

CHAPTER 12 - BUILDING CODE

Part I - General Provisions

12.01 AUTHORITY¹

This Building Code is adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76, and 101.761 of the Wisconsin Statutes.

12.02 PURPOSE

The purpose of the Building Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

12.03 DEFINITIONS

As used in this Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

- (1) **Building.** Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
- (2) **Building Inspector.** The individual(s) or firm appointed by the Village to exercise all of the powers and duties of a building inspector under Wisconsin law.
- (3) **Canopy.** A suspended roof covering attached or detached over an entrance, gas pumps, etc.
- (4) **Construction.** Any part or portion of the activity of installing, locating, siting, erecting or raising a building.
- (5) **Contractor.** Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
- (6) **Demolition.** The activity of completely or partially destroying a previously erected or constructed building.

¹Repealed and recreated in its entirety via O98-06, 9/28/98.

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- (7) Electrical. The trade which relates to the design, installation, maintenance and repair of the electrical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
- (8) Garage, Private. A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.
- (9) Garage, Public. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold, or stored for monetary gain as a business.
- (10) HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning. The trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
- (11) Occupancy. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
- (12) Owner. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
- (13) Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
- (14) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

- (15) Stop work order. A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

12.04 SCOPE

This Building Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings. Notwithstanding this section, this Building Code shall not apply to children's play structures.

12.05 DISCLAIMER AND NON-LIABILITY FOR DAMAGES

This Building Code shall not be construed as an assumption of liability by the Village or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

12.06 SEVERABILITY

If any section or portion of this Building Code shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Building Code. The remainder of the Building Code shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Building Code are hereby repealed as to those terms that conflict.

12.061 KEY BOX REQUIREMENT FOR EMERGENCY ACCESS

- (1) Requirement. The Village Board hereby finds that appropriate use of key boxes may improve emergency service to building owners and occupants, avoid delay where access is important for life safety or firefighting and result in savings by limiting damage from emergency services forced entry. To that end, owners of commercial, industrial, institutional, governmental, schools, churches and multi-family dwellings with 3 or more dwelling units shall be required to install an approved key box or boxes containing access keys at the main entrance point or points.
- (2) Effective Date. This ordinance shall be effective upon publication and shall apply to all commercial, industrial, institutional, governmental, schools churches and multi-

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family dwellings with 3 or more dwellings that are constructed after September 22, 2003 or that have not obtained an occupancy permit as of September 22, 2003.

- (3) Fire Chief. The Fire Chief of the Deerfield Fire Department is authorized to determine the type of key box which is approved for use and identify the location(s) where key boxes are required. Following installation of the key box, the owner shall arrange for the Fire Chief, or designee, to visit the property, inspect the access keys that will be placed in the key box, and lock the access keys inside the key box using a special security key. The special security key shall be held by the Fire Chief in a special security device.
- (4) Building Inspector. The Fire Chief shall confirm the type of key box, required location(s), installation and inspection of access keys with the Building Inspector. The Building Inspector shall continue to have enforcement responsibilities with respect to this building code requirement.
- (5) Effective Date. This ordinance shall be effective upon publication and shall apply to all commercial, industrial, institutional, governmental, schools, churches and multi-family dwellings with 3 or more dwellings that are constructed after September 22, 2003 or that have not obtained an occupancy permit as of September 22, 2003.

Part II - General Building Permit and Inspection Requirements

12.07 PERMIT REQUIRED

- (1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector. No building permit shall be issued until:
 - (a) The owner or contractor have provided the Village a Plat of Survey compliant with Chapter AE-7 of the Wisconsin Administrative Code, showing accurate elevations of the building corners, garage floor and lowest building openings. The building inspector may require a re-certification, at the building inspector's discretion. As an alternative, for construction of any additions or accessory buildings on property where a Plat of Survey has been previously completed, the building inspector may allow use of the previous Plat of Survey at his/her discretion.
 - (b) The Village Administrator or Director of Public Works have provided written approval of a "CHECKLIST" confirming that required water, sewer and

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storm sewer infrastructure is installed; curb & gutter is installed; sidewalk is installed; binder course of blacktop is installed; entire phase or development is stabilized with seed, fertilizer and mulch (seed can be dormant); final grading plan has been submitted and approved by the Village Engineer; final “as-builts” have been submitted and approved by the Village Engineer and Village Board; satisfactory proof of notification to the utilities is provided; and such other evidence as is reasonably required by the Village is provided. The Village Administrator or Director of Public Works shall notify the building inspector when the CHECKLIST is approved.

