

# TITLE 15

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## **Building Code**

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# Title 15 ► Chapter 1

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## Building Code

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### **Sec. 15-1-1 Building Code Established.**

- (a) **Title.** This Chapter shall be known as the "Building Code of the City of Abbotsford" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures in the City of Abbotsford. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(c) **Scope; Applicability; Statutory Authority.**

- (1) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the City of Abbotsford, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City of Abbotsford and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
- (2) **Applicability.** This Building Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings and accessory buildings. Not included are children's play structures and agricultural buildings on agricultural zoned parcels.
- (3) **Statutory Authority.** These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

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

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the City of Abbotsford and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee, as appropriate. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
  - a. New buildings.
  - b. Re-siding projects and additions that increase the physical dimensions of a building including decks.
  - c. Alterations to the building structure, with cost determinations including market labor value, or alterations to the building's heating, electrical or plumbing systems.
  - d. Permits are not required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or natural gas supply systems when altered.
  - e. Exempted are finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector.

- f. Permits are required for re-roofing, including, without limitation, shingles, metal roofing, tiles or rubber membrane. Any structural repair to a roof or replacement of trusses or sheeting requires a building permit. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
  - g. Any electrical wiring for new construction or remodeling.
  - h. Any HVAC for new construction or remodeling.
  - i. Any plumbing for new construction or remodeling.
  - j. Exempt from permit requirements are normal repairs described in Subsection (a)(1)d-e above and electrical, HVAC and plumbing normal repairs, complying with Subsection (a)(2) below.
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
  - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be

vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.

- e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, contact information (email address and fax, telephone and cellphone numbers), the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector or City officials may require.
- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements and phasing are accepted by the Common Council.
- (d) **Utilities Required.**
  - (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical connection is presented to the Building Inspector. The Common Council determines the areas of availability of public utilities in the City.
  - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let and financial assurances to the City filed, for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. The Common Council determines the areas of availability of public utilities in the City.
  - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (e) **Elevations.** The first floor minimum elevation of a house shall be eighteen (18) inches above the curbline at the high side. The maximum driveway elevation shall be twelve percent (12%) from the flag of the curb to the threshold of the garage door.
- (f) **Submission of Plans.**
  - (1) **Basic Application Information.** Two (2) sets of building plans shall be submitted to the Building Inspector for any work which expands the size of a building, involves a new building, or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building

Inspector may require the owner or contractor to submit plans for any construction, building moving, or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

- (2) **Required Plot Information.** The above-described plot plan for a new building shall be a parcel survey [one (1) original with surveyor's signature and stamp plus two (2) copies] or other form of plot plan acceptable to the Building Inspector. Said plot plan or survey shall show the following:
  - a. Location and dimensions of all existing and proposed buildings.
  - b. Lot dimensions and all lot corner elevations using USGS datum.
  - c. Building setbacks.
  - d. The elevation of the proposed structure using USGS datum (must be in accordance with the approved grading plan).
  - e. Elevation of the lot and relation to sidewalk, street, etc. using USGS datum.
  - f. Elevation and setback of adjacent buildings using USGS datum.
  - g. Type of monuments at lot corners (i.e., I.P.).
  - h. Water courses, existing drainage ditches, easements and drainae patterns.
  - i. Seal and signature of surveyor or professional engineer or a certificate signed by the applicant.
- (3) **Erosion Control Plan.** A construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site shall also be filed if needed for the project.
- (4) **Scale.** Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot].
- (5) **Filing of Plans.** One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State (Commercial) Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional Services. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.
- (6) **Additional UDC Requirements.** Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09, Wis. Adm. Code.
- (7) **Foundation Elevation and Location Confirmation.** The City shall issue its preliminary building permit as a result of the above submittals, subject, however, to the owner confirming the actual elevations and location of the foundation once it is installed. No further construction work can be completed on the new building until submission of a recertification of the foundation elevations and location, confirming that the foundation elevations and location conform with the original permit and application regulations.

(g) **Waiver of Plans; Minor Repairs.**

- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed One Thousand Five Hundred Dollars (\$1,500.00).
- (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work with a fair market value less than Four Thousand Dollars (\$4,000.00), as determined by the Building Inspector, which do not change occupancy, area, structural strength, fire protection, exits, natural light or ventilation.

(h) **Site Plan Approval – Multi-Family and Commercial Structures.**

- (1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and (2) family residences in residentially zoned districts shall require site plan approval by the Common Council in accordance with the requirements of this Subsection. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Common Council or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (2) **Administration.** The Building Inspector shall make a preliminary review of applications and plans under this Subsection and refer them along with a report of his/her findings to the Common Council. The Common Council shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Common Council to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Common Council shall authorize the Building Inspector to issue or refuse a building permit.
- (3) **Requirements.** In acting on any site plan approval application, the Common Council shall consider the following:
  - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the useage of adjoining land areas.
  - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, be satisfied that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
  - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - d. The landscaping, lighting and appearance of the completed site. The Common Council may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants and/or



grass lawn/medians, and that the site be effectively screened so as not to impair the value of adjacent properties nor the intent or purposes of this Chapter.

- (4) **Effect on Municipal Services.** Before granting any site approval, the Common Council may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials/consultants, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Common Council shall not issue its final approval until the City has entered into an agreement with the applicant regarding the development of such facilities.
  - (5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the City Clerk-Treasurer within ten (10) days of the denial.
- (i) **Administrative Building Permit Issuance – New Non-UDC Projects.** If the Building Inspector in the case of non-UDC projects determines that the building will comply with all applicable ordinances of the City and all applicable laws and orders of the State of Wisconsin, the Building Inspector or his/her designee shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector. A Non-UDC Administrative Building Permit is required for any project exceeding Ten Thousand Dollars (\$10,000.00).
- (j) **Approval of Plans; Permit Issuance for UDC Projects.**
- (1) **Preliminary Foundation Permit.** The Building Inspector shall issue the requested building permit for UDC projects as a preliminary permit to construct the foundation if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. A preliminary permit is valid for six (6) months. A preliminary permit may be extended for a specific time frame upon the Building Inspector's approval and payment of appropriate fees.
  - (2) **Recertification; Final Building Permit Issuance.** Upon completion of the foundation, the owner or contractor shall submit data identifying setbacks and elevations. Said information shall be submitted to the Building Inspector who shall review it to determine that local setback and elevation requirements are satisfied. If the existing foundation conforms to the local requirements, a final building permit shall be issued and it shall be posted at the job site in a visible location from the street. A final building permit may be extended for a specific time frame upon the Building Inspector's approval and payment of appropriate fees.
  - (3) **Right of Inspection Access.** By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.

- (4) **Building Permits Conditioned Upon Compliance with Codes.** All permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable building codes, zoning ordinances and setback requirements on constructing the building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants.
  - (5) **Partial Building Permit.** In case adequate plans are presented for part of a UDC-classified building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (k) **Inspections.**
- (1) **Required Inspections.** The following inspections for UDC projects shall be requested forty-eight (48) hours (business work days) in advance by the applicant/contractor or property owner, to the Building Inspector, as applicable:
    - a. Footing/foundation.
    - b. Rough carpentry, HVAC, electric and plumbing.
    - c. Draintile/basement floor.
    - d. Underfloor plumbing/electric service.
    - e. Insulation.
    - f. Final carpentry, HVAC, electric and plumbing.
    - g. Erosion control.
  - (2) **Failure to Request Inspections.** The requirement to request any inspections is the responsibility of the contractor and/or property owner.
- (l) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months and if construction has not been completed within eighteen (18) months from the date of issuance thereof.
- (m) **Revocation of Permits.**
- (1) **Grounds for Revocation.** The Building Inspector or the Common Council may revoke any building, plumbing, HVAC or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the Building Inspector or other City authority finds at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to the permit holder.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.

- d. Whenever, in the opinion of the Building Inspector or other City authority, there is inadequate supervision provided on the job site.
  - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) **Permit Revocation.** The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
  - (3) **Permit Revocation Placard.** A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector or designee.
  - (4) **Construction Unlawful Following Permit Revocation.** After the notice is delivered upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Building Inspector may require for the preservation of life and safety.
- (n) **Report of Violations.** City officers and officials shall report at once to the Building Inspector or City office any building which is being carried on without a permit as required by this Chapter.
  - (o) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
  - (p) **Inspection Warrants.** If the Building Inspector is denied access to inspect a property, he/she may request the City Attorney to seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.

## **Sec. 15-1-3 State Uniform Dwelling Code Adopted.**

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

SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured Home Communities
SPS 360-366	Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code
SPS 367	Rental Unit Energy Efficiency
SPS 375-379	Buildings Constructed Prior to 1914
SPS 381-387	Uniform Plumbing Code

- (2) **Commercial and Pre-1914 Buildings Codes.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379, Wis. Adm. Code (Existing Pre-1914 Buildings Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the Building Inspector.
- (3) **Adoption of Additional Codes.** By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
  - a. **IBC.** The *International Building Code*®, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
  - b. **IECC.** The *International Energy Conservation Code*®, subject to the modifications specified in SPS 363, Wis. Adm. Code.
  - c. **IMC.** The *International Mechanical Code*®, subject to the modifications specified in SPS 364, Wis. Adm. Code.
  - d. **IFGC.** The *International Fuel Gas Code*®, subject to the modifications specified in SPS 365, Wis. Adm. Code.
- (4) **Violations; Amendments.** Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in the City of Abbotsford. A copy of these administrative code provisions and any future amendments shall be kept on file in the Building Inspector's Office.
- (b) **Scope of Uniform Dwelling Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of the following:
  - (1) **Additions.** Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.

- (2) **Detached Garages.** New construction detached garages shall comply with the standards in Section 15-1-10 or the following requirements, whichever is more restrictive. Detached garages greater than two hundred (200) square feet serving one and two family dwellings. Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten (10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) SPS 322, Wis. Adm. Code, shall not apply.
  - (3) **Other Detached Accessory Buildings.** Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow Subsection (b)(2) above and/or SPS 321, Wis. Adm. Code.
- (c) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the City Assessor.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings — Whenever more than thirty-five percent (35%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
  - (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
  - (3) **Building Inspector.** The State-certified inspector who performs UDC inspections in the City of Abbotsford. For purposes of this Chapter, the title shall also include the official performing plumbing, electrical and HVAC plan reviews and inspections.
  - (4) **Department.** The Wisconsin Department of Safety and Professional Services.
  - (5) **Dwelling.**
    - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;  
or

- b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (6) **Minor Repair.** A repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (7) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (8) **Person.** An individual, partnership, firm or corporation.
- (9) **Uniform Dwelling Code (UDC).** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

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

(e) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services in each of the categories specified under SPS 326.06, Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Common Council.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.

- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the State under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

## **Sec. 15-1-4 Construction Standards; Codes Adopted.**

- (a) **Portions of State Commercial Building Code Adopted.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. SPS 360-366, Wis. Adm. Code, incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Codes and amendments thereto shall be kept on file in the office of the City Building Inspector.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Chs. H 81, H 82, H 83 and SPS 325, Wis. Adm. Code, are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City of Abbotsford. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
- (1) SPS 324, Wis. Adm. Code, and the currently adopted version of the National Electric Code, are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
- (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (c)(1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector, the provisions of the State Commercial Building Code adopted by Subsection (a) of this Section and/or the Uniform Dwelling Code adopted in Section 15-1-3, shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

**Sec. 15-1-5 Electrical Permits and Inspections.**

- (a) **Code Compliance.** Except as otherwise provided by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Wisconsin Statutes, this Chapter and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this Chapter or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.
- (b) **Permit.**
- (1) No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.
  - (2) A permit shall be required for the installation of any outlet and any electrical wiring for use on any circuit including wiring for so-called low-voltage wiring for control of heating, ventilating, cooling, lighting, signal and communication equipment, excepting signal systems operated by, and/or in conjunction with, communication systems installed and maintained by a public utility.
- (c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. All wires which are to be concealed shall be inspected before the concealment, and no other craft shall cover up or conceal such wires until the installation has been inspected and approved and officially tagged to this effect by the Electrical Inspector. If the Building Inspector finds that the work conforms to the State Electrical Code, the Inspector shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until such certificate has been issued.

**Sec. 15-1-6 Plumbing Permits and Inspections.**

- (a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:
- (1) As defined in Sec. 145.01(1)(a), (c), (d) and (e), Wis. Stats.; and



- (2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- (b) **Required Inspections.**
- (1) **Inspection System.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his/her examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of SPS 382.21, Wis. Adm. Code, is necessary, he/she may require a water or air test on all or part of the installation. The plumber in charge shall make such arrangements as will enable the Inspector to reach all parts of the building readily, and shall have present the proper apparatus and appliances for making the test and performance of plumbing work. Failure to respond promptly to official communications shall be deemed a sufficient reason for withholding permits and the plumber shall be held responsible for the violation of these regulations by himself/herself or any of his/her employees.
  - (2) **Responsibility of Property Owners for Repairs.** Repairs of any drainage or waste pipe carrying domestic sewage from outside the foundation walls of any building or structure to and including the connection with the "Y" in the sewer main, including private domestic sewage treatment and disposal systems, such as stoppage of leaks in supply or waste pipes, clearing stoppages in waste pipes and repairing valves or faucets in the drainage or waste pipe, shall be the sole responsibility of the property owner except that in the event such leak or stoppage or defective valve or faucet is located between the "Y" (including its connection with the "Y") in the sewer main and the end of the sewer service lateral to the curb or other disposal terminal, then the City shall be responsible for such repairs but shall charge the cost of such repairs to the property owner.
- (c) **Applications and Permits.**
- (1) **Application.** No plumbing shall be installed in the City of Abbotsford without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the City before such building may be connected to the City sewer or water system. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner as his/her home.
  - (2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish financial assurances (letter of credit,

bond, etc.) when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.

### **Sec. 15-1-7 New Methods and Materials.**

- (a) **Approval Requirements for New Methods and Materials.** All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) **Manufacturer's Installation Requirements.** Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

### **Sec. 15-1-8 Unsafe Buildings.**

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

### **Sec. 15-1-9 Disclaimer on Inspections.**

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

structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

## Sec. 15-1-10 Garages.

(a) **Definitions.** As used in this Chapter:

- (1) **Attached Private Garage.** A private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or a private garage so constructed as to form an integral part of the principal building.
- (2) **Detached Private Garage.** A private garage entirely separated from the principal building.
- (3) **Three-Quarter-Hour Fire Resistive Construction.** Construction which shall include the following assemblies and materials.
  - a. Two (2) inch brick or stone veneer.
  - b. Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
  - c. Five-eighths (5/8) inch of vermiculite plaster board.
  - d. Five-eighths (5/8) inch fire code gypsum plaster board.

(b) **Locations.**

- (1) Unless otherwise regulated under applicable zoning, detached garages of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the interior walls of such garage adjacent to a residence building are protected with not less than one (1) hour fire resistive construction.
- (2) Garages of masonry wall construction shall not be located less than five (5) feet from any residence building.

(c) **Footings and Foundations.**

- (1) **Detached Garage.** Detached private garages, six hundred (600) square feet or more in floor area, shall have footings and foundation walls to the established frost line. Detached private garages of less than six hundred (600) square feet may be constructed on a reinforced concrete slab not less than four (4) inches in thickness.
- (2) **Attached Garages.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building.
- (3) **Floor Surface.** The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage.

(d) **Construction.**

- (1) **All Private Garages.** Private garages shall be constructed as follows:
  - a. Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
  - b. Detached private garages of wood frame construction shall be constructed with the following minimum requirements:

1. Studs may have a maximum spacing of twenty-four (24) inches on centers.
  2. Diagonal corner bracing may be applied on the inside surface of studs.
  3. Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
  4. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
- c. Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.
- (2) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:
- a. All walls in common with a principal building on attached private garage shall be of not less than one (1) hour fire resistive construction on garage interior.
  - b. An attached private garage may have a door connecting directly into the principal building, provided that the floor of that garage is at least eight (8) inches below the floor of such principal building. Such door shall be a self-closing metal clad door or solid wood door not less than one and three-quarter (1-3/4) inches in thickness.

### **Sec. 15-1-11 Regulation and Permit for Razing Buildings.**

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the City of Abbotsford shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
- (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
  - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
  - (3) The date upon which demolition is to commence;
  - (4) The date by which demolition shall be complete;
  - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
  - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);

- (7) A description of the method of demolition to be used; and
  - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
  - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
  - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
  - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the City provided that a written copy of the opinion is delivered to the City Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.

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- (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

**Sec. 15-1-12 Basements; Excavations.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty

(20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.

- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

### **Sec. 15-1-13 Discharge of Clear Waters.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Sump Pump Discharge.**
- (1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall within sixty (60) days of installation discharge into a storm sewer wherever available. Storm sewers shall be considered "available":
    - a. In existing streets with storm sewers when storm sewer laterals are installed.
    - b. In non-existing streets and in existing streets without storm sewers when storm sewers are installed.

- (2) Storm sewers shall not be considered "available" in existing streets with storm sewers until such time as sewer laterals are installed. If no storm sewer is available sump pumps shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three (3) feet from the building and is above permanent grade.
  - (3) No sump discharge shall be allowed to flow on or across a public sidewalk. Sump discharge shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 each year.
  - (4) The provisions contained herein shall be in addition to those required and imposed by the State Plumbing Code, Chapters H81, H82 and H83, Wis. Adm. Code, and Chapter 145, Wis. Stats., and shall not amend or alter the provisions therein except insofar as is necessary for the application and enforcement of this Subsection.
- (f) **Conducting Tests.** If the Building Inspector or his/her designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

### **Sec. 15-1-14 Duplex and Multi-Service Connections.**

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

### **Sec. 15-1-15 Regulations for Moving Buildings.**

- (a) **General Requirements.**
  - (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the City of Abbotsford without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.



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- (2) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Common Council.
- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the City that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the City. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the City Assessor.
- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building

as such will so comply with said Building Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

(1) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City of Abbotsford in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Common Council or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.

(h) **Common Council Approval.**

(1) No such permit shall be issued unless it has been found as a fact by the Common Council by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior

architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the City or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Common Council, which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Common Council, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the City. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

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

### **Sec. 15-1-16 Construction Sites; Maintaining Clean Streets.**

City streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The City of Abbotsford will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-7.

### **Sec. 15-1-17 Fees.**

Fees for permits under this Chapter shall be as prescribed in Section 1-3-1.

## **Sec. 15-1-18 Severability.**

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

## **Sec. 15-1-19 Penalties and Violations.**

- (a) **Violations.** Any building or structure in the City of Abbotsford erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of Section 1-1-7 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) **Compliance; Penalties.**
- (1) **Notice of Noncompliance.** If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to SPS 320.10, Wis. Adm. Code.
  - (2) **Stop-Work Orders.** If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
  - (3) **Each Day a Separate Offense.** Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City of Abbotsford from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
  - (4) **Double Permit Fees for Violations.** If any construction or work governed by the provisions of this Chapter, the Uniform Dwelling Code, or other applicable Codes

- adopted and incorporated in this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) **Appeals.**
- (1) **UDC Appeals.** Any person feeling aggrieved by an order or determination of the Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services for a UDC interpretation.
  - (2) **Board of Appeals Review.** Any person feeling aggrieved by a non-UDC order or a determination of the Building Inspector and/or other City official administering this Chapter may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Abbotsford charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.



## Title 15 ► Chapter 2

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# Construction Site Erosion and Stormwater Runoff Control

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### **Sec. 15-2-1 Authority.**

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

### **Sec. 15-2-2 Findings and Purpose.**

- (a) **Policy Declaration.** The Common Council finds runoff from land disturbing activities carries a significant amount of sediment and other pollutants to the waters of the State and the City of Abbotsford.
- (b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality and quantity of the surface and ground waters of the State and City; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from land disturbing activities to lakes, streams and wetlands. The Common Council finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment

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deposition in waters located within or near the City. It is, therefore, declared to be the purpose of this Chapter to control and, if possible, prevent soil erosion and water runoff increases and, thereby, to preserve the natural resources, control floods, and prevent impairment of dams and reservoirs, protect the quality and quantity of public waters and wetlands, prevent property damage, preserve wildlife, protect the tax base and protect and promote the health, safety, and general welfare of the people of the City of Abbotsford. This Chapter is in accordance and consistent with the City's Zoning Code, so far as practicable.

**Sec. 15-2-3 Applicability of Regulations.**

- (a) **Scope of Coverage.** This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the City and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All State funded or conducted construction is exempt from this Chapter. This Chapter shall apply outside the City limits within the extraterritorial plat review area provided by Chapter 236, Wis. Stats., and Title 15 of the City Code of Ordinances, but only to those land disturbing activities relating to, arising from, or connected with a subdivision as defined in Sec. 236.02(12), Wis. Stats., and certified surveys as defined in this Code of Ordinances.
- (b) **Exclusions.** The following activities are generally excluded from coverage under this Chapter:
  - (1) State funded or conducted activities that are subject to the State Site Erosion Control and Stormwater Runoff Plan. State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff", which contains similar requirements as contained in this Chapter, as a minimum.
  - (2) Agricultural land uses as defined in this Chapter and quarries, except where the Common Council, Plan Commission, City Engineer or Building Inspector determine that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.
  - (3) Small land disturbing activities such as gardens, minor landscaping modifications and minor repair of sidewalks, paths or driveways, except where the Common Council, Plan Commission, City Engineer or Building Inspector determine that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

**Sec. 15-2-4 Definitions.**

- (a) The following definitions shall be applicable in this Chapter:
  - (1) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.



