3. Screening. In the event that the plan commission requires screening of HVAC equipment as part of any zoning approval for the project to which the HVAC permit relates, applicant's express
agreement to comply with such screening requirements shall be a condition to the issuance of such HVAC permit.

4. Location, no HVAC shall be allowed in the offset or setback areas.

C. Electrical Requirements. All electrical installations provided for, installed or otherwise used in connection with HVAC equipment shall comply with Chapter 15.08, all applicable state laws and regulations adopted by reference in Chapter 15.08. (Prior code § 14.17)

15.04.400 Tents.

A. Permit Required. No person shall erect any tent other than for personal noncommercial use unless a permit therefore has first been obtained from the director and all other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. The manufacturer's brochure and all plans, specifications and instructions and all other documents prepared by the manufacturer of same;

3. Evidence that the tent was erected by a certified dealer and/or installer;

4. Such other items under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Construction Requirements. In addition to the other applicable legal requirements referenced in subsection A of this section, all of the provisions of COMM 62.41, et. seq., SPS 314, NFPA 1, National Fire Prevention Code, SPS 361-366 of the Wisconsin Commercial Building Code shall apply to any tent erected under this section.

C. Occupancy Use of Tents.

1. In addition to all other regulations set forth herein, the use of tents shall be limited to the following:

a. For circuses, carnivals, religious meetings, civic events or similar assembly purposes when parking and sanitary facilities are provided which the director determines to be adequate under the circumstances;

b. For promotional sales when located on the same premises as the principal occupancy use and parking and sanitary facilities are provided which the director determines to be adequate under the circumstances;
2. Tents regulated in subsection (C)(1)(a), (C)(1)(b) of this section shall be erected for a period not to exceed fifteen (15) days;

3. Tents regulated in subsection (C)(1)(a), (C)(1)(b) of this section shall not be permitted more than two times in a calendar year. Tents regulated in subsection (C)(1)(b) of this section shall be erected for a period not to exceed fifteen (15) days.

D. Heating Equipment. Any heating equipment located in or serving a tent shall meet the requirements of Wisconsin Administrative Code COMM 64.20 through 64.23 SPS 364.0304, depending on the capacity of the tent.

E. Electrical Wiring, Equipment and Devices.

1. All electrical wiring, equipment and devices installed in conjunction with occupancies referenced herein shall comply with all of the requirements of the National Electrical Code.

2. A permit shall be required for all wiring outlined in subsection (E)(1) of this section. All wiring, equipment and devices shall be approved by the department prior to occupancy.

F. Capacity. The nominal capacity of a tent shall be calculated on the basis of one person for each ten square feet of ground enclosed. A sign indicating the capacity of the tent shall be posted in a conspicuous location.

G. Fire Protection and Inspection. Wisconsin Administrative Code COMM SPS Chapter 14, Subchapter XIX-(COMM 14.143 through 14.151, inclusive) is incorporated herein by reference. The fire chief or his/her designated inspector shall perform an inspection of all occupancies described in this section. All fire safety requirements shall be satisfied prior to and at all times during such occupancy. The fire chief, police chief and the director shall work in concert and provide such assistance as is necessary or appropriate to ensure compliance with all requirements set forth herein. (Ord. 1819 § 1 (part), 2001; Amended during 1997 codification; prior code § 14.18)

15.04.410 Television satellite dish antennas.

A. Permits Required. No person shall construct, install, enlarge or alter any television satellite dish antenna having a diameter of more than forty (40) inches unless a permit therefor has first been obtained from the director of facilities and inspection services and all other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. Two copies of the manufacturer's plans, specifications and instructions;

3. Plans drawn to scale showing the type, construction and height of the television satellite dish antenna and the size and location of same in regard to existing buildings and lot lines;

4. A true and correct copy of any state or federal law or regulation applicable or relevant to such construction, installation, enlargement or alterations;
5. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Construction and Location Requirements. A television satellite dish antenna subject to this section shall be constructed or erected in accordance with engineering plans, if any, and all manufacturer's specifications and instructions and shall:

1. Be constructed of mesh;

2. Not exceed ten feet in diameter or twelve (12) feet in height;

3. Be adequately screened by bushes or other foliage, such adequacy to be determined by the director;

4. Be ground-mounted; provided, however, that a television satellite dish to be used for commercial or institutional purposes may be roof-mounted so long as it is adequately screened and does not exceed ten feet in diameter and twelve (12) feet in height;

5. Harmonize with the surroundings of the property upon which such antenna is located.

No television satellite dish antenna shall be located within the setback and offset areas of the lot upon which it is located. Side and rear setbacks shall be a minimum of ten feet from the property line and otherwise subject to Title 17. Such antenna shall be located so as to minimize the risk of causing damage to any adjacent or neighboring property.

C. Permit Processing.

1. General. All permit applications under this section shall be referred to the plan commission, which shall pass upon the appearance, materials, design, location, height, harmony with the principal structure on the subject lot and neighboring structures, and consistency with the stated legislative purpose of this section. After approval by the plan commission is obtained, the director shall issue such permit.

2. Exception. Permit application for satellite dish antennas on commercial properties that are roof-mounted and adequately screened from view, where such screening is achieved without roof modification, may be permitted by the director.

D. Electrical Requirements. All electrical installations provided for, installed or otherwise used in connection with a radio broadcast tower or antenna shall comply with Chapter 15.08, all applicable state laws and regulations. (Ord. 1882 § 1, 2002; Prior code § 14.19)

15.04.420 Residential accessory buildings—Regulations.
A. Permit Required. No person shall construct, install, enlarge or alter any yard maintenance building, cabana, gazebo or other similar building ("residential accessory buildings") unless a permit therefor has first been obtained from the director and all other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by such items referenced in Sections 15.04.140 through 15.04.260 as the director determines to be necessary or appropriate; provided, however, that:

1. In the case of premanufactured residential accessory buildings, two copies of the manufacturer's plans, specifications and instructions may be submitted in lieu of plans referenced in Section 15.04.160(A).

2. A landscaping plan shall also be submitted as part of such application.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section. Notwithstanding anything herein to the contrary, no permit shall be required for any residential accessory building having an area of less than thirty (30) square feet.

3. If the residential accessory building is located a minimum of twenty (20) feet from the rear and side property lines and ten feet from all other buildings, the applicant may submit a survey which is over one year old. Any individual who is issued a permit with a survey which is over one year old shall, as a condition of accepting the permit, agree to indemnify and hold harmless the city, its officers and agents from all and any claims in the event that the residential accessory building is located within an easement, floodplain, drainageway or other similar encumbrance. The survey must accurately portray existing conditions, including all easements. Inaccurate surveys will not be accepted and a new survey will be required.

B. No more than a total of two of the following residential accessory buildings shall be located on a residential property: cabana, gazebo, greenhouse, yard maintenance building, pavilion, pergola. The combination of all accessory buildings shall comply with the maximum lot coverage regulations for the zoning district.

C. Construction Requirements.

1. Yard Maintenance Building. One yard maintenance building shall be permitted on a residentially zoned property, subject to the following criteria:

   a. Location. A yard maintenance building shall be erected in the rear yard at least five feet from an interior lot line except as permitted in subsection (B)(1)(b) of this section.

   b. In the case of through lots (lots with no rear offset area), yard maintenance buildings shall be placed in the rear yard and shall be placed with a distance of at least twenty (20) feet from the lot line facing the rear building elevation.

   c. Construction Standards. A residential yard maintenance building shall be built in accordance with the general construction standards established in the UDC and the
dimension limitations and the requirements as to materials, appearance and location set forth in Section 17.28.010(F)(7).

d. Additional Requirements.

i. Such building shall not be placed in an area adjacent to any swimming pool, tennis court, patio or other similar activity area of any adjacent properties.

ii. Such building shall be adequately screened along the elevation facing any street and interior lot lines with bushes or other foliage, such adequacy to be determined by the director.

iii. The maximum height of any yard maintenance building shall be not more than ten feet six inches.

iv. Such building shall be constructed on a permanent base consisting of, in the case of a yard maintenance building, at least six inches of sand or gravel and three-inch surface concrete anchored to the base with a length/width ratio not to exceed 2/1.

v. The area surrounding a yard maintenance building must be kept free of debris and equipment.

vi. Size is limited to one hundred eighty (180) square feet.

vii. Garden sheds may not exceed one hundred twenty (120) square feet on lots of less than twelve thousand (12,000) square feet.