* Checklist located at the end of this chapter.

- (2) The construction which shall require a building permit includes, but is not limited to:
 - (a) New buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.
 - (b) Additions that increase the physical dimensions of a building including decks.
 - (c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
 - (d) Replacement of major building equipment including furnaces and central air conditioners, water heaters and any other major piece of equipment shall require a permit except as noted in Section 12.07(3)(b) below.
 - (e) Alteration of plumbing, venting, electrical, or gas supply systems.
 - (f) Any electrical wiring for new construction or remodeling.
 - (g) Any HVAC for new construction or remodeling.
 - (h) Any plumbing for new construction or remodeling.
- (3) The following construction activities shall not require a building permit:
 - (a) Re-siding, re-roofing, finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations may be requested by the property owner for re-

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roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.

- (b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures, and dimmers.

12.08 ADOPTION OF CODES

- (1) The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Village and shall be enforced by the Building Inspector.

Ch. COMM 5	Credentials
Ch. COMM 16	Electrical Code
Chs. ILHR 20-25	Uniform Dwelling Code
Chs. ILHR 50-64	Commercial Building and Heating, Ventilating and Air Conditioning Code
Ch. ILHR 66	Uniform Multi-Family Code
Ch. ILHR 69	Barrier-Free Design
Ch. ILHR 70	Historic Building Code
Chs. ILHR 75-79	Existing Building Code
Chs. COMM 82-87	Uniform Plumbing Code

- (2) Any local building codes or requirements other than those contained herein are repealed.

12.09 SCOPE OF UNIFORM DWELLING CODE EXPANDED.

For the purposes of this Building Code, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

- (1) Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
- (2) Detached garages greater than 200 sq.ft. 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 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) ILHR 22 shall not apply.

- (3) With respect to other detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow (2) above and/or ILHR 21.

12.10 SPECIAL FIRE LIMITS DISTRICT

- (1) Boundaries. No permit shall be issued with regard to any building located within Blocks 4, 5, 6 and 8 of Alak Nelson's Original Plat and Block 2 of Nelson's First Addition, unless same will be substantially fireproof and of such construction as not to increase the fire hazard to other and surrounding buildings.
- (2) Building Restrictions. No frame building or structure shall hereafter be built within the fire limits as given herein, or within the fire limits hereafter established, except the following; and all roofs placed upon such buildings or structures shall have an incombustible covering:
 - (a) Temporary one-story frame buildings for use of builders;
 - (b) One-story sheds not over 15 feet high, open on the long side with sides covered with incombustible material, and with an area not exceeding 500 square feet. A wooden fence shall not be used to form the back or side of such sheds. The area of such shed may be increased to not more than 2000 square feet, if no part of such shed is less than 10 feet distant from any adjoining lot line;
 - (c) Wooden fences not over 10 feet high;
 - (d) Piazzas or balconies not exceeding 10 feet in width, not extending more than 3 feet above the second story floor beams. No structure shall extend beyond the lot line, or be joined to any similar structure of another building;
 - (e) Bay windows when covered with incombustible material;
 - (f) Small outbuildings not exceeding 150 square feet in area and 8 feet in height. No such structures shall be located within 3 feet of any lot line, nor less than 15 feet from any other building over one story high;
 - (g) Grain elevators, coal pockets, or ice houses, not more than 40 feet high nor more than 6000 square feet in ground area;

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- (h) No frame building shall be moved from without to within the fire limits.
- (3) Replacement of Buildings. Any existing frame building within the fire limits, which may hereafter be damaged by fire, decay or otherwise, to an amount greater than one-half of its present value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be removed. Such damage determination shall be made by the Building Inspector.

12.11 CERTIFIED MUNICIPALITY STATUS

The Village has adopted the Certified Municipality Status as described in ILHR 50.21 of the Wisconsin Administrative Code.