- (2) **Building Inspector.** The Building Inspector of the City of Abbotsford.
- (3) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services, including office parks where non-retail business takes place.
- (4) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution, (also known as "Best Management Practice").
- (5) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector and/or City Engineer.
- (6) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (7) **Existing Grade.** The vertical location of the existing ground surface prior to excavation or filling.
- (8) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man/woman to a new location and shall include the conditions resulting therefrom.
- (9) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.
- (10) **Land Disturbing Activity.** Any change to the land surface which may result in soil erosion, sedimentation or increase in water runoff, including but not limited to tilling, removal of vegetative cover, stockpiling of soil, grading, excavating, livestock grazing and filling of land.
- (11) **Landowner.** Any person holding title to or having any interest in land.
- (12) **Land Treatment Measurers.** Structural or vegetative practices (including fencing) used to control erosion, sediment and water runoff (also known as "Best Management Practices").
- (13) **Land User.** Any person who uses land collectively or individually as owner, operator, lessor or renter, or who occupies land by providing work or service that requires alteration of the land, or any person who has made other arrangements with a landowner which gives them the right and/or responsibility for use of the land.
- (14) **Major Land Disturbing Activities.** Those activities where the land disturbance covers one or more acres, where a subdivision (as defined by Chapter 236, Wis. Stats.) is created, or where the Common Council, Plan Commission, City Engineer or Building Inspector determines that special circumstances due to topography, proximity to watercourses or relation to sensitive environmental area make the disturbance a major one.
- (15) **Minor Land Disturbing Activities.** Those activities where the land disturbance covers less than one (1) acre and the activities do not otherwise fall within the definition of major land disturbing activities.
- (16) **Parcel.** All continuous lands under the ownership or control of a land occupier or land user.

- (17) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.
- (18) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government or any combination thereof.
- (19) **Public Lands.** All lands owned or controlled by any unit of government.
- (20) **Runoff.** Includes, but is not limited to, ice or water flowing over the ground surface.
- (21) **Sediment.** Solid material, mineral or organic, that is in suspension, is being transported to, or has been moved from, its site of origin by air, water, gravity or ice and has come to rest or has been deposited on the earth's surface at another location.
- (22) **Sedimentation.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources, or the deposition of water-borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually resulting from a decrease in the velocity of the water flow.
- (23) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.
- (24) **Soil Loss.** Soil removed from a given site by land disturbing activities or by the forces of erosion, and redeposited at another site.
- (25) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (26) **Storm Sewer.** A closed conduit for conducting collected storm water.
- (27) **Stormwater Runoff.** The waters derived from rains falling within a tributary drainage basin, flowing over the ground surface or collected in a water drainage system.
- (28) **Structural Measures.** Land treatments or Best Management Practices intended to prevent erosion, sediment or runoff that include, but are not limited to, gully control structures, grass waterways, riprap, detention basins or ponds, sediment basins or ponds, infiltration basins or trenches, flood retention dams, diversions, and lining channels with rock concrete or other materials. Contour strip cropping is not considered a structural measure under this Chapter.
- (29) **Water Drainage Facility.** Any element in a water drainage system which is made or improved.
- (30) **Water Drainage System.** All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, reservoirs, detention basins or ponds, storm sewers, streets, and pumping stations.
- (31) **Working Day.** Monday, Tuesday, Wednesday, Thursday or Friday, excluding, however, any such day officially observed by the City as a legal holiday. Also referred to as "business day".

### **Sec. 15-2-5 Design Criteria, Standards and Specifications for Erosion Control Measures.**

All control measures required to comply with this Chapter shall be measures based on accepted design criteria, standards and specifications periodically established by the United States Soil Conservation Service, Wisconsin Department of Natural Resources or otherwise identified as acceptable by the Building Inspector or City Engineer. Where design criteria, standards or specifications conflict, the most restrictive provisions shall apply.

### **Sec. 15-2-6 Maintenance of Control Measures.**

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained consistent with the maintenance provisions contained in "Wisconsin Construction Site Best Management Practice Handbook" by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

### **Sec. 15-2-7 Required Control of Erosion and Pollutants During Land Disturbance and Development.**

- (a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:
- (1) Those sites requiring certified survey map approval or subdivision or land division plat approval under City land division ordinances.
  - (2) Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats or subdivision plats.
  - (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.
  - (4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
  - (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
  - (6) Those involving the laying, repairing, replacing, inspecting or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.
  - (7) Those sites involving the changing, enlargement, dredging or other alteration to any watercourse, waterway and/or wetlands.
  - (8) Those other situations [e.g. developments with slopes over twelve percent (12%) where the City Engineer or Building Inspector, at the request of the Plan Commission

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or Common Council, determine that erosion or runoff is likely to occur unless control measures are taken.

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

- (b) **Minimum Erosion Control Standards to be Met.** At a minimum, the erosion and runoff control standards listed below must be met on all sites described in Subsection (a) above. Additional or more stringent control standards may be required in those situations where the City Engineer and/or Building Inspector determines that special circumstances due to topography, proximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards. In cases where no permit has been issued, the landowner is responsible for obtaining compliance with the required standards:

## **Sec. 15-2-8 Land Disturbing Activities Subject to Stormwater Runoff Control.**

- (a) **Best Management Practices.**

- (1) **Temporary best management practice needs for various drainage areas.** The following temporary best management practices shall be used to control sediment where erosion of the site, including dirt piles, during construction will result in sediment reaching waters of the state, public sewers or other off site areas:
- a. Small drainage areas with overland flow [generally less than one (1) acre]. For drainage areas with overland flow [generally less than one (1) acre], a filter fabric fence or equivalent best management practice placed along the downslope areas and along the sideslope areas as required or the disturbed area shall be properly mulched.
  - b. Drainage areas of two (2) acres or less with concentrated or channelized flow. For drainage areas of two (2) acres or less with concentrated or channelized flow, a filter fabric barrier or equivalent best management practice placed at the downslope point of the disturbed area or the disturbed area shall be properly mulched.
  - c. Drainage areas of five (5) acres or less with concentrated or channelized flow, a sediment trap or equivalent best management practice placed at the downslope point of the disturbed area.
  - d. Drainage areas of more than five (5) acres with concentrated or channelized flow. For drainage areas of more than five (5) acres with concentrated or channelized flow, a sediment basin or equivalent best management practice placed at the

downslope point of the disturbed area. The basin shall be properly maintained and cleared out when necessary.

- e. Steep slopes. Slopes of twelve (12) or more percent may require use of additional best management practices.
- (2) **Sequenced Activities.** All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.
- (3) **Site Stabilization.** When the disturbed area is properly stabilized by established vegetation or other permanent means, the temporary best management practices may be removed.

**NOTE:** Permanent best management practices specified in the *Wisconsin Construction Site Best Management Practice Handbook* include sodding; seeding; grassed waterway; geotextile reinforced grassed waterway; and rock and concrete lined waterway.

- (4) **Tracking Minimization.** Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any significant sediment reaching a public or private road shall be removed by street cleaning before the end of each work day. Flushing may not be used unless the sediment will be controlled by a filter fabric barrier, sediment trap, sediment basin or equivalent.
- (5) **Drain Inlet Protection.** Downslope on-site storm drain inlets shall be protected.
- (6) **Site Dewatering.** Water pumped from the site shall be discharged to an appropriately sized filter fabric barrier, sediment tarp, sediment basin or equivalent best management practice.

**NOTE:** Site dewatering on some sites is covered under the Wisconsin Pollutant Discharge Elimination System Permit Program.

- (7) **Sediment Cleanup.** All off-site sediment deposits occurring as a result of a storm event shall be cleaned up by the end of the next work day following the occurrence. All other off-site sediment deposits occurring as result of construction activities shall be immediately cleaned up.
- (8) **Waste and Material Management and Disposal.** All waste and unused building materials shall be properly managed and disposed to prevent pollutants and debris from being carried by runoff off the site.
- (9) **Roof Drainage.** All roof drainage from permanent buildings shall discharge to pervious surfaces to increase infiltration and reduce increases in runoff except where demonstrated to be infeasible and a written waiver is granted by the City Engineer or Building Inspector.

- (b) **Additional Erosion Control Standards to be Met on Larger Sites.** These control standards are in addition to the minimum control standards as set forth in Subsection (a), and thus include, but are not limited to, all sites involving land divisions, subdivisions or certified survey maps (where land divisions, subdivisions or certified survey maps involve either one (1) or more acres or create five (5) or more lots or building sites), or all sites where one (1) or more acres are disturbed at a time, where special circumstance due to topography, proximity to watercovers or relation to environmentally sensitive lands make the disturbance a major one, shall meet the added control plan requirements as set up by the City Engineer or Building Inspector. These requirements may include required public dedication of water runoff control measures. The permittee is responsible for obtaining compliance with the control plan requirements. Informal guidelines for the control plan for a major land disturbing activity are hereto attached and incorporated herein as a part of this Chapter as an addendum.
- (c) **Special Circumstances.** The control standards set forth in this Chapter are intended to apply on a typical development site. When land disturbing and/or development activity is proposed for a site with extraordinary features, the Plan Commission may recommend to the Common Council and the Council, at its discretion, will require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land disturbing or development activities are proposed to occur on slopes of more than twelve percent (12%) grade in designated floodplain, wetland, or conservancy areas or in environmental corridor areas identified in the City Master Plan.
- (d) **Land Disturbing Activities Subject to Stormwater Runoff Control.**
- (1) Land disturbing activities on public lands as defined herein, and on all private lands shall be subject to the runoff control provisions of this Section, if:
    - a. The activity will be a residential development having less than fifty percent (50%) impervious area, disturbing more than five (5) acres.
    - b. The activity will be a residential development having more than fifty percent (50%) impervious area, disturbing more than three (3) acres.
    - c. The activity will be a nonresidential development, disturbing more than three (3) acres, or
    - d. A parking lot of one (1) acre or more, or
    - e. In the opinion of the City Engineer, the runoff from the land disturbing activity will create a hazard by exceeding the safe capacity of the receiving water body in the area; or will cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; or will otherwise endanger the downstream property owners or their property. Safe capacity is defined as the rate of flow that can be handled without flooding.
  - (2) The owner, land occupier or land user shall be in compliance with this Subsection if he follows the procedure of Section and receives from the City Engineer an approved control plan and a permit before commencement of any land disturbing activities on lands subject to control under this Section.