2. Cabanas. One cabana shall be permitted on a residentially zoned property, subject to the following criteria:

a. Location. No cabana shall be located in the setback or offset areas or within ten feet of any other building or structure on the subject lot.

b. Construction Standards. A cabana shall be built in accordance with the general construction standards established in the UDC.

c. Additional Requirements.

i. A cabana shall not exceed two hundred (200) square feet in size.

ii. The maximum height of any cabana shall not exceed twelve (12) feet.

iii. Such building shall be constructed on a permanent base consisting of, in the case of a cabana, at least six inches of sand or gravel and three-inch surface concrete anchored to the base.
iv. The area surrounding a cabana must be kept free of debris and equipment.

3. Gazebos. One gazebo shall be permitted on a residentially zoned property, subject to the following criteria:

   a. Location. No gazebo shall be located in the setback or offset areas or within ten feet of any other building or structure on the subject lot.

   b. Construction Standards. A gazebo shall be built in accordance with the general construction standards established in the UDC.

   c. Additional Requirements.

      i. A gazebo shall not exceed two hundred (200) square feet in size.

      ii. The maximum height of any gazebo shall not exceed fifteen (15) feet.

      iii. Such building shall be constructed on a permanent base consisting of at least six inches of sand or gravel and three-inch surface concrete anchored to the base.

      iv. Fifty (50) percent or more of the walls shall be open or screened.

      v. The area surrounding a gazebo must be kept free of debris and equipment.

4. Greenhouses in Residential Districts. One greenhouse shall be permitted on a residentially zoned property, subject to the following criteria:

   a. Location. No greenhouse shall be located in the setback or offset areas or within ten feet of any other building or structure on the subject lot. Greenhouses must be placed in the rear yard.

   b. Construction Standards. A greenhouse shall be built in accordance with the general construction standards established in the UDC.

   c. Additional Requirements.

      i. A greenhouse shall not exceed one hundred eighty (180) square feet in size.

      ii. The maximum height of a greenhouse shall not exceed fifteen (15) feet.

      iii. Such building shall be constructed on a permanent base consisting of at least six inches of sand or gravel and three-inch surface concrete anchored to the base.

      iv. The area surrounding a greenhouse must be kept free of debris and equipment.

      v. Temporary greenhouses shall be prohibited. Greenhouses must be constructed with glass or rigid plastic panels, in a framed structure which is secured to the concrete base.
vi. Greenhouses which are attached to the principal building are regulated by rules associated with building additions.

vii. A survey must be submitted to the inspection services department as part of the plan review process. This survey must be less than one year old.

5. Pergolas and Pavilions in Residential Districts. One pergola or pavilion shall be permitted on a residentially zoned property, subject to the following criteria:
   
a. Location. No pergola or pavilion shall be located in the setback or offset areas or within ten feet of any other building or structure on the subject lot. Pergolas and pavilions must be placed in the rear yard.
   
b. Construction Standards. Pergolas and pavilions shall be built in accordance with the general construction standards established in the UDC.
   
c. Additional Requirements.
      
i. Pergolas and pavilions shall not exceed two hundred (200) square feet in size.
      
ii. The maximum height of a pergola or pavilion shall not exceed fifteen (15) feet.
      
iii. Such structure shall be permanently attached to the ground via concrete footings.
      
iv. Pergolas or pavilions which are attached to the principal building are regulated by rules associated with building additions.

vii. A survey must be submitted to the inspection services department as part of the plan review process. This survey must be less than one year old.

D. Exterior Finish Materials. A residential accessory building shall have exterior roof and siding finishes that are compatible with the primary structure on the subject lot and neighboring properties. Greenhouses shall have transparent walls and roof made of glass or rigid plastic.

E. Plan Commission Approval Required. No permit under this section shall be issued for a greenhouse, cabana or gazebo unless and until the plan commission or its designee approves same as to appearance, materials and location so as to assure that same is harmonious with and not adverse to the values of adjacent or nearby properties. (Ord. 2372-14 §§ 2, 3, 2014; Ord. 2316-13 § 1, 2013; Ord. 2148-08 § 2, 2008; Ord. 1755 § 1, 2000; prior code § 14.20)

15.04.430 Solar collector systems.

A. Permit Required. No person shall erect any solar collector system or any component thereof unless a permit therefor has first been obtained from the director and all other applicable legal requirements are
complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. The manufacturer's brochure and all plans and specifications and all other documents prepared by the manufacturer of same;

3. Plans drawn to scale showing the extent to which the solar collector system would create shadows or otherwise block direct sunlight on adjacent or neighboring properties;

4. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Plan Commission Approval Required. No permit under this section shall be issued for the following types of solar collector systems unless and until the plan commission approves the same as to appearance, materials and location so as to assure that same is harmonious with and not adverse to the values of adjacent or nearby properties:

1. Free-standing systems;

2. A system, any part of which projects more than two feet above the plane of the roof to which it is attached;

3. A system which is located on the front elevations of the building to which it is attached;

4. A system which has a total surface area of more than two hundred (200) square feet;

5. Any other system which the director determines should be submitted to the Plan Commission for approval. (Prior code § 14.21)

15.04.435 Wind energy systems.
A. Permit Required. No person shall erect any wind energy system or any component thereof unless a permit therefor has first been obtained from the director and all other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. The manufacturer's brochure and all plans and specifications and all other documents prepared by the manufacturer of same;
3. Plans drawn to scale showing the extent to which the wind energy system would create shadows or otherwise block direct sunlight on adjacent or neighboring properties;

4. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Plan Commission Approval Required. No permit under this section shall be issued for wind energy systems unless and until the plan commission approves the same as to appearance, materials and standards so as to assure that same is harmonious with and not adverse to the values of adjacent or nearby properties. (Ord. 2289-12 § 2 (part), 2012)

15.04.440 Reroofing.
A. Permit Required. No person shall construct, install or replace a roof covering on top of any existing roof covering of any dwelling, or other building or structure unless a permit therefor has first been obtained from the director and all other provisions of this section and otherwise of this chapter and other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the fee prescribed in Section 15.04.780 and such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable. The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Limit on Layers. No more than two layers of roof covering shall be permitted on any dwelling or other building or structure unless the director approves additional layers.

C. Construction Requirements. All construction, installation or replacement of a roof governed by this section shall be performed in accordance with all applicable legal requirements including, without limitation, the UDC. (Prior code § 14.22)

D. Commercial properties shall obtain approval from the plan commission or its designee, prior to applying for a reroofing permit.

15.04.450 Re-siding.
A. Permit Required. No person shall construct, install or replace exterior aluminum or other siding on any dwelling, or other building or structure unless a permit therefor has first been obtained from the director and all other provisions of this section and otherwise of this chapter and other applicable legal requirements are complied with. Application for such permit shall be on forms provided by the director and shall be accompanied by the fee prescribed in Section 15.04.780 and such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable. The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.
B. Construction Requirements. All construction, installation or replacement of exterior aluminum or other siding governed by this section shall be performed in accordance with all applicable legal requirements, including, without limitation, the UDC. (Prior code § 14.23)

C. Commercial properties shall obtain approval from the plan commission or its designee, prior to applying for a residing permit.

