

## CHAPTER 4

### Building Code

- § 10-4-1 Building Code Established
- § 10-4-2 Building Permits and Inspection
- § 10-4-3 State Uniform Dwelling Code Adopted
- § 10-4-4 Severability
- § 10-4-5 Construction Standards; Codes Adoptes
- § 10-4-6 New Methods and Materials
- § 10-4-7 Unsafe Buildings
- § 10-4-8 Electrical Code
- § 10-4-9 Plumbing Code
- § 10-4-10 Flammable Liquids and Flammable Gases
- § 10-4-11 Disclaimer on Inspections
- § 10-4-12 Garages
- § 10-4-13 Earth Sheltered Homes
- § 10-4-14 Installation and Operation of Room Heaters, Stoves,  
and Freestanding Fireplaces
- § 10-4-15 Basements
- § 10-4-16 Discharge of Clear Waters
- § 10-4-17 Duplex Service Connections
- § 10-4-18 Penalties and Violations

#### SEC. 10-4-1 BUILDING CODE ESTABLISHED.

- (a) TITLE. This Chapter shall be known as the "Building Code of the Village of St. Cloud" and will be referred to in this Chapter as "this Code" or "this Chapter."
- (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. 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) GENERAL PERMIT REQUIRED. No building, plumbing or electrical work, building moving or razing, or sign erection shall be performed in the Village of St. Cloud unless a permit therefor is obtained as required in the provisions of this Chapter.
- (d) PAYMENT OF FEES. All fees shall be paid to the Building Inspector as agent for the Village Clerk-Treasurer, and no permit shall be issued until fees as prescribed by this Chapter have been paid.
- (e) PERMIT LAPSES. A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof. Permit shall also lapse if work is discontinued for a period of six (6) months or more and a new permit will have to be obtained before work can be started again.
- (f) REVOCATION. If the Building Inspector shall find at any time that the above mentioned ordinances, laws, orders, plan and specifications are not being complied with, and that the holder of the permit refuses to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the issuance of the permit, or as he may require for the preservation of human life and safety or property.

- (g) **REPORT OF VIOLATIONS.** It shall be the duty of all police officers as well as other Village officials to report at once to the Building Inspector any building, electrical or plumbing work or sign erection which is being carried on without a permit as required by this Chapter.
- (h) **RECORDS.** The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report therein to the Village Board.
- (i) **SURVEY.** The Building Inspector may require the builder to survey the lot being built on if corner markers are not in and lot lines cannot be accurately established without a survey. Certified surveys are required in the case of a land split.

#### SEC. 10-4-2 BUILDING PERMITS AND INSPECTION.

- (a) **PERMIT REQUIRED.** No building of any part thereof shall hereafter be erected within the Village of St. Cloud or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term "building" as used in this Section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, sign, building moving, building razing, or anything affecting the fire hazards or safety of any building or structure.
- (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, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.
- (c) **DEDICATED STREET REQUIRED.** No building permit for a residential structure 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.
- (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 hookup is presented to the Building Inspector.
  - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
- (e) **PLANS.** With such application there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One 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. Plans for all new one- and two-family dwellings shall comply with the provisions of Chap. Ind. 20.09(4), Wis. Adm. Code.
- (f) **WAIVER OF PLANS.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand (\$2,000.00) Dollars.

## (g) APPROVAL OF PLANS.

(1) If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall officially approve and stamp one set of plans, and 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.

(2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(h) MINOR REPAIRS. The Building Inspector may authorize minor repairs or alterations valued at less than Five Hundred (\$500.00) Dollars, which do not change the occupancy, area structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.

(i) INSPECTION OF WORK. The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, drywalling or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses.

SEC. 10-4-3 STATE UNIFORM DWELLING CODE ADOPTED.

(a) STATE CODE ADOPTED. The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters Ind 20-25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one- and two-family dwellings in this Village of the State of Wisconsin. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's Office.

## (b) DEFINITIONS.

(1) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

(2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

(3) Department. "Department" means the Department of Industry, Labor and Human Relations.

(4) Dwelling. "Dwelling" means:

- a. any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one or two 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- or two-family dwelling.