- (e) **Standards for Stormwater Runoff Control for Land Disturbing Activities.**
- (1) Land disturbing activities subject to runoff control regulation as described in this Chapter shall meet the corresponding requirements of subparagraphs a, b and c below:
- a. Residential and other non-industrial, and non-commercial certified surveys shall incorporate the following stormwater control measures:
    1. All roof drainage shall discharge to either:
      - i. Pervious surfaces with an overland flow distance of at least thirty (30) feet;
      - ii. An infiltration device.
    2. All driveways shall slope to adjacent lawns to the extent practicable.
    3. Where conditions are such that the depth to the water table is three (3) feet or greater during at least nine (9) months of the year, the stormwater drainage system for the development shall include grassed swales for area drainage and underground perforated drainage pipe for storm runoff conveyance. The applicant shall be responsible for documentation for areas to be exempted from these measures. Where the City Engineer finds the above to be impracticable, conveyance shall be by traditional means.
  - b. Industrial sites of less than one hundred thousand (100,000) square feet; and nonindustrial paved parking and storage areas with surface areas totaling five thousand (5,000) to five hundred thousand (500,000) square feet shall discharge to one (1) or more grit chambers or oil and grease traps. Each grit chamber or oil and grease trap shall be designed to remove all particles greater than one hundred (100) microns in size and shall be cleaned at least once every three (3) months. The pumped liquids from cleaning shall be discharged to a licensed wastewater treatment plant.
  - c. Industrial sites of more than one hundred thousand (100,000) square feet; nonindustrial paved parking lots and storage areas greater than five hundred thousand (500,000) square feet; and industrial roofs larger than ten thousand (10,000) square feet shall discharge to one (1) or more wet detention basins. These basins shall have an aggregate area respectively of: At least one and one-half percent (1.5%) of the contributing surface area of the industrial site or three percent (3%) of the contributing paved industrial areas, whichever is greater; at least three percent (3%) of the nonindustrial paved area draining to it; and at least three percent (3%) of the industrial roof area draining to it. These basins shall have a permanent pool depth of three (3) feet and shall be excavated periodically as needed to maintain the three (3) foot depth.
- (2) Regardless of proposed land use the proposed development shall:
- a. Not increase peak flow rates of storm runoff from that which would have resulted from the same storm occurring over the site with the land in its predevelopment condition, for storms of twenty-four (24) hour duration and recurrence intervals of two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) years: and

- b. The volume of storm runoff resulting from the ten (10) year storm of twenty-four (24) hour duration shall not be greater after development than would have resulted from the same storm occurring over the site with the land in its predevelopment condition. Where a. and/or b. are found to be unacceptable or inevitable on the proposed site by the City Engineer, the applicant shall specify an off-site area to meet there provision and provide a suitable alternative contribution or determined in negotiation with the City Engineer.
- (f) **Erosion and Runoff Control by Public Dedication of Water Runoff Control.** The Common Council may require dedication of water runoff control measures. When such dedication is required, the dedicated land may also be utilized for parkland and for recreational use. Once dedicated and accepted, the City shall maintain the runoff control measures as necessary to adhere to this Chapter and any other applicable laws or contracts. The potential costs of maintaining proposed runoff control measures will be among the criteria considered in both accepting or rejecting an entire "Erosion and Runoff Control Plan" for the areas and determining whether or not to require dedication to the City of and/or all runoff control measures. In the event that the City does not require dedication of any water runoff control measures, the continued maintenance of such measures shall be assured through such means as deed restrictions, easements or a contract with the City.

## **Sec. 15-2-9 Permit Application, Control Plan, and Permit Issuance.**

- (a) **Permit Application.** No landowner or land user, other than the City, may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the City Engineer. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector or City Engineer. By submitting an application, the applicant is authorizing the Building Inspector, City Engineer and other designated City officials to enter the site to obtain information required for a review of the control plan.
- (b) **Content of the Control Plan for Land Disturbing Activities.**
  - (1) **Existing Site Map.** A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
    - a. Site boundaries of adjacent lands which accurately identify site location;
    - b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
    - c. 100 year floodplains, flood fringes and floodways;
    - d. Vegetative cover;



- e. Location and dimensions of stormwater drainage systems and natural drainage patterns on the site and the size, slope and land cover of the upslope drainage areas;
  - f. Locations and dimensions of utilities, structures, roads, highways, and paving; and
  - g. Site topography at a contour interval not to exceed five (5) feet.
- (2) **Plan of Final Site Conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (3) **Site Construction Plan.** A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities;
  - b. Locations and dimensions of all temporary soil or dirt stockpiles;
  - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter;
  - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and Provisions of maintenance of the construction site control measures during construction.
  - e. Provisions of maintenance of the construction site control measures during construction.
- (c) **Emergency Situations.** Notwithstanding the above, a private landowner or the City may commence land disturbing activity without an approved control plan where immediate action is necessary in order to respond to an existing or threatened emergency situation. When such emergency activity is undertaken, care will be taken to comply with the erosion and runoff control standards set forth in this Chapter to the fullest extent practicable under the circumstances. The Building Inspector or City Engineer shall be notified by the private landowner within three (3) hours after commencing such land disturbing activities under this Section.
- (d) **Minor Land Disturbing Activities — Content of Control Plan Statement.** Minor land disturbing activities are all those activities other than those deemed to be major land disturbing activities. For minor land disturbing activities, an erosion control plan (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule). These documents will be used to meet the requirements of this Chapter.
- (e) **Review of Major and Minor Land Disturbing Control Plans.**
- (1) **Major Land Disturbing Activities.** Within thirty (30) days of receipt of a completed control plan, the City Engineer and Building Inspector shall determine if the requirements of this Chapter are met. The applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.
  - (2) **Minor Land Disturbing Activities.** Control plan statements for minor land disturbing activities shall be reviewed by the Building Inspector for compliance with this Chapter. The Building Inspector shall approve, reject or conditionally approve the plan within the same number of working days as required for issuance of a building permit, but in no event more than ten (10) working days after receipt of the completed

control plan statement. If the control plan statement is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

(f) **Permits.**

- (1) ***Duration.*** Permits shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or City Engineer may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.
- (2) ***Permit Fees — Major Land Disturbing Activities.*** The application fee for a major land disturbing activity permit shall be Twenty-five Dollars (\$25.00). In addition to this fee, before any permit will be issued, the applicant shall pay the actual engineering fees or expenses incurred by the City in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. These additional charges shall be determined by the Building Inspector and City Administrator.
- (3) ***Permit Fees — Minor Land Disturbing Activities.*** The application fee for a minor land disturbing activity permit shall be Twenty Dollars (\$20.00), except where a building permit fee is paid in connection with the same activity, then a fee of Fifteen Dollars (\$15.00) shall be paid in order to obtain the necessary land disturbing activity permit.

(g) **Permit Requirements — Major Land Disturbing Activity.** All Major Land Disturbing Activity Permits shall require the permittee to do at least the following:

- (1) The applicant shall provide the City, prior to issuance of the permit, and irrevocable letter of credit, certificate of deposit or certified check to the City in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all required control measures as determined by the City Engineer and/or Building Inspector. The security deposited shall guarantee that all required control measures will be taken or installed according to the approved plan. The security shall remain in full force for the entire period of the permit unless released earlier by the City. The City shall have the right to draw upon the security for the purposes of obtaining compliance with the approved Control Plan as it deems necessary. If the erosion and runoff control requirements of this Chapter are included as part of plat or certified survey map conditions of approval, then security for performance of the control requirements may be included as part of the overall security required for installation of improvements under this Code of Ordinances.
- (2) Contact the Building Inspector upon completion of any control measures and at least two (2) business days prior to commencing any land disturbing activity.
- (3) Obtain written permission from the City Engineer or Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.

- (4) Install all control measures as identified in the Control Plan.
  - (5) Maintain all control measures as identified in the Control Plan.
  - (6) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
  - (7) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
  - (8) Allow the Building Inspector, City Engineer, or other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.
  - (9) Keep a copy of the approved Control Plan on site.
- (h) **Permit Requirements — Minor Land Disturbing Activity.** All Minor Land Disturbing Activity Permits shall require the permittee to:
- (1) Obtain permission in writing from the Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.
  - (2) Install all control measures as identified in the approved Control Plan.
  - (3) Maintain all control measures as identified in the Control Plan.
  - (4) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
  - (5) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
  - (6) Allow the Building Inspector, City Engineer, and other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.

### **Sec. 15-2-10 Inspection.**

- (a) The City Engineer, Building Inspector or other designated City officials shall inspect all Major Land Disturbing activities in order to ensure compliance with the Control Plan and permit.
- (b) In the case of Minor Land Disturbing activities, the Building Inspector shall inspect sites in order to ensure compliance with the Control Plan and permit.
- (c) If the land disturbing or land development activities are being carried out without a valid permit, i.e., unauthorized, City inspection officials may enter the land in question pursuant to the special inspection warrant provisions of Sec. 66.0119, Wis. Stats.

### **Sec. 15-2-11 Enforcement.**

- (a) **Violations.** No land development or land disturbing activities within the scope of this Chapter may occur without full compliance with the provisions of this Chapter. Any

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person who violates or fails to comply with any provision of this Chapter is subject to the enforcement and penalty provisions contained herein.

- (b) **Enforcement.** This Chapter shall be enforced consistent with the policies and purposed underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this Chapter:
- (1) **Stop Work Order.**
    - a. A stop work order may be issued by the City Engineer, Building Inspector, or their authorized agents, after an inspection if:
      1. Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
      2. The Control Plan is not being implemented in a good faith manner;
      3. The conditions of the Permit are not being met.
    - b. Stop work orders may be retracted when compliance with the Chapter is obtained. The City Engineer, Common Council, Building Inspector or their designee has the authority to retract a stop work order for Major Land Disturbing activities; the Building Inspector, City Engineer and their designees, may retract stop work orders on Minor Land Disturbing activities.
  - (2) **Revocation of Permit.** Where a stop work order has been issued in order to obtain compliance with a Control Plan, the City may revoke the Permit if the permittee does not cease the illegal activity or obtain compliance with the Control Plan or Permit conditions within seventy-two (72) hours from issuance of the Stop Work Order.
  - (3) **City to Perform Work.** Seventy-two (72) hours after posting a stop work order, the City may issue a notice of intent to the permittee or landowner or land user of the City's intent to perform work necessary to comply with this Chapter. Upon receipt of permission from the landowner or pursuant to a court order, the City Engineer and/or other designated City officials or agents, as determined by the Common Council, may go on the land and commence the work. The costs of the work performed by the City, plus interest, shall be billed to the permittee or the landowner or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the City Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sec. 66.0627, Wis. Stats.
  - (4) **Injunction and Other Judicial Remedies.** Compliance with the provisions of this Chapter may also be obtained by the Common Council authorizing the City Attorney to commence appropriate action to enjoin violations, compel compliance, or pursue other appropriate judicial relief.
  - (5) **Private Remedies Preserved.** These enforcement provisions are not intended in any way to restrict or limit the rights of private parties to pursue whatever private legal remedies they may have available as a result of any erosion, sediment or water runoff.
- (c) **Penalties.** Any person violating any provision of this Chapter shall be subject to a forfeiture as provided in Section 1-1-7. Each day a violation exists shall constitute a

separate offense. Before commencing a forfeiture action, the City shall issue a written warning to the person believed to be violating the Chapter, granting the person two (2) business days in which to remedy the violation and avoid the commencement of a forfeiture action.

## **Sec. 15-2-12 Appeals; Variances.**

### **(a) Appeal or Variance Requests.**

- (1) **By Applicant or Permittee.** Any aggrieved applicant, permittee or land user may appeal any order, decision, determination or inaction of the City in administering or enforcing this Chapter, or may apply for a variance from the requirements of this Chapter. A Twenty-five Dollar (\$25.00) filing fee must accompany the appeal or variance request. Appeal or variance requests must be submitted in writing, state the grounds for the appeal or variance request, and be filed with the City Clerk-Treasurer. Publication and other associated costs will be in addition to this fee and paid by the applicant.
- (2) **Appeal By Citizens.**
  - a. An appeal of any order, decision, determination or inaction of the City in administering or enforcing this Chapter may be commenced upon the filing of a petition signed by twenty-five (25) adult residents of the City and payment of a Fifty Dollar (\$50.00) fee to cover the cost of the appeal.
  - b. The appeal must be filed with the City Clerk-Treasurer and shall state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the City Clerk-Treasurer within five (5) business days of its filing with the City. The filing of a citizen appeal, by itself, does not prohibit the commencement or continuation of any work or activity.
- (3) **Appeal Deadline.** Appeals by applicants, permittees or citizens must be filed within forty-five (45) days of the order, decision, determination or inaction being appealed.
- (4) **Multiple Appeals Prohibited.** Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. The Board of Appeals shall consolidate appeals wherever possible to avoid a multiplicity of appeal proceedings and to hasten the final resolution of a matter. The Board of Appeals may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.