15.04.460 Parking lots.
A. Permit Required. No person shall construct, install, enlarge or alter any parking lot or parking area (i.e., anywhere vehicles are regularly parked which is a required parking space for purposes of Title 17, and as defined in said title) unless a permit therefor has first been obtained from the director and all other provisions of this section and otherwise of this chapter and other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. A survey prepared by a surveyor registered by the state of Wisconsin showing all of the items described in Section 15.04.160(B) and, in addition, the following:
   a. The location and size of the parking lot, the dimensions, including widths, of all parking stalls and driveways and the location and dimensions of all buildings on the lot, both existing and proposed,
   b. Grade of parking lot and of all other portions of the property upon which parking lot is to be located, including existing and proposed contours at a maximum of two-foot intervals;

3. A description of all materials to be used in the construction of the parking lot;

4. A landscaping plan which shall include such year-round screening as specified in Title 17, to prevent headlights of vehicles located on such parking lot or parking area from directly shining on adjacent properties;

5. A lighting plan, if any, such lighting to be blocked or shielded so as to prevent the direct shine of light onto adjacent properties;

6. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section.

B. Plan Commission Approval R required for all new parking lots and additions to existing parking lots. All permit applications under this section shall be referred to the plan commission which shall pass upon appearance, materials, drainage, size and location so as to assure that the parking lot is harmonious with
and not adverse to the values of adjacent or nearby properties. No permit under this section shall be issued by the director unless and until the issuance of such permit is approved by the plan commission.

The director may forward to the plan commission repaving of an existing parking lot, if it has existing problems that may not be addressed without grading or drainage changes.

C. Construction Requirements. Any parking lot or parking areas subject to this section shall be constructed of concrete, asphalt or other hard surface and shall be subject to approval by the plan commission. (Prior code § 14.24)

15.04.470 Grandstands.
A. No person shall erect reviewing stands, amusement park structures, stadia, bleachers, grandstands, portable grandstands or sectional benches unless a permit therefor has first been obtained from the director and all other provisions of this section and all other applicable legal requirements (including, without limitation, Wisconsin Administrative Code COMM 62.71) are complied with. Application for a permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. Plans drawn to scale (or, in the case of premanufactured items subject to this section, two copies of the manufacturer’s plans, specifications and instructions) showing how the provisions of this section and all other applicable legal requirements shall be complied with;

3. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section. The director shall determine if the proposed site is safe for each proposed use. All items subject to this section shall also be subject to all other provisions of this section.

B. Notwithstanding anything to the contrary in this code or any other applicable legal requirement, any permit issued under this section shall expire fifteen (15) days after such issuance.

C. As a condition to the granting of a permit under this section, the applicant consents to such inspections as the director may determine to be necessary from time to time and at any reasonable time to verify compliance with the provisions of this code and other applicable legal requirements and otherwise for the public health and safety. (Ord. 1819 § 1 (part), 2001; prior code § 14.25)

15.04.480 Maintenance of buildings and structures.
A. Purpose. The purpose of this section is to recognize and protect the private and public benefits resulting from safe, sanitary and attractive residential and nonresidential buildings, structures, yards and vacant areas. Attractive and well-maintained properties enhance neighborhoods and the city and provides a suitable environment for increasing physical and monetary values.
B. Minimum Requirements. It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots, to improve and maintain all property under their control to comply with the following minimum requirements.

C. Building and Utility Maintenance.

1. Painted surfaces shall be kept painted as necessary, for presentable appearance and the preservation of the surfaces that are painted. 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.

2. Doors and windows shall be kept in good working order. Cracked, loose and broken window panes shall be replaced and made secure. Exterior door locks shall be kept in good working order.

3. Toilets, tubs, sinks and drains shall be kept in good working order.

4. Septic tank systems shall be kept covered and otherwise in good working order.

5. An adequate and sanitary supply of water shall be made available at all times.

6. Heating units shall be kept in safe and good working order at all times.

7. Water from swimming pools, roof drains, sump pumps, and other similar devices shall not be discharged from a property in a way which would adversely impact neighboring properties.

8. All foundations, exterior walls, roofs, floors, interior walls, ceilings, windows, exterior doors, stairways, porches, plumbing fixtures, chimneys, bathroom floor surfaces, equipment and facilities shall be kept in sound good condition and good repair, safe to use and free from defects.

D. Exterior Property Areas. All exterior property areas shall be kept in a clean and sanitary condition; free from any accumulation of combustible or noncombustible material, debris or refuse.

1. Residential yards and exterior property areas shall be kept clean and free of debris, material and storage of equipment. Prohibited materials include, but are not limited to, yard waste, litter, lumber, scrap metal, motor vehicle parts, discarded or nonfunctional household appliances and furniture. Owners or occupants shall take measures including daily cleanup of premises to prevent litter from being carried by the elements to adjoining premises. This regulation shall not apply to the outdoor storage of building materials while construction or alterations are taking place on the site; firewood when cut to fireplace or stove size lengths and neatly and tightly stored in the rear yard of a property, outside of the offset area. Firewood shall be stored in an unobtrusive area and shall not be used as a screening device or fence.

2. Outside accessory buildings and structures, including, but not limited to, storage sheds, gazebos, decks, swimming pools, cabanas, dog houses, flag poles, fences, kennels, rabbit
hutches, play houses, tree houses, barbeque pits and planters shall be maintained in good repair, painted or stained, and in a clean and sanitary condition.

3. Garbage receptacles, when stored outside, shall be leakproof, secure against rodents and have permanent covers. Garbage receptacles shall be stored in an unobtrusive area and shall be screened from off premises view.

4. Compost piles shall be permitted provided they adhere to the following regulations:
   a. Compost shall be enclosed in a freestanding compost bin. A compost bin shall be no larger in volume than sixty-four (64) cubic feet, and shall be no taller than four feet.
   b. Compost piles must be located in rear yard areas and outside of the offset area.
   c. On through lots or lots with multiple setbacks, they shall be placed at least twenty (20) feet from any lot line in the rear yard area.
   d. Compost piles shall be located and maintained in a manner that does not produce noxious odors or rodent harborage, nor shall they be allowed to deteriorate to a point of being an eyesore or nuisance.

5. Properties shall be landscaped, mowed and trimmed so as to maintain a height of grass no greater than eight inches unless allowed in another section of the municipal code.

6. Driveways and sidewalks shall be kept in sound and good condition and repair.

7. Storage of automobiles, and other motor vehicles, except recreational vehicles, shall be limited to the garage, driveway areas and side of garage concrete pads of residential properties.

8. Construction Sites. The property owners and the principal contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers which will prevent litter from being carried from the premises by the elements. Burning of litter from construction activities or related activities is prohibited.

   a. Definitions.

"Class A motor home" means the largest and most luxurious of the motorized recreational vehicles. Entirely constructed on a bare, specially designed motor vehicle chassis; this unit includes all of the amenities and varies in size from twenty-one (21) to forty (40) feet in length.

"Class B motor home" means a van exceeding twenty-one (21) feet in length that has been customized to include temporary sleeping, eating and bathroom facilities.
“Class C motor home,” also referred to as a “mini-motor home,” means a unit built on a van frame with an attached cab section; the unit varies in size from twenty (20) to twenty-eight (28) feet.

“Fifth-wheel trailer” means that the unit is affixed and towed by a pickup equipped with special hitch in the truck bed; the unit varies in size from twenty-one (21) to forty (40) feet.

“Folding tent camper” means a lightweight unit with sides that collapse for towing and storage. The unit is also commonly referred to as a “pop up camper;” the unit’s size is approximately fifteen (15) feet.

“Large boat” means any boat that exceeds the size standards set forth in the small boat definition.

“Large enclosed utility trailer” means an enclosed trailer pulled by a van, car or pickup truck; it is larger than five feet by eight feet and higher than three feet.

“Large trailer” means any trailer in excess of “utility trailer” as defined.

“Small boat” means a boat that typically will fit into a garage stall. The unit is no larger than eighteen (18) feet in length, seven feet in height and ten feet in width.

“Travel trailer” means the unit is designed to be towed by a car, van or pickup by means of a bumper or frame hitch; the unit varies in size from twelve (12) to thirty-five (35) feet.

“Truck camper” means a unit loaded onto the bed or chassis of a pickup; the unit varies in size from eighteen (18) to twenty-one (21) feet.