12.12 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR

- (1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under COMM 5, Wisconsin Adm. Code.
- (2) Subordinates. The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in COMM 5, Wisconsin Adm. Code, by the Department.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this Building Code.
- (4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector 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 the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Building Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.122, Stats.
- (5) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

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- (a) Footing
 - (b) Foundation
 - (c) Rough Carpentry, HVAC, Electric and Plumbing
 - (d) Drainage/Basement Floor
 - (e) Underfloor Plumbing
 - (f) Electric Service
 - (g) Insulation
 - (h) Final Carpentry, HVAC, Electric & Plumbing
 - (i) Erosion Control
- (6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- (7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
- (8) Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in section 12.08. In addition, the Building Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

12.13 SUBMISSION OF PLANS

The owner or contractor shall, with respect to any proposed construction or demolition, submit two (2) sets of building plans to the Building Inspector for any work which expands the size of a building, any new building or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale 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 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.

12.14 ISSUANCE OF PERMIT

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- (1) The Building Inspector shall issue the requested permit 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. Permits are valid for two years. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees.
- (2) 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.
- (3) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

12.15 COMPLETION DEPOSIT REQUIRED

A deposit as determined by resolution of the Village Board shall be required for all projects whose total cost, including labor, materials and supplies, will equal or exceed \$10,000.00. The deposit shall be refunded after the project is completed and the Building Inspector has found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within 2 years of the date the permit is issued.

12.16 OCCUPANCY PERMIT

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Building Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may, in the sole discretion of the Building Inspector, issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

12.17 UNSAFE BUILDINGS

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Building Inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.05(5), Wis. Stats.

12.18 RAZING AND DEMOLITION

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- (1) Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.
- (2) Application. An application for a permit to demolish all or part of a building shall include the following information:
 - (a) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (b) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (c) The date upon which demolition is to commence;
 - (d) The date by which demolition shall be complete;
 - (e) A list of all hazardous waste and hazardous and toxic substances (as defined by Sec. NR 158.03(4), Wis. Admin. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Sec. NR 445.02(2), 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;
 - (f) 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);
 - (g) A description of the method of demolition to be used; and
 - (h) 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;
 - (i) 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.
- (3) Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

- (4) Clearing and Leveling The Site.
 - (a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.
 - (b) 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 agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before filling any excavation.
 - (c) 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 72 hours after written notice; the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Clerk at least 48 hours before filling of the excavation commences.
- (5) 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 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

12.19 MOVING BUILDINGS

- (1) General. No person shall move any building or structure upon any of the public right-of-ways of the Village without first obtaining permit therefore from the Building Inspector and upon the payment of 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) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within 20% of the surrounding buildings within 1,000 feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within 20% of the lowest equalized value of any of the surrounding buildings.
- (3) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- (4) **Street Repair/Inspection.** Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and Superintendent of Public Works on an inspection of the route the building will travel within the Village limits. The applicant shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the Superintendent of Public Works, inspect the streets and highways over which said building has been moved and ascertain the condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same.
- (5) **Conformance With Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building Inspector, and he 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 same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be

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moved from the Village to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

(6) Cash Deposit.

(a) Before a permit is issued to move any building over any public way in this Village, the party applying for said permit shall make a cash deposit to the Village in a sum, to be fixed by the Village, which sum shall not be less than Five Thousand Dollars (\$5,000.00). Said cash deposit shall be held for indemnification of the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Village in connection therewith, arising out of the removal of the building for which the permit is issued. The cash deposit shall be refunded if after the building is moved and the Building Inspector and Head of the Department of Public Works have found that the permit was complied with and no damages were caused by the move.

(b) The cash deposit refund process required by (a) 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. The Building Inspector may waive the timelines in this paragraph if the Building Inspector, after investigation, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under 12 years of age.

(7) Insurance. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one 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), or such other coverage as deemed necessary.

(8) Village.

(a) Before any permit to relocate a building may be issued, the Village shall examine the application for the permit and approve the application by a majority vote.

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- (b) The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final resting site.
- (c) The Village shall not grant a permit unless the Village has taken a view of the building proposed to be moved and of the site at which it is to be located.
- (d) The Village may not issue a permit for relocation of a building unless it finds that the exterior appearances and design of the building to be moved or moved and altered, will not be consistent with the exterior appearance and design of the buildings already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the Village. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.
- (e) In case the applicant proposed to alter the exterior of said building after moving the same, he shall submit, with his 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 deposit a cash deposit of not less than \$5,000 with the Village to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications. This cash deposit shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. The cash deposit shall be refunded after the exterior alterations are completed and the Building Inspector has found the building exterior complies with the approved plans and within the time frame set by the Village Board. The deposit shall be forfeited if the exterior of the building does not comply with the approved plans or if the time frame for completing the work is not adhered to.
- (f) No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
- (g) Whenever an application for relocation of a building is made to the Building Inspector, he shall request a meeting of the Village to consider the application. The Building Inspector shall inform the Village whether or not the application complies, in all respects, with all other ordinances of the Village. The Village may, if it desires, hold a public hearing on the permit.