### **(b) Authority.**

- (1) **Authority to Grant Variances.** The Board of Appeals shall decide all variance requests in accordance with the provisions of this Code of Ordinances. The Board of Appeals shall only grant such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter is impracticable or otherwise unreasonable or demonstrated to be unnecessary. Such variances may be granted only when the Board

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of Appeals has been presented with satisfactory proof that the variance will achieve compliance results comparable to those set forth in this Chapter.

- (2) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by City officials in administering this Chapter. The Board of Appeals shall use the rules, procedures, duties and powers authorized by City ordinance and statute for the Board of Appeals in hearing and deciding appeals and authorizing variances. The Board of Appeals shall hear and decide within thirty (30) days of receipt of the written request and payment of the appeal fee, unless an extension is agreed upon by the Appellant and Board of Appeals. The procedures utilized by the Board of Appeals shall be as prescribed in the City Zoning Code.
- (c) **Enforcement Not Stayed.** The filing of an appeal or variance does not preclude the City from commencing or continuing any of the enforcement actions set forth herein or a forfeiture proceeding set forth in this Chapter unless the Common Council specifically agrees to stay such enforcements.

## Title 15 ► Chapter 3

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# Fair Housing

### 15-3-1 Fair and Open Housing

#### **Sec. 15-3-1 Fair and Open Housing.**

- (a) **Statutory Authority.** Pursuant to the authority granted by Sec. 66.1011, Wis. Stats., the Common Council of the City of Abbotsford adopts by reference Sec. 106.50, Wis. Stats., and all subsequent amendments thereto.
- (b) **Municipal Assistance.** Officials and employees of the City of Abbotsford shall assist in the orderly prevention and removal of all discrimination in housing within the City of Abbotsford by implementing the authority and enforcement procedures set forth in Sec. 106.50, Wis. Stats.
- (c) **Filing of Complaints.** The City of Abbotsford Clerk-Treasurer shall maintain forms for complaints to be filed under Sec. 106.50, Wis. Stats., as amended, and shall assist any person alleging a violation thereof in the City of Abbotsford with filing a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Sec. 106.50, Wis. Stats., as amended.

*State Law Reference:* Secs. 66.1011 and 106.50, Wis. Stats.





## Title 15 ► Chapter 4

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# Minimum Housing & Property Maintenance Code

<b>15-4-1</b>	Title
<b>15-4-2</b>	Intent and Purpose
<b>15-4-3</b>	Rules of Interpretation and Definitions
<b>15-4-4</b>	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service
<b>15-4-5</b>	Safe and Sanitary Maintenance of Property
<b>15-4-6</b>	Conditions of Occupancy and Use of Space in Residential Buildings
<b>15-4-7</b>	Responsibilities of Residential Owners, Operators, and Occupants
<b>15-4-8</b>	Inspections
<b>15-4-9</b>	Designation of Unfit Dwellings and Legal Procedure Therefor
<b>15-4-10</b>	Enforcement; Service of Notices and Orders; Hearings
<b>15-4-11</b>	Registration Rental Contact Registration
<b>15-4-12</b>	Penalties

### **Sec. 15-4-1 Title.**

This Chapter shall be known as the City of Abbotsford Minimum Housing and Property Maintenance Code.

### **Sec. 15-4-2 Intent and Purpose.**

(a) **Purpose.**

- (1) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City of Abbotsford and its environs. This includes, but is not limited to, safety, health, sanitation, aesthetic, and property valuation public policy objectives.
- (2) It is recognized that there presently exists, or may exist in the future, residential buildings and dwelling units (owner-occupied and rental properties), non-residential structures, yards or vacant areas, and combinations thereof, which are so dilapidated,

neglected, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to be detrimental to the health, safety, and general welfare of the people of the City of Abbotsford, or to the economic values of area properties.

- (3) The establishment and subsequent enforcement of this Chapter is deemed necessary and essential to protecting, preserving and promoting the public interest. This Chapter is adopted pursuant to the general police powers conferred on municipalities by the Wisconsin Statutes, and the provisions of this Chapter shall be reasonably and liberally construed to be an exercise of those powers intended to maintain a pleasant, safe and healthful environment within the City of Abbotsford.

(b) **Scope; Conflict of Regulations.**

- (1) This Chapter shall pertain to all structures in the City of Abbotsford, with certain provisions specifically applicable to residential dwellings and dwelling units, including, but not limited to, rental dwelling units.
- (2) The provisions of this Chapter and the standards herein are minimum standards. In situations where a provision of this Chapter is in conflict with another provision of this Code of Ordinances or a state regulation, the provision which establishes the higher or more restrictive standard for the protection of the public health, safety and welfare shall take precedence and be complied with.
- (3) The provisions of this Chapter shall not apply to the construction of new buildings, which are subject to other local and state regulations.

- (c) **Validity of Prior Regulations.** Equipment, systems, and safeguards required by a previous state regulation, local ordinance or code effective when a structure was constructed or lawfully altered shall be maintained in good repair and working order. The requirements of this Chapter are not intended to provide the basis for removal or abrogation of fire protection or safety systems in good repair and working order.

- (d) **Historic Buildings.** The provisions of this Chapter shall apply to structures designated and as allowed as federal, state or municipal government-designated historic structures. However, any construction work performed on such historic structures shall also comply with appropriate City zoning, building code and historic preservation ordinances and the requirements of the Wisconsin Administrative Code.

*Cross-Reference:* Title 11, Chapter 6, "Public Nuisances"; Section 8-1-2  
"Health Nuisance, Abatement of"; and Section 10-5-8  
"Junked Vehicles, Refuse and Appliances"

### **Sec. 15-4-3 Rules of Interpretation and Definitions.**

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

- (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural the singular.
  - (3) The word "shall" is mandatory and not discretionary.
  - (4) The word "may" is permissive.
  - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Adequate.** Shall mean adequate as determined by the Building Inspector or designee under the regulations and standards of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as "adequate."
  - (2) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
  - (3) **Approved.** Approved by the Building Inspector or designee as being in accordance with the regulations of this Chapter, or approved by an authority designated by law, this Chapter, or this Code of Ordinances.
  - (4) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the City of Abbotsford and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
  - (5) **Basement.** A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
  - (6) **Bath.** A bathtub or shower stall properly connected with both hot and cold water lines.
  - (7) **Bathroom.** A non-habitable room with a dwelling unit which is used, or intended to be used, primarily for bathing and/or toilet purposes, and which contains a toilet, bathtub or shower facilities.
  - (8) **Bedroom.** A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room. "Bedroom", however, shall not be interpreted so as to prohibit efficiency apartments.
  - (9) **Boarding House.** See "Rooming House" and "Rooming Unit."
  - (10) **Communal.** Used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.
  - (11) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Common Council, City Clerk-Treasurer, Zoning Administrator, Building Inspector, Fire Inspector or public health authorities, or designee, for the purpose of verifying the fulfillment of an official requirement listed in a compliance order.

- (12) **Deadbolt Locking Device.** Any keyed, mortised lockset with at least a 3/4 inch bolt capable of being opened from the inside by a single turn of a knob.
- (13) **Dwelling.** A place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- (14) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged and intended for use by one (1) family.
- (15) **Extermination.** The control or elimination of insects, rodents or other pests by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
- (16) **Family.** An individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers. For the purpose of this Subsection, "children" means natural or legally adopted children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (17) **Friable Material.** Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (18) **Garbage.** The animal and vegetable waste resulting from the preparation, handling, cooking and consumption of food.
- (19) **Good Working Condition.** Capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (20) **Habitable Space.** One (1) or more rooms or enclosed floor area in a dwelling used or intended to be used, for living, cooking, sleeping, or dining purposes, excluding bathrooms, foyers, pantries, laundries, closets and storage spaces.
- (21) **Impervious to Water.** Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (22) **Infestation.** The sustained presence of detrimental household insects, vermin, rodents or other pests within a dwelling or on the dwelling premises.
- (23) **Inoperable or Nuisance Vehicle.** Any inoperable, unlicensed, unroadworthy, disassembled or wrecked motorized or unmotorized vehicle or trailer in violation of Section 10-5-8.
- (24) **Kitchen.** A habitable room or area used or intended to be used for cooking or the preparation of meals.

- (25) **Living Room.** A room used primarily for living, dining, recreational or cooking purposes.
- (26) **Mixed Occupancy.** Occupancy of a building in part for residential use and in part for some other use not accessory thereto. An example would be a building with commercial retail space on the first floor and apartments on the second floor.
- (27) **Nuisance.** For purposes of this Chapter, shall be defined as follows:
- a. Whatever is dangerous to human life or safety, or is detrimental to health.
  - b. Insufficient ventilation or illumination.
  - c. An attractive nuisance which may be detrimental to children, whether in a building or upon a lot. An attractive nuisance includes, but is not limited to: any abandoned shafts, wells or basements; unprotected basements and excavations; inoperable motor vehicles; structurally unsound structures; or trash, refuse, garbage, lumber, construction debris or vegetation which may prove a hazard for inquisitive minors.
  - d. Inadequate or unsanitary sewerage or plumbing facilities.
  - e. Unsafe or dangerous electrical wiring or natural gas lines.
  - f. Uncleanliness.
  - g. Whatever renders air, food or drink unwholesome or is detrimental to the health of humans.
  - h. Deteriorated, dilapidated or blighted to the extent that doors, windows, plumbing or heating fixtures or appurtenances of the building are damaged or removed.
  - i. As also defined in Sections 8-1-2, 10-5-8 and 11-6-2 of this Code of Ordinances.
- (28) **Occupant.** Any person living, sleeping or eating in, or having actual possession of a dwelling or dwelling/rooming unit.
- (29) **Operator.** Any person who has charge or control of a building or part thereof in which dwelling units or rooming rooms are located or let.
- (30) **Owner.** Any person, firm, partnership, corporation, or business organization of any kind who alone or jointly and severally with others is the legally recorded holder of the title with or without actual possession thereof, or who has charge, care and control of any dwelling or dwelling unit as agent, owner, executor, administrator, trustee or guardian of the estate of the owner. "Owner" shall also include the legally recorded holder of a land contract vendee interest. "Owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.
- (31) **Person.** Any individual, firm, corporation, limited liability corporation, association, or partnership.
- (32) **Plumbing.** Shall mean and include the following: all piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners

- and water heaters connected with such water and drainage systems, and also includes the installation thereof or a water pressure system other than the municipal system as provided in Ch. 144, Wis. Stats.
- (33) **Premises.** A lot together with all buildings and structures thereon.
- (34) **Properly.** As deemed proper by the Building Inspector or designee under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (35) **Provided.** Furnished, supplied, paid for or under control of the owner.
- (36) **Residential Building.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families, tenants or lodgers, and which includes, but is not limited to, the following types:
- a. Single-family dwellings.
  - b. Two (2) family dwellings.
  - c. Multiple-family dwellings (including apartment hotels).
  - d. Rooming houses.
  - e. Any building containing any of the above uses together with other uses shall be considered a residential building.
- (37) **Room.** A partitioned part of the inside of a building. For the purposes of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.
- (38) **Roomer.** An occupant of a rooming house who is not a member of the family of the operator of that rooming house, or an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
- (39) **Rooming House.** Any dwelling, or that part of any dwelling, containing one (1) or more rooming units, in which space is let by the owner or operator to more than four (4) roomers.
- (40) **Rooming Unit.** Any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and/or operator to more than four (4) roomers.
- (41) **Sleeping Room.** A room used for sleeping purposes.
- (42) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.
- (43) **Structure Unfit for Occupancy.** An unsafe structure; or a structure which is unfit for habitation or occupancy because of the extent to which the structure is dilapidated, in

disrepair or lacks proper maintenance, or a structure which is unsanitary, vermin-infested, is filthy or contaminated, is unsafe, or which lacks adequate ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Chapter.