“Utility trailer” means a trailer with a bottom that is not larger than eight feet by five feet.

b. Compliance Requirements. Except as provided in Section 17.136.090 of this code, no recreational vehicles shall be parked on residential property unless the following conditions are satisfied:

i. Folding Tent Campers (Minor). Storage and parking of folding tent campers is permissible on the driveway more than twenty (20) feet from the right-of-way (ROW) or in the side yard adjacent to the garage more than five feet from the property line. If parked on the driveway only between April 1st and October 31st, no screening is required.

ii. Small Utility Trailer Five Feet by Eight Feet (Minor). Storage and parking of a small utility trailer is permissible in the driveway more than twenty (20) feet from the ROW, in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line. If parked on the driveway only between May 1st and November 30th, no screening is required.
iii. Off Road Vehicle Trailer (Minor). Storage and parking of off road vehicle trailers is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.

iv. Boat Less than or Equal to Eighteen (18) Feet (Minor). Storage and parking of a boat less than or equal to eighteen (18) feet is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.

v. Boat Larger than Eighteen (18) Feet (Major). Storage and parking of a boat larger than eighteen (18) feet is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.

vi. Truck Camper (Minor). Storage and parking of a truck camper is permissible in the side yard adjacent to the garage more than five feet from the property line.

vii. Fifth Wheel Travel Trailer (Major). Storage and parking of a fifth wheel travel trailer is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.

viii. Travel Trailer (Major). Storage and parking of a travel trailer is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.

ix. Class A and Class C Motor Home (Major). Storage and parking of a Class A or Class C motor home is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.

x. Class B Motor Home (Major). Class B motor homes that exceed twenty-one (21) feet in length are permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line. Class B motors less than twenty-one (21) feet are considered conversion vans for the purpose of this section.

xi. Large Utility Trailer Larger than Five Feet by Eight Feet (Major). Storage and parking of a large utility trailer larger than five feet by eight feet is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.

xii. Large Enclosed Utility Trailer Larger than Five Feet by Eight Feet and Larger than Three Feet High (Major). Storage and parking of a large enclosed utility trailer is permissible in the side yard adjacent to the garage more than five feet from the property line or in the rear yard more than five feet from the property line.
c. Non-Conforming Location Permit.

i. Residents of the city who own recreational vehicles on the date of adoption of this subsection, and who currently store said vehicles at their residence within the city, but who are unable to comply with the requirements relating to location may be eligible for a location permit. The applicant must show the existence of one or more of the following conditions:

   (A) Significant manmade or natural topographical conditions are present that the city deems best undisturbed.

   (B) High-quality or historically significant landscape elements would be adversely impacted or destroyed absent an adjustment to standards.

   (C) A spatial pattern of investment in the parcel would be jeopardized by requiring the parking of a recreational vehicle in compliance with all standards established in this subsection.

ii. For the purpose of this subsection, the argument of monetary impact cannot be the sole reason for modification to the parking and storage requirements.

iii. In addition, the applicant must provide the following information:

   (A) Documentary evidence which establishes that said applicant owned the recreational vehicle prior to the date of adoption of the recreational vehicle ordinance;

   (B) The non-conforming location permit must be applied for within eighteen (18) months of the date of adoption of the recreational vehicle ordinance;

   (C) The non-conforming location permit shall apply to the current property owner-only, and the permit becomes invalid when the property exchanges hands. New property owners do not retain the ability to receive a non-conforming permit. New property owners must comply with the recommended requirements for the storage of recreational vehicles on the subject property. Current recreational vehicle owners retain the ability to receive a new permit in cases where the owner purchases a different recreational vehicle, provided the new vehicle falls under the non-conforming location permit requirements. Furthermore, property owners can only receive one non-conforming location permit for one recreational vehicle.

iv. The one-time fee for said permit shall be fifty dollars ($50.00).

d. Screening. Unless parked for purposes of loading or unloading, or as otherwise provided by this code, all recreational vehicles, whether parked in a conforming location or location by permit, must provide screening to the height of the vehicle or six feet, whichever
is less. Screening shall be in the form of trees or bushes that provide year-round opacity, and shall be placed along the sides of the vehicle facing all interior property lines.

d. e. Covering of Vehicles. In the event a tarp or other material is used to cover the vehicle the color of said tarp or material must be an earthen tone.

e. f. Number of Vehicles. No more than three recreational vehicles are permissible on residential property. The three recreational vehicles allowed can consist of any combination, provided the combination does not exceed one major vehicle as enumerated in this section.

f. g. Loading and Unloading of Recreational Vehicles. Recreational vehicles may be parked in non-permitted locations, for the sole purpose of loading and unloading the said vehicle, for up to ten days. This provision is not meant to circumvent the intent of this code.

g. h. Residence of Owner. The parking of recreational vehicles is allowed only on residential property by the legal residents of said property. All recreational vehicles parked on residential property within the city must be owned by the legal resident of said property. This applies to vehicles parked in conforming locations as well as those parked by permit. This does not apply to vehicles parked while loading or unloading pursuant to this code or pursuant to Section 17.136.090 of this code.

h. i. Appeals. An appeal of a decision related to the provisions of this section shall be to the Board of Appeals. All provisions of Chapter 17.12 of this code shall apply to such appeals, except that the filing fee shall be one hundred fifty dollars ($150.00).

i. j. Landscaping and grading The owner of any recreational vehicle which is parked without a permit shall comply with the location requirements, including any necessary grading and landscaping, within two years from the date of the adoption of this section.

10. Temporary storage containers that are moved by mechanical means shall not remain on a property longer than thirty (30) days or longer than the period of a building permit issued for the property, whichever period is longer. Such containers shall not be placed in the setback area.

E. Enforcement. In addition to the enforcement remedies described in the Building Code, the director or his/her duly authorized agents may issue temporary orders to enforce the provisions of this section, giving the occupant or owner, or both, a reasonable time depending upon the nature of the required maintenance work, no more than sixty (60) days to correct a violation of this section. The order may provide that if the owner or occupant does not perform the required maintenance work, the city shall cause the same to be done and the cost thereof certified and charged against the property as a special tax, collectible with general real estate taxes. Any person who violates an order hereunder shall be subject to an action in injunction, mandamus, abatement or other action or proceeding that the director may deem appropriate as authorized in Section 62.23(8), Wisconsin Statutes and Chapter 1.12 of the city of Brookfield Municipal Code. (Ord. 2116-07 § 2, 2007; Ord. 1995-05 § 1, 2005; Ord. 1923 §§ 1, 2, 2003; Ord. 1621 § 1, 1997; prior code § 14.26)
15.04.490 Prefabricated construction.
No person shall erect or construct or cause to be erected or constructed any prefabricated or manufactured dwelling, building, structure or building system or component of same within the city or improve, enlarge, alter, convert or extend same unless a permit therefor shall first be obtained from the department in accordance with Section 15.04.280 along with appropriate fees in accordance with the Wisconsin Administrative Code and such dwelling, building or structure bears the Wisconsin insignia issued or a state seal or an insignia reciprocally recognized by the department. (Prior code § 14.29(1))

15.04.500 Above ground and underground storage tanks—General provisions.
A. Intent. It is the intent of this section and Sections 15.04.510 through 15.04.590 to provide for the regulation of all temporary and permanent above ground and underground storage tanks within the city existing or erected on or after the effective date of the ordinance codified in this chapter.

B. Adoption by Reference. In addition to the requirements of this section and Sections 15.04.510 through 15.04.590, the design and installation of all above ground storage tanks shall comply with the requirements of Wisconsin Administrative Code COMM 10 and 11, the National Fire Protection Association Standards, the administrative guidelines for waste oil systems adopted by the board of zoning appeals on May 21, 1992, and any applicable Underwriters Laboratories Standards, or any other standards accepted by the Wisconsin Department of Commerce.

C. Definitions.

1. “Permanent storage tank” means any storage tank used for one hundred eighty (180) or more consecutive days at a location.