12.20 EXTERIOR FINISH REQUIRED

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tar paper or similar material is not acceptable.

12.21 MAINTENANCE OF STREETS, SIDEWALKS AND YARDS

During construction or demolition, streets and yards shall be kept free of weeds, construction debris, dirt, mud, and trash. Open storage of non-licensed or disabled vehicles shall not be allowed unless approved by the Village. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property.

Any new construction requires a tracking pad excavated twelve (12) feet wide by six (6) inches deep filled with #3 clear breaker stone, that is left on site for the duration of the construction until the site is stabilized.

Contractors who have caused debris, trash, dirt, or mud on Village streets, sidewalks and public right of ways, must clean said debris, trash, dirt and mud from the street, sidewalk and public right of way at the completion of each day or be subject to fines and any associated clean-up costs if done by the Village.

12.22 FEES

At the time of building permit application issuance, the applicant shall pay fees as established periodically by resolution of the Village Board. If work commences prior to permit issuances, the permit fee shall double.

12.23 VIOLATIONS AND PENALTIES

- (1) Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this Building Code.
- (2) Except as otherwise indicated for a specific violation, every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$100.00 nor more than \$5,000.00 for each day of non-compliance, together with the costs of prosecution.
- (3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Building Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.

- (4) Compliance with the requirements of this Building Code is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, in addition to the remedies specified herein, violations of this Building Code shall constitute a public nuisance which may be enjoined in a civil action.

12.24 STOP WORK ORDER

The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity which receives such a stop work order may contest the validity of the same by providing written notice of appeal to the Plan Commission within ten (10) business days of receipt of the stop work order. To be valid, the written notice of appeal of a stop work order must be submitted timely to the Village Clerk, identify the stop work order being contested and specify the basis for the appeal. Within ten (10) business days of receiving such written notice, the Plan Commission shall hold a special meeting to hear the appeal. After considering the evidence provided by the appellant and the Building Inspector, the Plan Commission shall determine, by majority vote, whether to affirm the stop work order, overrule the stop work order or establish alternate conditions that adequately serve the community's health, safety and welfare. Except under extreme circumstances, the Plan Commission shall affirm the stop work order if the appellant is unable to show that the Building Inspector erred in determining that the construction project violated a provision or provisions of the local or State building codes. The Plan Commission's decision shall be considered a final administrative order.

12.25 VARIANCE

The Plan Commission shall hear requests for variances from the building code to the extent the Plan Commission has authority to hear and grant variances. The Plan Commission shall approve, conditionally approve, or deny a requested variance. The Plan Commission may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

12.26 GENERAL APPEALS

Except with respect to an appeal of a stop work order, any person feeling aggrieved by an order of the Building Inspector may, within twenty (20) days thereafter, appeal from such order to the Plan Commission. The Village will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules ILHR 20.21.

12.27 SPECIAL USE PERMIT REQUIRED

No satellite dish antenna greater than 18" in diameter shall be created, placed or maintained upon any property within the Village of Deerfield unless the owner or occupant first obtains a special use permit as hereinafter provided.

12.28 APPLICATION

- (1) Any person desiring a special use permit as required by Part III of this chapter shall file with the Building Inspector in the office of the Village Clerk an application therefor on forms approved or provided by the Village.
- (2) An application for a special use permit shall include the name, address, and telephone number of the applicant; the name, address, and telephone number of the owner of the property if different from the applicant; applicant's relationship to the property; and the legal description of the property for which the special use permit is sought.
- (3) Any applicant shall include with an application an accurate map of the property indicating its boundaries, the location of existing structures, and significant natural features (such as trees) and the proposed location(s) of the satellite dish antenna; plans, specifications, and other drawings showing in detail proposed development of the property where applicable; and anything else requested by the Building Inspector which would be material to his determination.