- (44) **Supplied.** Furnished, provided by, or under the control of the owner or operator.
- (45) **Unsafe Structure.** A structure that endangers safety for reason that it is in imminent danger of failure or collapse, or a portion of the building has failed or collapsed, or the structure is in a condition of decay or dilapidation.
- (46) **Workmanlike.** Work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and intended to provide a durable result ensuring public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

#### **Sec. 15-4-4 Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service.**

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, plumbing, and electrical services for habitable residential buildings and parts thereof to safeguard the public health and safety, promote sanitation, and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged and fostered by having available: adequate water and sanitary facilities; proper storage; proper removal of garbage, recyclables and other refuse; safe means of ingress/egress and ventilation; and adequate provision of light, air, heat, and electrical service.
- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building or dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
  - (1) **Basic Plumbing Requirements.**
    - a. Every dwelling unit shall contain a kitchen sink, a water flush toilet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system.
    - b. The water flush toilet, bathtub or shower, and lavatory basin shall be contained within a separate room, irrespective of the sink required as part of the kitchen facility. The kitchen sink shall be located in the room in which the food is cooked or prepared.
    - c. The room wherein the toilet and bathtub or shower required under this Section are installed shall afford privacy to a person within. The bathtub or shower may be in a room separate from the room housing the toilet and lavatory basin, but shall afford privacy to a person within.

- d. Plumbing systems shall be maintained in a sanitary and functional condition. Leaking pipes or broken fixtures shall be considered unsanitary.
- (2) **Water Supply.**
- a. Every required kitchen sink, lavatory basin, bathtub and shower shall be properly connected with both hot and cold potable water, and every flush toilet shall be properly connected to a supply of water adequate in volume and pressure for flushing purposes.
  - b. Water pressure shall be available at all fixtures as specified in the Wisconsin Administrative Code.
- (3) **Water Heating Facilities.** Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120°) degrees Fahrenheit.
- (4) **Refuse and Garbage Receptacles and Storage.** Each owner of any residential building shall be responsible for supplying every dwelling unit with garbage/refuse receptacles large enough to store garbage, refuse and recyclable materials generated by that residential unit. Such receptacles shall be maintained in serviceable condition and comply with the standards established by the municipality and/or its designated collection service, specifically, but not limited to, Title 8, Chapter 3 "Recycling and Refuse" of this Code of Ordinances.
- (5) **Ingress/Egress in One- and Two-Family Dwellings; Stairways; Multi-Family Dwellings.**
- a. Every one and two-family dwelling unit and rooming unit shall have direct access to at least two (2) accessible unobstructed means of egress/ingress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform.
  - b. All stairs in one and two-family dwellings shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet in depth. All stairways and platforms shall be protected with handrails and guardrails as specified in SPS 321.04, 351.161 and 351.162, Wis. Adm. Code, and shall be equipped with treads and risers reasonably uniform. Guardrails in place at the time of the adoption of this Chapter are not required to be replaced until such time as the guardrails are:
    - 1. Not in a sound structural condition;
    - 2. Deteriorated;
    - 3. No longer functional; or
    - 4. Unsafe.



- c. Stairways and porches in multi-family dwellings shall comply with the appropriate provisions of the Wisconsin Uniform Dwelling Code, as may be amended from time to time.
  - d. Every inside and outside stairway, porch, guardrail and appurtenance thereto shall be so constructed and maintained as to be safe to use and capable of supporting the load that normal use would be caused to be placed thereon, and shall be kept in good repair and in sound condition. Stairways shall be kept free of refuse or stored material which could pose a threat to the safety of users.
- (6) **Rooming House Plumbing.**
- a. Each rooming house shall provide at least one (1) water flush toilet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities.
  - b. All such rooming house facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- (7) **Natural Gas Ranges.** When used or provided in any dwelling unit, natural gas or LP gas ranges, ovens and oven/range combination units of any such type shall be installed, maintained and operated in a safe and non-hazardous manner, pursuant to any state or national codes and regulations and the manufacturer's specifications. If such an appliance is determined to be unsafe, no person shall use, or permit others to use, the appliance until all appropriate repairs have been made.
- (8) **Smoke Detector Alarms; Carbon Monoxide Alarms.**
- a. All occupied or vacant dwelling units shall be provided with a functioning, listed and labeled smoke detector alarm in the basement and on each floor of the dwelling, excluding the attic, garage and storage areas of said dwellings, as required by Sec. 101.645, Wis. Stats., and SPS 328.03, Wis. Adm. Code. Alarms shall be certified by Underwriters Laboratories.
  - b. Smoke detector alarms may be separate or combination units powered by batteries, except in the case of new dwellings constructed after June 1, 1980, smoke detectors shall be directly powered by the dwelling's electrical system, with battery backup power.
  - c. Owners are responsible for smoke detector and carbon monoxide alarm installations and battery replacement as necessary. Tenants shall be responsible for notifying the owner in writing of any smoke detector or carbon monoxide alarm malfunction, including the need to replace batteries. Owners shall repair or replace a smoke detector or carbon monoxide alarm within five (5) days of written notice from a tenant or an inspector. The property owner shall replace

the battery at the beginning of a new lease or tenancy, or on an annual basis. The owner shall provide the tenant at the start of a new lease or tenancy written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detector and carbon monoxide alarms, including maintenance and battery replacement.

- d. All residential structures, new and existing, shall have functioning carbon monoxide detectors on every floor near sleeping areas, as required by SPS 321 and SPS 326, Wis. Adm. Code and Sec. 101.647, Wis. Stats. Newly constructed dwellings shall have carbon monoxide detectors which are directly powered by the dwelling's electrical service; owners of existing homes may install battery-powered or plug-in detectors. Owners of multi-family dwellings shall comply with the rules for alarms in the Wisconsin Commercial Building Code as prescribed in SPS 361-366, Wis. Adm. Code, specifically SPS 362.1200, Wis. Adm. Code.
- e. A person may apply for a waiver to smoke detector and carbon monoxide alarm requirements provided the standards of Sec. 101.648, Wis. Stats., can be met.

(9) **Windows, Doors and Ventilation.**

- a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Sec. SPS 321.05, Wis. Adm. Code, as dictated by the occupancy of the building. Generally every habitable room shall be provided with openable door and/or window areas equal to a minimum of four percent (4%) of the floor area, except mechanical ventilation can be provided in a kitchen in lieu of doors/windows when the ventilation system is designed and installed according to accepted engineering practices or manufacturer's specifications.
- b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [toilet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.
- c. All doors and windows openable directly to the outside shall be properly screened with untorn screens in serviceable condition.
- d. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.
- e. Exterior entry/exit doors shall be of a solid construction and capable of providing security with a locking device.
- f. In providing natural lighting, every habitable room shall be provided with window areas equal to at least eight percent (8%) of the floor area.
- g. All openings to a residential building which might provide an entry for rodents shall be effectively protected at all times so as to prevent rodent entry.

(10) **Electrical Service.**

- a. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, maintained in good and safe working conditions, and be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code or in this Subsection, whichever is more restrictive.
- b. Every habitable room shall contain a minimum of two (2) separate wall electric convenience outlets or one (1) such wall convenience outlet and one (1) ceiling-type or wall-type electric fixture.
- c. Every toilet compartment, furnace room, laundry room, and public hall shall contain a minimum of one (1) ceiling or wall-type electric fixture. Every bathroom shall contain one (1) wall electric convenience outlet or one (1) wall or ceiling light fixture.
- d. In every building containing two (2) or more dwelling units using the same corridors and stairways, adequate lighting shall be provided in such corridors and stairways when needed, by the following means:
  1. Corridor light switches: Conveniently located light switches.
  2. Stairway light switches: At least the equivalent of a three-way light switch system located at the bottom and top of all stairways.
  3. Any automatic type of operation which will maintain adequate lighting at all times, either natural or artificial.
- e. Exterior lighting shall be required to illuminate exterior entry/exit steps leading to dwelling units.
- f. All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring, shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
- g. Electrical service panels shall be readily accessible to all occupants in a dwelling without passing through another dwelling unit, as required by the Wisconsin Electrical Code

(11) **Heating.**

- a. Every dwelling shall have heating equipment which is capable of adequately and safely heating all habitable rooms and bathrooms to a minimum temperature of sixty-seven (67°) degrees Fahrenheit when the outdoor temperature is (0°) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60°) degrees Fahrenheit shall be maintained in all habitable rooms and bathrooms when the outdoor temperature is zero (0°) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the City for compliance purposes shall be the temperature as reported by the National Weather Service.
- b. The occupant of a room or an apartment may voluntarily maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable residential areas of the building.

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- (12) **Lighting.**
  - a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and rooming houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
  - b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct an occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be employed on the premises.
- (13) **Emergency Work Contact Information.** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. Such names, with their telephone numbers and email addresses, shall be revised periodically as necessary to maintain accurate information at all times.
- (c) **Optional KNOX Box Requirement.** When ordered as necessary by the Building Inspector or Fire Inspector, a KNOX box shall be installed on the exterior of a multi-family dwelling with six (6) or more dwelling units to gain non-destructive entry to the structure for fire and other public safety emergency responses. The cost of the KNOX box and installation shall be the responsibility of the property owner.

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

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas in residential districts. Attractive and well-maintained property will enhance the neighborhood and City of Abbotsford and provide a suitable environment for enhancing physical and monetary property values.
- (b) **Exterior Premises and Structural Maintenance Requirements.** Every owner, operator, occupant or tenant shall properly maintain all property under his/her control, including but not limited to residential property (owner-occupied and rental), to comply with the following minimum requirements:
  - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from the residential building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs, downspout extensions or rain gardens.