2. “Secondary storage tank” means a system installed around a tank designed to prevent a tank release from migrating beyond the secondary containment system. Such system shall be either a double-walled tank system or a containment vessel system with a capacity of at least one hundred twenty-five (125) percent of the capacity of the tank.

3. “Site” means the entire area included in the legal description of and on which any storage tank is proposed in the permit application.

4. “Storage tank” means any stationary device designed to contain an accumulation of liquefied petroleum gas or any combustible or flammable liquid, as defined under Wisconsin Administrative Code COMM 10, except those which are less than three hundred (300) gallons in capacity and used for the storage of heating fuel.

5. “Temporary storage tank” means any storage tank used for less than one hundred eighty (180) consecutive days at a location. (Ord. 1819 §§ 1 (part) and 2(part), 2001; Ord. 1739 § 1 (part), 2000: prior code § 14.295(1)-(3))

15.04.510 Permanent above ground storage tanks.
A. Permit Required.
1. No permanent above ground storage tank shall be used, installed, erected, moved or altered in any way without first obtaining a permit from the city.

2. Application for the permit shall be made in writing to the community development department upon forms furnished by the department with the requisite fee.

3. All permit applications shall contain the following:
   
a. Site plans setting forth the location of:
      
i. Lot lines and easements of record,
      
ii. Proposed and/or existing above ground storage tanks,
      
iii. Buildings and structures,
      
iv. Fresh water wells within one hundred (100) feet of any proposed or existing tank,
      
v. Watercourses, drainage ditches, storm sewer inlets and wetlands on or contiguous to the site;

b. Complete specifications of the storage tank, containment vessels and fuel dispensing equipment;

c. A detailed drawing of any fence, including construction and materials specifications;

d. If required by the community development department, a landscape plan indicating the height, type and other specifications of the planting screen.

4. Permits issued under this subsection shall be valid for one year. Such permits may be renewed by the city upon application to the community development department with the requisite fee.

B. Permanent above ground storage tanks shall not be allowed in residential zoned areas, unless allowed by exception of the plan review board, plan commission, and the common council.

C. Permanent above ground storage tanks shall comply with the following design specifications and installation guidelines:

1. Tanks shall be placed on a properly engineered base and elevated one foot above the ground or dike/containment vessel floor.

2. The cumulative capacity of all tanks on a site shall not exceed one thousand one hundred (1,100) gallons.

3. All tanks shall have a secondary containment system to prevent migration of any tank release.
4. Crash protection shall be provided for around every tank. Such protection shall consist of four-inch diameter concrete filled schedule forty (40) galvanized pipes that extend a minimum of forty-eight (48) inches below grade and a minimum of thirty-six (36) inches above grade. The pipes shall be spaced not more than four feet apart on center such that they completely surround the storage tank.

5. All tanks shall be located at least twenty-five (25) feet from any building or structure. Tanks are prohibited within building setbacks and offset areas as defined in Title 17.

6. Fire extinguisher having a rating of at least 20 BC shall be kept within fifty (50) feet of any tank. Extinguishers shall be accessible without obstruction.

7. All tanks and dispensing equipment shall be adequately secured from tampering by a fence at least six feet in height.

8. All tanks shall be screened from view by a fence or dense landscaping or both. Such screening is subject to review and approval by the director of community development.

D. The director of community development may forward any request for an aboveground tank to the board for approval. Properties zoned retail, office or conditional use shall be forwarded to the board for review. (Ord. 1739 § 1 (part), 2000: prior code § 14.295(4))

15.04.520 Temporary above ground storage tanks.

A. Temporary above ground storage tanks are prohibited, except:

1. For use on construction sites; or

2. For use in the event of an emergency.

B. Prior to any use, the location of all temporary above ground storage tanks shall be reviewed and approved by the director of community development or the director's designee.

C. Tanks shall be placed on a properly engineered base and elevated one foot above the ground or dike/containment vessel floor.

D. Permit Required.

1. No temporary above ground storage tank shall be used, installed, erected, moved or altered without first obtaining a permit from the city.

2. Application for such permit shall be made in writing to the community development department upon forms furnished by the department with the requisite fee.

3. All permit applications shall contain the following:

   a. Site plan setting forth the location of all:
i. Lot lines and easements of record,

ii. Proposed and/or existing above ground storage tanks,

iii. Buildings and structures.

iv. Fresh water wells within one hundred (100) feet of any proposed or existing tank,

v. Watercourses, drainage ditches, storm sewer inlets and wetlands on or contiguous to the site;

b. Complete specifications of the storage tank, containment vessels and fuel dispensing equipment.

4. Permits issued under this section shall be valid for one hundred eighty (180) days. Such permits may be renewed upon application to the community development department with the requisite fee.

E. All temporary above ground storage tanks shall have a secondary containment system designed to prevent the migration of any tank release. (Ord. 1739 § 1 (part), 2000; prior code § 14.295(5))

15.04.530 Permanent liquefied petroleum gas storage tanks.

A. All permanent liquefied petroleum gas storage tanks must conform to the requirements of:

1. Wisconsin Administrative Code COMM Ch. 11, Liquefied Petroleum Gases;

2. National Fire Protection Association Standard 58;

3. All applicable American Gas Association Standards.

B. Permit Required.

1. No permanent liquefied petroleum gas storage tank shall be used, installed, erected, moved or altered in any way without first obtaining a permit from the city.

2. Application for the permit shall be made in writing to the community development department upon forms furnished by the department with the requisite fee.

3. All permit applications shall contain the following:

   a. Site plan setting forth the location of all:

      i. Lot lines and easements of record,

      ii. Proposed and/or existing above ground storage tanks on site,

      iii. Buildings and structures;
b. Complete specifications of the storage tank, containment vessels and dispensing equipment;

c. A detailed drawing of any fence, including construction materials specifications;

d. If required by the community development department, a landscape plan indicating the height, type and other specifications of any planting screen.

4. Permits issued under this section shall be valid for one year. Such permits may be renewed upon application to the community development department with the requisite fee.

C. Permanent liquefied petroleum gas storage tanks shall not be located in residentially zoned areas.

D. Permanent liquefied petroleum gas storage tanks shall comply with the following design specifications and installation guidelines.

1. Tanks shall be placed on a properly engineered base and elevated one foot above the ground or dike/containment vessel floor.

2. Crash protection shall be provided for around every tank. Such protection shall consist of four-inch diameter concrete filled schedule forty (40) galvanized pipes that extend a minimum of forty-eight (48) inches below grade and a minimum of thirty-six (36) inches above grade. The pipes shall be spaced not more than four feet apart on center such that they completely surround the storage tank.

E. The director of community development may forward any request for an aboveground tank to the board for approval. Properties zoned retail, office or conditional use shall be forwarded to the board for review. (Ord. 1819 § 1 (part), 2001; Ord. 1739 § 1 (part), 2000: prior code § 14.295(6))

15.04.540 Temporary liquefied petroleum gas storage tanks.

A. All temporary liquefied petroleum gas storage tanks shall comply with Section 15.04.530.

B. Permit Required.

1. No temporary liquefied petroleum gas storage tank shall be used, installed, erected, moved or altered in any way without first obtaining a permit from the city.

2. Application for the permit shall be made in writing to the community development department upon forms furnished by the department with the requisite fee.

3. All permit applications shall contain the following:

   a. Site plan setting forth the location of all:

      i. Lot lines and easement of record,

      ii. Proposed and/or existing above ground storage tanks,
iii. Buildings and structures,

iv. Fresh water wells within one hundred (100) feet of any proposed or existing tank,

v. Watercourses, drainage ditches, storm sewer inlets and wetlands on or contiguous to the site;

b. Complete specifications of the storage tank, containment vessels and fuel dispensing equipment;

c. A detailed drawing of any fence, including construction and materials specifications;

d. If required by the community development department, a landscape plan indicating the height, type and other specifications of any planting screen.

4. Permits issued under this section shall be valid for not more than one hundred eighty (180) days. Such permits may be renewed upon application to the community development department with the requisite fee.