12.29 ISSUANCE

- (1) If the Building Inspector determines that the application submitted conforms to the applicable provisions of Part III of this chapter he shall issue a special use permit.
- (2) If the Building Inspector determines that the application submitted would conform to the applicable provisions of Part III of this chapter but for some condition or exception, he may issue a special use permit subject to said condition or exception, giving a complete and accurate description of said condition or exception in writing.
- (3) If the Building Inspector determines that the application submitted does not substantially conform to the applicable provision of Part III of this chapter, he shall reject the application and indicate in writing the reasons for the rejection.
- (4) If the application is acceptable, the issuance of a special use permit shall be made within thirty days of the receipt of the application by or on behalf of the Building Inspector; if not so issued, the application shall be deemed rejected, and the Building Inspector shall, upon request, provide reasons therefor to the applicant.

12.30 REQUIREMENTS

- (1) Each satellite dish antenna shall be constructed and anchored in a manner to withstand winds of not less than 80 miles per hour.
- (2) Each satellite dish antenna shall be made of non-combustible and corrosive-resistant materials.
- (3) Each satellite dish antenna shall be filtered and/or shielded so as to prevent the emission or reflection of electro-magnetic radiation which would cause harmful interference with the radio or television reception or broadcasting on adjacent properties. Where such harmful interference is caused, the antenna's owner shall promptly take steps to eliminate the harmful interference in accordance with the regulations of the Federal Communication Commission.
- (4) Satellite dish antennas shall meet the height restrictions, if any, of the appropriate zoning districts; in particular, roof-mounted satellite dish antennas shall not exceed the overall height restriction of the appropriate zoning district.
- (5) In residential and agricultural districts not more than one satellite dish antenna shall be permitted on each lot or parcel. Said antenna shall be permitted only in the rear yard area provided that they shall be no closer than five feet to any principal structure or rear lot line, nor occupy more than twenty percent of the rear yard area.
- (6) In commercial and industrial districts, ground mounted satellite dish antennas shall be permitted in side yards provided they are not closer than five feet to the principal building or any lot or alley line and they do not occupy more than fifty percent of the side yard and permitted in back yards provided they are not closer than five feet to the principal building or any lot line and do not occupy more than seventy-five percent of the back yard.
- (7) Building mounted satellite dish antennas shall not exceed the setback and side yards requirements of the zoning district in which it is located.
- (8) All satellite dish antennas shall conform to the applicable building and electrical regulations as well as any other applicable regulations under these ordinances or under any applicable state or federal law or regulation.

12.31 MISCELLANEOUS

- (1) Subsequent Nonconformity. If a special use permitted under Part III of this chapter no longer conforms thereto, whether due to the acts of the person granted the special use permit or otherwise, the Building Inspector may terminate the special use permit.

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- (2) Changes. Subsequent changes in or additions to any plans approved under this section shall be submitted to the Building Inspector for approval. If the Building Inspector determines that the change or addition constitutes so substantial an alteration that the plans no longer conform to Part III of this chapter, the Building Inspector may terminate the special use permit.
- (3) Appeals. An appeal of a determination by the Building Inspector under this Part III must be made in writing as provided for general appeals of the Building Inspector's determinations. (See Part II of the Building Code.)
- (4) Variances. Variances for satellite dish antennas may be granted as provided for general variances. (See Part II of the Building Code.)

Part IV - Uniform System of Numbering Houses, Buildings and Primary Structures

12.32 UNIFORM SYSTEM OF NUMBERING HOUSES, BUILDINGS AND PRIMARY STRUCTURES

- (1) Establishment of Uniform System. Part IV of this chapter establishes a uniform system of numbering houses, buildings and primary structures fronting on all roads, streets, avenues, drives, lanes, courts, alleys and public ways (hereinafter referred to as streets) in the Village of Deerfield. All houses, buildings and primary structures shall be numbered in accordance with the Official House Number Map and the Official House Number List, which shall be on file with the Village Clerk.
- (2) Assignment of Numbers and Maintenance of Official House Number Map and Official House Number List. It shall be the duty of the Village Clerk, in conjunction with the Building Inspector and Chief of Police, to assign numbers to houses, buildings and primary structures, and to maintain and update the Official House Number Map and Official House Number List.
- (3) Numbers of New Buildings. Whenever any house, building or primary structure is erected or located in the Village, it shall be the duty of the owner to procure the correct number or numbers as designated by the Village Clerk and to immediately post the address placard received from the Building Inspector upon the issuance of the building permit, at a location specified by the Building Inspector, and as soon as construction is completed to immediately fasten said number or numbers to the building. The Village may charge a fee for the placard as set by resolution of the Village Board. No building permit shall be issued for any house, building or primary structure until the owner has procured the official number and placard from the Village Clerk and Building Inspector.