- (2) **Weeds and Excessive Vegetation Growth.** All exterior property areas shall be kept free from noxious weeds and excessive growth of vegetation as required by Sections 8-1-4, 8-1-5 and 8-1-6 of this Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Weed Commissioner or designee shall perform said weed cutting pursuant to Sections 8-1-4, 8-1-5 and 8-1-6, and process the charge therefor as a special charge against the benefitted property.
- (3) **Miscellaneous Debris.** Pursuant to this Chapter, Section 8-1-2 "Health Nuisances, Abatement of", Section 10-5-8 "Junked Vehicles and Appliances on Private Property" and Title 11, Chapter 6 "Public Nuisances", all exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, accumulations of animal feces, and inoperable or unlicensed vehicles or equipment as required by Section 10-5-8 and Title 11, Chapter 6 of this Code of Ordinances. All animal feces shall be removed as required by ordinance. Specifically, all exterior property areas shall be maintained:
- a. Free from recyclable materials which are not properly separated and stored as required by Title 8, Chapter 3 "Recycling and Refuse" for purposes of collection and storage, provided such outside storage of recyclables is not for longer than fourteen (14) days or to accommodate collection, whichever is first.
  - b. Free from items such as inoperable or nuisance vehicles, boats, recreational vehicles, trailers, building materials, scrap metals, appliances, furniture, or other debris in violation of Section 10-5-8 "Junked Vehicles and Appliances on Private Property".
  - c. In a condition so as not to become infested with rodents or be a rodent harborage.
  - d. Free from building materials as required by Section 10-5-8 "Junked Vehicles and Appliances on Private Property", unless such materials are temporarily stored on the property for use with a building project pursuant to a valid City building permit.
  - e. Free from substantial accumulations of animal feces as required by Title 7, Chapter 1 of this Code of Ordinances.
  - f. Free from physical hazards.
  - g. Free from any accumulation of combustible materials which are not used as an integral part of an authorized business lawfully conducted on the premises.
  - h. In a manner which does not constitute a health or public nuisance per Title 11, Chapter 6.
- (4) **Fences, Walks, Parking Areas.** Fences, other accessory construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe and properly maintained condition. Pursuant to City Zoning Code standards, all fences shall be maintained in good repair, be structurally sound and plumb. Fence

surfaces shall be reasonably free of rust corrosion, deterioration, decay, missing parts, and peeling, flaking or deteriorated paint or stain. Wood surfaces, other than decay-resistant wood, shall be protected from the elements and decay by staining, painting or other protective coating or treatment. Fences shall not be of a type prohibited by the City Zoning Code.

- (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration due to the type of siding used shall be treated with a protective coating of paint, stain or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint, stain or other preservative shall be maintained so as to prevent excessive chipping, cracking, or other deterioration of the exterior surface or surface treatment and to present an attractive appearance.
- (6) **Yard Areas.**
  - a. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, construction debris or building material not used within thirty (30) days, or any unsightly bulk items.
  - b. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby the appearance and value of the neighborhood and City. The provisions of Section 10-5-8 shall be complied with regarding the outside storage of vehicles, boats, recreational vehicles, construction equipment and other debris.
  - c. The unpaved public terrace area, as defined in Title 6, Chapter 2, abutting private property shall be maintained by the abutting property owner in accordance with, but not limited to, Sections 8-1-4, 8-1-5 and 8-1-6.
- (7) **Prohibited Debris.** No person shall store or dispose of, other than temporarily with a project, rocks, trees, stumps, waste materials or other debris from land development, building construction, installation of underground utilities, or from any other activity upon the surface of any land in the City regardless of zoning classification, except at approved disposal sites.
- (8) **Accessory Buildings.** All accessory structures and buildings, including windows, doors and roofs which are a part thereof, shall be maintained structurally sound, in good repair, reasonably watertight and rodent-proof. Factors indicating a state of disrepair include, but are not limited to, defective or collapsed roofs, missing windows and doors, deteriorated or missing siding, and/or substantial leaning indicating structural damage.
- (9) **Graffiti.** The owner, occupant, operator, or tenant of any building or accessory building/structure shall be responsible for removing all graffiti therefrom within fifteen (15) days following receipt of a City notice to remove such graffiti.

- (10) **Structural Members.** All structural members shall be maintained structurally sound in good repair, and be capable of safely supporting the imposed loads.
  - (11) **Windows.** Every window, storm window, skylight and/or screen window, including frames, shall be kept in sound condition, good repair and weathertight. All window glazing shall be maintained free from holes and large cracks.
  - (12) **Roofs and Drainage.** The roof and flashing shall be maintained structurally sound and not have defects which consistently admit water. Roof coverings shall be in good repair, free from missing components, storm damage, and not have missing components. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner which creates a public nuisance or unsafe conditions.
  - (13) **Overhang Extensions.** All canopies, marquees, awnings, signs, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.
  - (14) **Porches, Ramps, Decks, Balconies and Exterior Stairways.** Every porch, deck, exterior stairway, ramp and/or balcony, and all appurtenances attached thereto, shall be maintained in a structurally sound condition, in good repair, with proper anchorage, and capable of supporting imposed loads. Any new or replacement exterior stairway, deck, porch, ramp and/or balcony shall be installed in accordance with the Wisconsin Uniform Dwelling Code.
- (c) **Interior Maintenance Requirements.**
- (1) **General Maintenance and Cleanliness.** Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
  - (2) **Weathertight, Watertight and Rodent-Proof Premises.** Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to ensure that it safely and properly removes the products of combustion from the building. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.
  - (3) **Stairway Maintenance.** Every inside and outside stairway, porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of

supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in Sec. SPS 321.04, Wis. Adm. Code, or other Wisconsin Administrative Code provisions as dictated by the type of occupancy in the building.

- (4) **Plumbing Fixtures Maintenance.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (5) **Bathroom Maintenance.** Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (6) **Supplied Facilities.**
  - a. Every supplied facility, piece of equipment, or utility connection shall be so constructed, installed, and maintained so that it will function in a proper working condition.
  - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical and safe working condition.
  - c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (7) **Equipment Removal Restricted.** No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or rooming unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
- (8) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building.
- (9) **Public/Shared Areas.** Every owner of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.
- (d) **Hazardous Conditions.** It is the owner's responsibility that dwellings be structurally sound and free of conditions which constitute a substantial hazard to the health and safety of the occupant(s) or which create an unreasonable risk of personal injury resulting from any reasonable foreseeable use of the dwelling (other than the negligent use of the dwelling by the occupants). Such violations include, but are not limited to, sewage or water accumulations in the basement, excessive damage to the interior which may pose health



problems, or excessive human, animal or other solid waste accumulation inside the structure which may pose a health problem.

- (e) **Animals – Unsanitary Conditions.** No occupant of a residence shall keep any animals or pets in a dwelling or rooming unit, or on any premises, in such manner as to create unsanitary conditions, including, without limitation, accumulation of excrement.

## **Sec. 15-4-6 Conditions of Occupancy and Use of Space in Residential Buildings.**

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public health and safety. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential units. No person shall occupy or let to another person for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the requirements herein.
- (b) **Size of Dwellings and Dwelling Units.**
- (1) **Detached Single-Family Dwellings.** Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
  - (2) **Floor Space.**
    - a. Every dwelling unit, except for hotels and rooming houses, shall contain a minimum of one hundred fifty (150) square feet of habitable floor area for the first occupant and a minimum of one hundred (100) additional square feet of floor area for each additional occupant.
    - b. The floor area of a rooming house room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
  - (3) **Excluded Spaces.** Floor area shall be calculated on the basis of habitable room area. Closet and hallway areas within the dwelling unit may count for no more than ten percent (10%) of the required habitable floor area. The space used as a laundry, workshop, furnace room, and common hallways shall not be included as part of the space required in Subsections (b)(1) and (2) above.
  - (4) **Bathroom Access.** Every occupant of a dwelling unit shall have unrestricted access to a bathroom and flush toilet, and to a sink or lavatory basin, located within the dwelling unit. Such access shall not be through more than one (1) sleeping room.
  - (5) **Ceiling Height.** At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing floor area of the room for determining maximum permissible occupancy thereof.

- (6) **Basement Use.** A basement space may only be used for a sleeping room if:
  - a. The floor and walls are impervious to leakage of underground and surface runoff water and excess humidity is controlled.
  - b. The space being utilized complies with the requirements for habitable rooms.
  - c. The total openable window area in each basement room is equal to at least the minimum required under this Chapter or applicable building code standard, except where there is supplied some other means affording adequate ventilation.
  - d. A basement-only structure shall not be used as a dwelling.

### **Sec. 15-4-7 Responsibilities of Residential Owners, Operators and Occupants.**

- (a) **Purpose.** The purpose of this Section is to establish the responsibility of owners, operators, and occupants of residential buildings.
- (b) **Responsibilities.** The responsibilities of owners, operators, and occupants of residential buildings are as follows:
  - (1) Every owner of a dwelling shall be responsible for maintaining in a clean, safe, and sanitary condition all shared, communal or public areas of the residential building and premises thereof.
  - (2) Every occupant of a dwelling unit shall keep in a clean, safe, and sanitary condition that part of the residential building and premises thereof which he/she occupies and controls, except the operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the rooming house.
  - (3) Every occupant of a dwelling containing more than one (1) dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his/her dwelling unit is the only one infested. However, when infestation is caused by the failure of the owner to maintain a dwelling in a rodent-proof or substantially insect-proof, or if termites infest the dwelling unit, extermination shall be the responsibility of the owner.
  - (4) Every occupant of a dwelling unit shall maintain all plumbing fixtures therein in a clean and sanitary condition.
  - (5) The owner or operator shall not occupy or let to another for occupancy any space in a residential dwelling unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and the Wisconsin Administrative Code and compliance inspections/orders thereunder.

## Sec. 15-4-8 Inspections.

- (a) **Generally.** The Building Inspector, or designee, or public health authorities are authorized and empowered to inspect all residential dwellings, whether owner-occupied or rental units, within the City of Abbotsford pursuant to the requirements of this Section for the purpose of determining whether or not said residential dwellings comply with the requirements of this Chapter. As required by Section 706.22, Wis. Stats., this Chapter, and any inspections thereunder, is intended not to restrict the ability of a person to purchase, sell, take title to, or finance real property or restrict the ability of a purchaser of, or transferee of title, of residential real property to take occupancy of the property.
- (b) **When Inspections May Occur; Inspection Warrants.**
- (1) All properties in the City of Abbotsford, including residential rental dwelling units, shall be subject to inspection requests. The inspections process may be initiated based on tenant or citizen complaints or requests or where the Building Inspector believes probable cause exists justifying such inspection(s) and after an inspection warrant is first obtained or consent is voluntarily given to conduct such inspections.
  - (2) Inspections by the City shall only be conducted under the following circumstances:
    - a. In an occupied dwelling unit with consent from the owner or the owner's agent who is present at the time of inspection;
    - b. In an occupied dwelling unit with consent from an adult tenant who is present at the time of inspection; or
    - c. Following the obtaining by the Building Inspector or designee of a special inspection warrant under Section 66.0119, Wis. Stats.
  - (3) If any owner or occupant refuses to give voluntary consent to the Building Inspector to enter for inspection purposes any residential dwelling or portion thereof, the Building Inspector is authorized to and may seek an inspection warrant from an appropriate court, and then only enter and inspect said residential building pursuant to the authority granted by such warrant.
  - (4) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and is present for the inspection. No person shall prevent, resist or interfere with the Building Inspector, Fire Inspector or public health authorities when lawfully entering a premises and carrying out their duties as prescribed by this Chapter and other pertinent provisions of the City Code of Ordinances.
  - (5) The City may charge a fee for such residential inspections, including those for residential rental units.
- (c) **Violations.** Violations identified during such inspections shall be abated within the time ordered by the Building Inspector.

*State Law Reference:* Sec. 706.22, Wis. Stats.