C. Temporary liquefied petroleum gas storage tanks shall only be allowed in those districts of the city zoned industrial (I).

D. Tanks shall be placed on a properly engineered base and elevated one foot above the ground or dike/containment vessel floor. (Ord. 1739 § 1 (part), 2000: prior code § 14.295(7))

15.04.550 Underground storage tanks.
The regulations and requirements of Wisconsin Administrative Code COMM SPS 310, National Fire Protection Association Standards, and any other standards accepted by the Wisconsin Department of Safety and Professional Services Commerce are hereby adopted by reference and apply wherever applicable to existing or proposed underground storage tanks. (Ord. 1819 §§ 1 (part) and 2 (part), 2001; Ord. 1739 § 1 (part), 2000: prior code § 14.295(10))

15.04.560 Storage tanks—Permit fees.
The following fees shall be charged by the community development department and paid by the permittee:

A. Permanent Above-Ground Storage Tanks:

1. Application and site plan review: twenty-five dollars ($25.00).

2. Inspection fee: fifty dollars ($50.00).

3. Annual permit renewal and inspection: fifty dollars ($50.00).

B. Temporary Above-Ground Storage Tanks:

1. Application, site plan review and inspection: fifty dollars ($50.00).
2. Permit renewal and inspection: fifty-dollars ($50.00).

C. Permanent Liquefied Petroleum Gas Storage Tanks.
   1. Application and site-plan review: twenty-five dollars ($25.00).
   2. Inspection fee: fifty-dollars ($50.00).
   3. Annual permit renewal and inspection: fifty-dollars ($50.00).

D. Temporary Liquefied Petroleum Gas Storage Tanks.
   1. Application, site-plan review and inspection: fifty-dollars ($50.00).
   2. Permit renewal and inspection: fifty-dollars ($50.00). (Ord. 1739 § 1 (part), 2000; prior code § 14.295(8))

16.04.570 Storage tanks—Inspection.
A. Permanent liquefied petroleum gas and above ground storage tanks for which permits have been issued under Section 15.04.510(A) or 15.04.530(B) shall be inspected within sixty (60) days of the issuance of such permit.

B. Temporary liquefied petroleum gas and above ground storage tanks for which a permit has been issued under Section 16.04.520(D) or 16.04.540(B) shall be inspected within fifteen (15) days of the issuance of such permit.

C. The community development department shall inspect all permanent liquefied petroleum gas and above ground storage tanks subject to Sections 15.04.510 through 15.04.550 annually. (Ord. 1739 § 1 (part), 2000; prior code § 14.295(9))

16.04.580 Storage tanks—Administration and enforcement.
A. Sections 15.04.510 through 15.04.550 shall be administered and enforced by the director of community development and his or her designee.

B. The community development department shall give written notice of any violation under Sections 15.04.510 through 15.04.550 to the permittee or, if none, to the owner of the property upon which the tank is located.

C. A permit issued under Sections 15.04.510 through 15.04.550 shall be revoked by the community development department if, after notification, the permittee has failed to comply with the requirements of said sections or any conditions specified in the permit within fifteen (15) days of receiving the notice.

D. Storage tanks found to be in violation of any of the requirements of Sections 15.04.510 through 15.04.550 shall be brought into compliance within thirty (30) days of written notification of noncompliance or be removed.
E. If, after thirty (30) days from the date of notice of noncompliance, the tank has not been brought into compliance or removed, the city shall cause the removal of the tank and mitigation of any improper site conditions.

F. If an above-ground storage tank creates a hazardous condition with respect to any person or property, the fire department shall have the authority to immediately mitigate the hazardous condition by all reasonable means necessary, including removal of the tank and mitigation of any improper site conditions.

G. The permittee and/or property owner shall be liable for all costs incurred by the city under subsections E and F of this section. The city shall bill costs to the permittee or the landowner. In the event that the permittee or landowner fails to pay the amount due, the city clerk shall enter the amount due on the tax rolls and collect it as a special charge against the property, pursuant to Section 66.0627, Wisconsin Statutes. (Ord. 1819 § 3 (part); 2001; Ord. 1739 § 1 (part), 2000: prior code § 14.295(11))

15.04.590 Storage tanks—Appeals.

A. Board of Zoning Appeals.

1. The board of zoning appeals shall act as the board of appeals for Sections 15.04.510 through 15.04.590. All decisions of the board shall be final.

2. The board shall hear and decide appeals where it is alleged that there is any order, decision or determination made by the director of community development, the community development department or their designees in administering Sections 15.04.510 through 15.04.590.

3. Upon appeal, the board may authorize variances from the provisions of Sections 15.04.510 through 15.04.590 which are not contrary to the public interest, including protection from and prevention of fire hazards and where, owing to special conditions, a literal enforcement of the provisions of Sections 15.04.510 through 15.04.590 will result in undue hardship to the permittee or property owner.

4. Appeals to the board of zoning appeals may be taken by any aggrieved person or by any officer, department, board or bureau of the city affected by any decision of the director of community development, the community development department or their designees.

5. No tank shall be used, installed, moved or altered pending the outcome of an appeal, except under Section 15.04.580(F).

B. Procedure. Upon disapproval of a permit or issuance of an order requiring corrective action, an applicant, permittee or property owner may appeal to the board of zoning appeals by submitting a written request therefor to the director of community development not more than thirty (30) days after denial of a permit or issuance of any order. The board shall consider the appeal at its next regularly scheduled meeting. (Ord. 1739 § 1 (part), 2000: prior code § 14.295(12))

15.04.600 Tests generally.
The director may require that any materials, methods, systems, components or equipment utilized or otherwise employed in connection with matters subject to this chapter or the other subject chapters be tested to determine the suitability for their intended use and approved by the director. The director may accept results conducted by a recognized independent testing agency. The cost of such testing shall be borne by the person requesting such approval.

A. Any such testing method shall be one that is a nationally recognized standard, to be determined by the director.

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

C. Ungraded or used building materials may be used or reused only so long as such materials possess the essential properties necessary to achieve the level of performance required by the applicable legal requirements for the intended use. The director may require tests under this subsection to confirm same. (Prior code § 14.29(2))

15.04.610 Notice to buyer of code violations.
Any owner selling property within the city must give notice to any prospective purchaser of the existence of any notice of violation of this chapter, the other subject chapters or any other plumbing, electrical or other applicable legal requirements. (Prior code § 14.29(3))

15.04.620 Enforcement responsibility.
Except as otherwise provided in this chapter, the director and his/her duly authorized agents shall be primarily responsible to enforce the provisions of this chapter and the decision of the plan commission, the board of Appeals and all other applicable legal requirements relating to matters subject to this chapter, and to perform all of the various duties as prescribed in all other applicable legal requirements in such a manner that the spirit and intent thereof shall be observed and the public welfare and safety assured; provided, however, that the director shall not have the authority to override a determination of any municipal official in any other department as to any matter with respect to which such official has decision making authority under this code unless the director is authorized to do so by the mayor. Except as otherwise provided herein, the director shall be the final authority on interpretation as to matters within the scope of this section and Sections 15.04.630 through 15.04.770. (Prior code § 14.27(1))

15.04.630 Fines generally.
Any person who, in the judgment of the director, uses, occupies or maintains any building, structure or equipment in violation of any provisions of this chapter or the other subject chapters or who otherwise the director determines has violated any of the provisions of this chapter or any other applicable legal requirements shall, upon conviction, be subject to the penalties provided in Chapter 1.12. The offender shall abate any violation which the director determines to have occurred as expeditiously as possible and each day that such asserted violation is permitted to continue shall constitute a separate offense. If, as to any such action, a permit was issued for the construction or other activity which is the subject of such action, neither of the following shall constitute a defense to any such action:

A. Any error, oversight or dereliction of duty on the part of the director; or
B. The fact that such permit was issued. (Prior code § 14.27(3))

15.04.640 Access to buildings or structures.
A. Right of Entry. The director or his/her authorized representative, upon presentation of proper credentials, may enter at any reasonable time, any building, structure or premises to enforce this chapter or any other applicable legal requirements.