Village Ordinance-Chapter 12

- (4) Correction/Update of Numbers on Existing Buildings. The owner of any house, building, or structure which is not numbered or is incorrectly numbered shall cause the same to be properly numbered or renumbered no later than thirty (30) days from the effective date of this Building Code and shall thereafter maintain same in compliance with this Building Code.
- (5) Installation of Numbers.
 - (a) When a house, building or primary structure has been assigned a number, the owner or occupant shall cause the number to be placed in the location required by this Building Code.
 - (b) The number shall be conspicuously placed immediately above, or at the side, of the proper door of each house, building or primary structure, or in the case of multiple entrances, at the corner of the building to the left as the building is faced, and in such a manner that the number can be seen plainly from the street. Whenever any building is situated more than fifty (50) feet from the street line, the number of the building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to the building and upon the gatepost, fence, tree, post or other appropriate place so as to be easily discernable from the street. Nothing in this Building Code shall be construed to prohibit the use of additional sets of numbers at other locations on the premises.
 - (c) The numbers shall be plainly visible and shall not be less than 2 ½ inches in height.
- (6) Enforcement. It shall be the duty of all police officers and the Building Inspector to report violations of any provision of this Building Code.
- (7) Violations and Penalties. If the owner or occupant of any house, building or primary structure required to be numbered by this Building Code neglects to duly attach and maintain the proper number of such building, the Building Inspector shall serve upon the owner or occupant a notice requiring said owner or occupant to properly number the house, building or primary structure. If the owner or occupant fails to do so after fifteen (15) days from service of the notice, the owner or occupant shall be deemed to have violated this Building Code and a citation shall be issued. Notice shall be sufficient when deposited in first class mail postage prepaid to the owner or occupant. Service is deemed given on a date delivered or the date mailed. Upon conviction thereof, the owner or occupant shall forfeit not less than \$10.00 nor more than \$50.00 plus the cost of prosecution for each violation. Each day a violation continues after fifteen (15) days from the service of the Building Inspector's notice shall be considered a separate offense.

**VILLAGE CHECKLIST OF ITEMS DEVELOPERS NEED
TO COMPLETE PRIOR TO ISSUANCE OF
BUILDING PERMITS
Village of Deerfield**

NAME OF DEVELOPMENT: _____
LOT # OR PHASE: _____
CONTACT NAME: _____
ADDRESS: _____
PHONE NUMBER: _____

The following items must be completed prior to the Village allowing building permits to be issued.

- All water utility infrastructure must be installed. Date accepted: _____
- All sanitary sewer utility infrastructure must be installed. Date accepted: _____
- All storm sewer infrastructure must be installed. Date accepted: _____
- All curb and gutter must be installed. Date accepted: _____
- All sidewalks must be installed. Date accepted: _____
- Binder course of blacktop installed. Date accepted: _____
- Entire development must be stabilized with seed, fertilizer and mulch. Seed can be dormant. Date accepted: _____
- Final grading plan (2 copies) approved by Village Engineer showing elevations on all lot corners and breaks in grade on the lot lines. Date accepted: _____
- Proof of notification to the following private utilities:
 - Telephone Sent to and date received: _____
 - Cable Sent to and date received: _____
 - Gas Sent to and date received: _____
 - Electric Sent to and date received: _____
 - Street Lights Sent to and date received: _____

Note: As-Built Plans of the constructed pipeline must be submitted and approved in order for Village acceptance to be granted.

Tree planting and street light installation are not required prior to the issuance of building permits, however all trees must be planted prior to the installation of the final surface course of blacktop.

I, _____, hereby certify that all the items on this checklist have been
(Signature of Village/Village Designee)

completed and am requesting permission to have building permits issued by the Village of Deerfield.

Date: _____

DATE BUILDING INSPECTOR NOTIFIED: _____