## **Sec. 15-4-9 Designation of Unfit Dwellings and Legal Procedure Therefor.**

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

- (a) **Finding of Defects.** Any dwelling or dwelling unit which shall be found to have any of the following serious defects may be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:
  - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants (actual or prospective) or of the public.
  - (2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants (actual or prospective) or of the public.
  - (3) One which, because of its general condition of disrepair, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants (actual or prospective) or of the public.
  - (4) One which has a history of structural fires and inadequate subsequent repairs.
  - (5) One which, because of its general condition, location or appearance, is a blighting influence or causes a decrease in the valuation of property in the immediate neighborhood.
- (b) **Designation as Unfit for Human Habitation; Vacation of Premises.** Any dwelling, dwelling unit, building or structure designated and placarded by the Building Inspector as unfit for human habitation until necessary repairs are made or the structure is razed shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- (c) **Unfit Dwelling Not to be Reoccupied.** No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been properly addressed and corrected.
- (d) **Defacement or Removal of Condemnation Notices.** No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.
- (e) **Legal Proceeding for Razing Order.** Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of the Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such

violation to the Common Council and City Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter. Any dwelling declared structurally unsafe or unsanitary shall be razed or restored according to the provisions of Sec. 66.0413, Wis. Stats.

- (f) **Vacant Buildings to be Secured From Entry.** Any building which has been vacant for more than thirty (30) days due to damage, disrepair or vandalism shall be secured against unauthorized entry, except as provided under Subsection (f)(2) below. This shall include adequately boarding up and securing doors, windows, and other openings in a workmanlike manner so as to not present an attractive nuisance and to prevent illegal entry, vandalism or damage:
- (1) The building's utilities, plumbing, electrical and heating systems in such vacant building shall be maintained at all times when possible in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent the existence of hazardous, unsanitary, and dangerous conditions.
  - (2) When any building has been seriously damaged by fire, weather or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within seven (7) days of the damage by fire, weather or other cause.

*State Law Reference:* Section 66.0413, Wis. Stats.

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

- (a) **Notice of Violation.**
- (1) Whenever the Building Inspector has found a violation or determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, the Building Inspector or designee shall give notice of such alleged violation to the person or persons responsible. Such notice shall:
    - a. Be in writing.
    - b. Include a statement of the reasons why it is being issued.
    - c. Provide a reasonable time for the performance of any act it requires.
    - d. Be served upon the owner or his/her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if:

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1. A copy thereof is served upon him/her personally;
  2. A copy thereof is sent by certified mail to his/her last-known address;
  3. A copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or
  4. If he/she is served with such notice by any other method authorized or required under the laws of the State of Wisconsin.
- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- (b) **Violation Reoccurrence.** Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.
- (c) **Hearing.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to provide reasons why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon request of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his/her judgment, the petitioner has submitted sufficient grounds for such postponement.
- (d) **Post-Hearing Determinations and Actions.**
- (1) Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order.
  - (2) Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.
  - (3) Following a hearing in the case of any notice suspending any permit related to this Chapter (such as a building permit) or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended

by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.

- (4) Whenever any order to correct conditions regarding the premises made pursuant to this Chapter has not been complied with because the person to whom the order was directed has failed, neglected or refused to comply, the Building Inspector may request appropriate City authorities to initiate prosecution, or institute any appropriate action to abate such building as a public nuisance, the cost of which will be assigned to the property owner as a special charge.
- (e) **Record of Proceedings.** The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter.
- (f) **Emergency Situations.**
  - (1) Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, the Building Inspector may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the Building Inspector deems necessary to meet the emergency. Notwithstanding other provisions of this Chapter, such order shall be effective immediately.
  - (2) Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon the Building Inspector's findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, or modify it, or revoke it.
- (g) **Appeals of Determinations.** Determinations of the Building Inspector under this Section may be appealed to the Board of Appeals using the procedures prescribed in Title 13, Chapter 1 of this Code of Ordinances. Any person aggrieved by the decision of the Board of Appeals may seek relief therefrom in any court of competent jurisdiction, as provided by state law.

## **Sec. 15-4-11 Residential Rental Contact Registration.**

- (a) **Findings and Intent.** The Common Council finds that it is necessary to establish a program for registration by the City of Abbotsford of residential rental dwelling units to assist in responding to complaints regarding unsafe or unsanitary conditions for tenants. The Common Council finds that a significant percentage of code complaints, violations and compliance actions occur involve residential rental dwelling units and that the conditions which are found to exist at such dwelling units adversely affect the neighborhoods in which

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they are located and the health and safety of tenants. This Section is adopted to help facilitate communications with the owners of residential rental dwelling units and secure cooperation with making appropriate repairs. City officials and emergency responders can utilize contact information gathered through registration to contact property owners or landlords in case of an emergency with the rental property.

(b) **Owner Registration.**

- (1) The owner of a residential rental dwelling or dwelling unit within the City of Abbotsford shall record the residential contact information with the City Clerk-Treasurer by January 1, 2018 for rental units existing on the effective date of this Chapter, or within thirty (30) days of full or partial occupancy of new construction or the creation of new residential rental units. The contact registration does not act as a statement or admission regarding the rental unit's condition, give ongoing permission to enter the premises for purpose of inspection, or in any manner interfere with the sale, ownership or occupancy of such property.
- (2) With the registration, the owner, or the owner's agent, shall provide contact information as follows:
  - a. Legal name of the owner and the name of any agent or property manager, and their current addresses;
  - b. Street address of the rental property;
  - c. Number of rental units at that address; and
  - d. Telephone numbers (landline and cellphone), fax numbers, and email addresses at which the owner, his/her agent, or property manager can be reached and a response received within forty-eight (48) hours to take corrective actions.
- (3) There shall be no fee for the residential rental contact registration.
- (4) The owner of a residential rental dwelling or dwelling unit shall update the above contact information within thirty (30) days of any changes in the information required by Subsection (b)(2) to ensure that the registration on file with the City is current and correct.
- (5) Within thirty (30) days of the transfer, conveyance or sale of a residential rental unit, the new owner shall submit to the City the required contact information required by this Section.

**Sec. 15-4-12 Penalties.**

- (a) Any person who violates any provision of this Chapter shall upon conviction be subject to a forfeiture as prescribed in Section 1-1-7 of this Code of Ordinances, together with costs of prosecution. Each day of violation shall constitute a separate and distinct offense. The City of Abbotsford may also seek injunctive relief. In addition to forfeiture and injunctive remedies, the City, or its agent, may in the event of noncompliance remove refuse from the



parcel pursuant to City ordinances, at the owner's expense, and impose a special charge for such work pursuant to Sec. 66.0627, Wis. Stats.

- (b) Nothing in this Chapter shall be construed as limiting, impairing, altering or extending the rights and remedies of persons in the relationship of owner and tenant that exists under applicable law, nor shall this Chapter be construed to limit the authority of the City of Abbotsford and its employees and agents to perform housing inspections in accordance with this Code of Ordinances or enforcing any other provision of state or federal law.



## Title 15 ► Chapter 5

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# Commercial Property Exterior Maintenance Code

<b>15-5-1</b>	Title
<b>15-5-2</b>	Intent and Purpose
<b>15-5-3</b>	Rules and Definitions
<b>15-5-4</b>	Safe, Sanitary and Attractive Maintenance of Property
<b>15-5-5</b>	Fixing Responsibility of Owners, Operators and Occupants
<b>15-5-6</b>	Enforcement, Service of Notices and Orders and Hearings

### **Sec. 15-5-1 Title.**

This Chapter shall be known as the City of Abbotsford Commercial Property Exterior Maintenance Code.

### **Sec. 15-5-2 Intent and Purpose.**

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

### **Sec. 15-5-3 Rules and Definitions.**

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise:
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural the singular.

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- (3) The word "shall" is mandatory and not discretionary.
  - (4) The word "may" is permissive.
  - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The definitions found in Section 15-4-3 shall be applicable in this Chapter.

**Sec. 15-5-4 Safe, Sanitary, and Attractive Maintenance of Property.**

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
  - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
  - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
  - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
  - (4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
  - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
  - (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in

a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.

- (7) **General Requirements.** Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) **Removal of Debris.**
  - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
  - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
  - c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

### **Sec. 15-5-5 Fixing Responsibility of Owners, Operators and Occupants.**

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

**Sec. 15-5-6 Enforcement, Service of Notices and Orders and Hearings.**

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Section 15-4-10.

## Title 15 ► Chapter 6

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# Grievances Regarding Access to Public Buildings, Programs, Services and Employment

**15-6-1** Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

### **Sec. 15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.**

(a) **Statement of Purpose.**

- (1) The City of Abbotsford, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all City programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Common Council and is available from the City Clerk-Treasurer. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the City of Abbotsford Clerk-Treasurer.
- (2) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Mayor, subject to confirmation by the Common Council, at the Council's organizational meeting. The ADA Compliance Committee shall consist of five (5) members, and shall, if possible, have representatives from the following fields:
  - a. Business and/or non-profit organization.
  - b. Education.
  - c. Disabled representative.
  - d. Elected official.
  - e. Health/medical.
- (3) In the alternative to the committee structure in Subsection (a)(2) above, the Common Council may designate a Council standing committee or the Plan Commission to serve as the ADA Compliance Committee.
- (4) City letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
- (5) An ADA Committee meeting shall be treated as any other City committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

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(b) **Complaint Procedure.**

- (1) Complaints shall be filed with the ADA Coordinator, in care of the City Clerk-Treasurer.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
- (6) The City Clerk-Treasurer shall maintain the files and records of the City relating to the complaints filed.

(c) **Appeals.**

- (1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
- (2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Common Council and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Common Council shall precede the vote.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.



## Title 15 ► Chapter 7

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# Historic Preservation

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

### **Sec. 15-7-1 Declaration of Public Policy and Property.**

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

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

### **Sec. 15-7-2 Definitions.**

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

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

### **Sec. 15-7-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.**

- (a) **Composition.**
  - (1) The Common Council shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the City. In this role, the Historic Preservation Committee will act in an advisory capacity to the Common Council in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the City.
  - (2) Unless the Plan Commission is designated to serve as the Committee, Historical Preservation Committee members shall be chosen and appointed with consideration of one (1) or more of the following qualities:
    - a. Active interest in the historic preservation of the City of Abbotsford.
    - b. Knowledge of the history of the City and its environs.
    - c. Expertise and knowledge concerning architecture and archeology.
    - d. Ability to utilize authoritative resources concerning historic preservation.
  - (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new

- appointment or reappointment shall be made by the Common Council for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Council for consideration for new appointments.
- (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
  - (5) The Historic Preservation Committee shall hold meetings upon the call of its chairperson. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
  - (6) The Plan Commission and City Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the City's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Common Council shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the City for consideration for placement on the historic register of the City. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-7-4 below.
  - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Plan Commission with the approval of the Common Council. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
  - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
  - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the City Assessor of such covenant and the conditions thereof.
  - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of City designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
  - (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.

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- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the City in the interest of historic preservation.
- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the City. Funds for such purposes shall be placed in a special City account.

**Sec. 15-7-4 Criteria for Determining Eligibility.**

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

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

**Sec. 15-7-5 Register of Historic Sites, Structures, Landmarks and Districts.**

The City of Abbotsford shall maintain a register of historic sites, structures, landmarks and districts.

**Sec. 15-7-6 External Alteration of Designated Property.**

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

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

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

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

### **Sec. 15-7-8 Review of Permits.**

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

### **Sec. 15-7-9 Designation of Repository for Documents.**

The office of City Clerk-Treasurer is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.