B. Special Inspection Warrant. If any owner, occupant or other person in charge of a structure subject to this chapter or the other subject chapters refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection is authorized by this chapter or the other subject chapters is being sought, the director may apply for and obtain a special warrant pursuant to Section 66.0119, Wisconsin Statutes, as more fully provided in Section 15.04.270(J).

C. Access By Owner or Operator. Every occupant of a dwelling, dwelling unit, rooming unit or hotel unit shall give the owner or operator thereof or an agent or employee access to any part of such structure or its premises at all reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with this chapter or any other applicable legal requirements. (Ord. 1819 § 3 (part), 2001; Prior code § 14.27(4))

15.04.650 Stopping of construction work—Unsafe construction.
Whenever the construction of any building, structure, equipment or additions thereto or alterations or repairs thereto or removal or other work is being done contrary to any provision of this chapter or any other applicable legal requirement or is being done in an unsafe or dangerous manner or not in accordance with approved plans, specifications or data or the terms of the permit granted therefor, the director may, by means of a placard posted on the premises, order such work to be stopped and any such persons shall immediately stop all such work until satisfactory evidence is presented to the director that all of the provisions of the permit; this chapter and all other applicable legal requirements have been and will be complied with, at which time work can again be resumed so long as authority is procured from the director to recommence with the work. (Prior code § 14.27(5))

15.04.660 Illegal occupancy or use—Nonconforming equipment.
Whenever any existing building, structure, premises or equipment or portions thereof has been erected or constructed or is being occupied or used in violation of any provision of this chapter or any other applicable legal requirement or the terms of the permit therefor, the director may serve a written order on the owner or operator of the premises and on the person using or causing such illegal occupancy or use to discontinue such occupancy and use within not more than thirty (30) days and the owner or operator of the premises and the person using or causing such illegal occupancy and use shall vacate such building, structure, premises or equipment or portions thereof as specified within the time aforesaid. In all cases involving public health and safety, such occupancies and use shall be ordered discontinued at once. Such building, structure, premises or equipment thereafter shall not again be used or occupied until all of the provisions of this chapter, all other applicable legal requirements and the terms of the permit have been complied with. Until the provisions of this subsection are complied with, no further permits of any kind shall be issued for any alterations or additions to or occupancy and use of such buildings, structures and equipment other than a permit to institute full compliance with the requirements of this section. (Prior code § 14.27(6))
15.04.670 Unsafe buildings, structures or equipment.
Whenever the director finds any building, structure or equipment or any part thereof in an unsafe condition because of the insufficiency of stairs, exits or structural strength thereof or is in danger from fire due to defects in construction or because of deterioration, removal of any appliance, device or equipment required by this chapter or other applicable legal requirement or because of the hazardous manner in which it is used or because of any other defects endangering life, limb of property or because of illegal occupancy or use of any building or structure, the director may, as an alternative to exercising such authority as he/she may have under Section 15.04.310 or any other provision of this chapter, serve and enforce a written order on the owner or operator of the premises and the persons occupying or using any such building, structure, equipment or premises to discontinue such occupancy or use at once, or as ordered, and thereafter until such defects have been corrected in accordance with the provisions of this chapter. (Prior code § 14.27(7))

15.04.680 Dwellings condemned as unfit for human habitation.
The director may, subject to the provisions of Section 15.04.310, condemn as unfit for habitation any dwelling or dwelling unit in which any of the following defects are found:

A. One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe or vermin infested that it creates a hazard to the safety or welfare of the occupants or the public;

B. One which lacks illumination, ventilation or sanitary facilities adequate to protect the safety or welfare of the occupants or the public;

C. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the safety or welfare of the occupants or of the public.

Any dwelling or dwelling unit may be condemned as unfit for human habitation by the director if the owner, operator or occupant fails to comply with any order based on this chapter or any other applicable legal requirement; provided, that such dwelling or dwelling unit is, in the opinion of the director, unfit for human habitation by reason of such failure to comply. (Prior code § 14.27(8))

15.04.690 Placarding of buildings, structures or equipment.
In all cases regulated in Sections 15.04.660 through 15.04.680, the director shall post at each entrance to such building, structure or equipment a notice to the effect that the building, structure or equipment is unsafe or unfit for habitation and has been condemned or that the building or structure is illegally occupied or used and shall be vacated at once as ordered. Such notice shall remain posted until the required repairs or alterations are made and no person may remove the notice without written permission from the director nor occupy or use or enter such building or structure thereafter, except for the purpose of making the required repairs or alterations. (Prior code § 14.27(9))

15.04.700 Notice and order format.
A. Content. All notices and orders from the department with respect to any matter under this chapter shall be in writing and shall:

1. Include a description of the property sufficient for identification;
2. Include a statement of the reason for the action;

3. Specify a reasonable time for correction of violations;

4. If the director desires, contain an outline of remedial actions which, if taken, will effect compliance with the provision giving rise to the violation;

5. Advise the owner, operator or occupant of the right of appeal.

B. Service. Notices and orders shall be served on the owner, the operator or the occupant or agent; provided, that the notice shall be deemed properly served upon the owner, agent, operator or occupant if served either by mailing a copy to the person’s last known address or by delivering a copy to the person or the registered agent personally or, if not found, by leaving a copy at his or her usual place of abode, in the presence of some competent member of the family at least fourteen (14) years of age, who shall be informed of the contents thereof. If the owner has not filed with the director a current address or the name and address of the person empowered to receive service of process, it shall be deemed sufficient notice to the owner that violations have been found if copies of the notice and order are mailed to the last known address of the owner as recorded with the tax commissioner. When service has been completed as prescribed in this subsection, the notice shall be effective notice to anyone having an interest in the property, whether recorded or not, at the time of giving the notice and shall be effective against any subsequent owner of premises as long as the violation exists and there remains an official copy of the notice in a public file maintained by the director. (Prior code § 14.27(10))

15.04.710 Emergency orders.
Whenever the director finds that an emergency exists which requires immediate action to protect the public health, the director may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as necessary to meet the emergency. Notwithstanding other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith, but upon petition to the Waukesha County circuit court, shall be afforded a hearing in accordance with applicable procedures. After such hearing, depending upon the findings of the court as to whether the provisions of this chapter and all other applicable legal requirements have been complied with, the Waukesha County circuit court shall continue the order or modify it or revoke it. (Prior code § 14.27(11))

15.04.720 Violations—Penalties.
Any person who violates an order hereunder after it has become final shall be subject to the penalties provided in Chapter 1.12. In addition, such person shall be subject to an action in injunction, mandamus, abatement or other appropriate action or proceeding as authorized in Section 62.23(8), Wisconsin Statutes. (Prior code § 14.27(12))

15.04.730 Injunction.
The regulations of this chapter and the other subject chapters may be enforced by the director by means of injunction. (Prior code § 14.27(13))

15.04.740 Other enforcement remedies.
The enforcement remedies described in Sections 15.04.620 through 15.04.770 shall be in addition to all other remedies available to the city under any other ordinances of the city, any applicable state or federal law or regulations and any other legal or equitable remedies. (Prior code § 14.27(14))

**15.04.750 Security for obligations.**

The approval of any permit issued under this chapter shall be subject to the permit holder and/or owner of the subject property providing assurance that all such work which is the subject of such permit shall be satisfactorily constructed or otherwise performed in accordance with the terms of the permit and all applicable legal requirements. In this regard, the director may further require as a condition to the issuance of such permit any combination of the following:

A. Agreement. A written agreement by the permit holder and owner in form and substance satisfactory to the director that all such work shall be constructed in accordance with the terms of the permit and all applicable legal requirements.

B. Security. Provision of any of the following types of security by the permit holder or owner of the subject property to ensure performance:

1. Deposit of cash, cash equivalent or interest bearing certificate of deposit; or

2. Irrevocable letter of credit; or


The amount of such security shall be determined by the director, but shall not exceed one hundred ten (110) percent of the total estimated cost of the work which is the subject of the permit, such estimate to be made by the director. The director may reduce the amount of any such security at any time and from time to time during the course of a project which is the subject of such permit. (Prior code § 14.27(15))

**15.04.760 Assistance of other officials.**

The director, in the performance of his/her duties, shall receive the assistance of the director of public works, the police chief, the fire chief and all other city officials, and the city Attorney in prosecuting violations. (Prior code § 14.27(16))

**15.04.770 Indemnity.**

Any person to whom a permit, certificate of occupancy or approval is issued under this chapter or the other subject chapters shall agree by acceptance thereof to hold the city harmless and free from claims of any person that may be caused by or arise from any excavation, fill, use, construction or operation of any kind. The permitted construction, approval, use or operation shall be conditioned upon such agreement. (Prior code § 14.27(4))

**15.04.780 Schedule of permit fees.**
### 15.04.780 Schedule of permit fees.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum permit fee for all permits</td>
<td>$58.00 per inspection</td>
</tr>
<tr>
<td>2. Residence, one- and two-family, and attached garages</td>
<td>$0.33/sq. ft.</td>
</tr>
<tr>
<td>3. Residences and apartments, three-family and over, row housing, multiple-family dwelling, instructional</td>
<td>$0.33/sq. ft.</td>
</tr>
<tr>
<td>4. Residences, additions</td>
<td>$0.33/sq. ft. or fraction thereof</td>
</tr>
<tr>
<td>5. Local business, office buildings or additions thereto</td>
<td>$0.31/sq. ft. or fraction thereof</td>
</tr>
<tr>
<td>6. Manufacturing or industrial (office areas to be included under 5)</td>
<td>$0.27/sq. ft. or fraction thereof</td>
</tr>
<tr>
<td>7. Permit to start construction of footing and foundations</td>
<td>$255.00/multifamily, industrial and commercial $155.00/one and two families</td>
</tr>
<tr>
<td>8. Agriculture buildings, detached garages and accessory buildings</td>
<td>$0.27/sq. ft.</td>
</tr>
<tr>
<td>9. All other buildings, structures, alterations, repairs where square footage cannot be calculated</td>
<td>$11.50 per $1,000 valuations</td>
</tr>
<tr>
<td>10. Heating, incinerator units and wood burning appliances</td>
<td>$54.00/unit, up to and including 150,000 input BTU units Additional fee of $16.50/each for each additional 50,000 BTUs or fraction thereof</td>
</tr>
<tr>
<td>11. Commercial/ industrial exhaust hoods and exhaust systems</td>
<td>$128.00/unit</td>
</tr>
<tr>
<td>12. Heating and air conditioning distribution</td>
<td>$1.75/100 sq. ft. air conditioned systems with a $50.00 minimum</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>13.</td>
<td>Air conditioning</td>
</tr>
<tr>
<td></td>
<td>$51.50/unit up to 3 tons or 36,000 BTUs</td>
</tr>
<tr>
<td></td>
<td>Additional fee of $16.50/each ton or 12,000 BTUs or fraction thereof</td>
</tr>
<tr>
<td></td>
<td>$1,000 maximum unit</td>
</tr>
<tr>
<td>14.</td>
<td>Wrecking, razing, or interior demolition</td>
</tr>
<tr>
<td></td>
<td>$77.25 minimum, plus $0.10/sq. ft. with $775.00 maximum fee for building.</td>
</tr>
<tr>
<td></td>
<td>Fees may be waived at the discretion of the building inspector.</td>
</tr>
<tr>
<td>15.</td>
<td>Moving buildings over public ways</td>
</tr>
<tr>
<td></td>
<td>$206.00 plus $0.10/sq. ft. for principal buildings</td>
</tr>
<tr>
<td></td>
<td>$15.00 plus $0.05/sq. ft. for accessory buildings</td>
</tr>
<tr>
<td>16.</td>
<td>Reinspection</td>
</tr>
<tr>
<td></td>
<td>$75.00/inspection, $150 for each subsequent inspection</td>
</tr>
<tr>
<td>17.</td>
<td>Plan examinations</td>
</tr>
<tr>
<td>a.</td>
<td>One- and two-family residence</td>
</tr>
<tr>
<td></td>
<td>$215.00</td>
</tr>
<tr>
<td>b.</td>
<td>Apartment, three-family residence, row housing, multiple-family buildings</td>
</tr>
<tr>
<td></td>
<td>$252.00, plus $25.00/unit</td>
</tr>
<tr>
<td>c.</td>
<td>Commercial/ industrial alterations and additions</td>
</tr>
<tr>
<td></td>
<td>$268.00</td>
</tr>
<tr>
<td>d.</td>
<td>One- and two-family alterations and additions</td>
</tr>
<tr>
<td></td>
<td>$102.00</td>
</tr>
<tr>
<td>e.</td>
<td>Residential accessory buildings</td>
</tr>
<tr>
<td></td>
<td>$62.00</td>
</tr>
<tr>
<td>f.</td>
<td>Decks, retaining walls</td>
</tr>
<tr>
<td></td>
<td>$36.00</td>
</tr>
<tr>
<td>g.</td>
<td>HVAC plan view</td>
</tr>
<tr>
<td></td>
<td>$62.00</td>
</tr>
<tr>
<td>18.</td>
<td>Special inspections and reports</td>
</tr>
<tr>
<td></td>
<td>$155.00</td>
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<td></td>
<td></td>
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<tr>
<td>---</td>
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</tr>
<tr>
<td>19. Wisconsin uniform building permit</td>
<td>State charge, plus $5.00</td>
</tr>
</tbody>
</table>

Note 1: Permits may be obtained individually or on one form in the categories of construction, heating, ventilation and air conditioning, electrical and plumbing.

Note 2: An additional fee for plan review may be assessed at the time of application for renewal of the permit.

20. Occupancy permit

a. Residential | $52.00/unit |

b. Office, commercial and industrial | $150.00 |

21. Pools, in ground/aboveground/spas

$11.25/$1,000 valuation

$57.00 minimum

22. Decks | $57.00 |

23. Residential towers over 35 ft. high | $57.00 |

24. Solar collectors

$8.75/$1,000 valuation

25. Tennis courts, Sports Courts | $54.00 |

26. Retaining walls | $60.00 |

27. Deleted

28. Street/road occupancy permits | $94.00 |

29. Fences. | $60.00 |

30. Satellite dish antennas | $60.00 |

31. Tents

a. One tent | $70.00 |

b. Two or more at one location | $135.00 |

c. Tents 250 sq. ft. or less | n/c |

32. Parking lot, review fee additional | $69.00 |

33. Grandstands | $25.75/100 seats |

34. Erosion control fees

a. One- and two-family lots | $190.00/lot |

b. Multifamily units | $53.50 per unit, minimum $225.00 |

c. Commercial lots | $240.00/building, plus $6.00/1,000 sq. |
<table>
<thead>
<tr>
<th></th>
<th>ft. of disturbed lot area with $2,250 maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Industrial lots</td>
<td>$240.00/building, plus $8.00/1,000 sq. ft. of disturbed lot area with $2,250 maximum</td>
</tr>
<tr>
<td>e. Institutional lots</td>
<td>$240.00/building, plus $8.00/1,000 sq. ft. of disturbed lot area with $2,250 maximum</td>
</tr>
<tr>
<td>f. Other</td>
<td>$60.00 minimum</td>
</tr>
</tbody>
</table>

35. Foundation repair $58.00
36. Residing/reroofing (residential) $58.00

37. Double Fees. Except in emergency cases, if excavation, building operations, or occupancy is commenced before obtaining permit, and such permit is subsequently issued upon application, the foregoing fees shall be doubled.

38. Permit Renewal. The fees for the renewal of any building permit shall be one-half of the fee of the original permit.

PART II. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. The provisions of this ordinance are hereby effective and in full force upon adoption and publication thereof.

ADOPTED AND APPROVED July 21, 2015

Kelly Michaels, City Clerk
Steven V. Ponto, Mayor

Published: July 30, 2015