- (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-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.
- (6) One- or Two-Family Dwelling. "A one- or two-family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
- (7) Person. "Person" means an individual, partnership, firm or corporation.
- (8) Uniform Dwelling Code. "Uniform Dwelling Code" means those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter Ind 20 —	Administration and Enforcement
Wis. Adm. Code Chapter Ind 21 —	Construction Standards
Wis. Adm. Code Chapter Ind 22 —	Energy Conservation Standards
Wis. Adm. Code Chapter Ind 23 —	Heating, Ventilating and Air Conditioning Standards
Wis. Adm. Code Chapter Ind 24 —	Electrical Standards
Wis. Adm. Code Chapter Ind 25 —	Plumbing and Potable Water Standards

(c) **METHOD OF ENFORCEMENT.**

- (1) Building Inspector to Enforce. The Building Inspector and his 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 Department in each of the categories specified under Sec. Ind 26.06, Wisconsin Adm. Code, and by the Department of Health and Social Services in the category of plumbing.
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Board. Any subordinate hired to inspect buildings shall be certified under Ch. Ind 26, Wisconsin Adm. Code, by the Department.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose 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- and two-family dwellings shall be kept. The Building Inspector shall make a written annual report to the Village Board relative to these matters.

SEC. 10-4-4 SEVERABILITY.

If any section, clause, provision or portion of this Chapter or of chapters Ind 20, 21, 22, 23, 24 and 25, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 10-4-5 CONSTRUCTION STANDARDS; CODES ADOPTED.

- (a) PORTIONS OF STATE BUILDING CODE ADOPTED. Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this section with respect to those classes of buildings to which this Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Building Inspector. Sections Ind 52.10 through 52.19 (Fire Protection) of said Code are hereby adopted and made a part of this Section with respect to all dwellings hereafter erected within the Village of St. Cloud.
- (b) FHA STANDARDS ADOPTED. The following Chapters of the Federal Housing Administration "Minimum Property Standards, One- and Two-Family Dwellings," Form 4900.1, Revised 1973, as revised by MPR revisions thereto, are hereby adopted by reference as part of this Chapter with respect to all dwellings or parts thereof hereinafter constructed in the Village of St. Cloud: Chapter 4 (Building Design); Chapter 5 (Materials); Chapter 6 (Construction) except Division 615-5 (Plumbing) and Division 616 (Electrical); and the Appendix as applicable to the above chapters.
- (c) CONFLICTS. If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards adopted in Subsection (b) in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.
- (d) DWELLINGS. The term "dwelling" as used in this Section includes every building occupied exclusively as a residence by not more than two families.

SEC. 10-4-6 NEW METHODS AND MATERIALS.

- (a) 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 State Department of Industry, Labor and Human Relations 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 issued by the State Board of Health.
- (b) 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 State Department of Industry, Labor and Human Relations. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

**SEC. 10-4-7 UNSAFE BUILDINGS.**

Whenever the Building Inspector and/or Village Board find any building or part thereof within the Village 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, they 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. 66.05(5), Wis. Stats.

**SEC. 10-4-8 ELECTRICAL CODE.**

- (a) **STATE CODE APPLIES.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code, adopted by the Department of Industry, Labor and Human Relations December 1, 1975 and amendments and revisions adopted to date, which is hereby made by reference a part of this ordinance except that the following shall apply:
- (1) **Grounding.** The primary ground for the main service entrance shall be the municipal water system and there shall be a secondary grounding of two electrodes as provided in the Wisconsin Code. Also a bonding jumper around the water meter must be installed unless grounding conductor is attached to the water piping system on the street side of the meter.
- (b) **PERMIT.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Village 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, and all later deviations from such plan must be submitted to and approved by the Building Inspector.
- (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, it shall be the duty of the person doing such work to notify the Building Inspector, who shall at once inspect or cause to be inspected the same. If he finds that the work conforms to the State Electrical Code, he 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 by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

**SEC. 10-4-9 PLUMBING CODE.**

- (a) **STATE CODE APPLIES.** The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wis. Adm. Code, Chapters H61, H62 and H63 (State Plumbing Code) adopted by the State Board of Health, which is hereby adopted by reference as a part of this Chapter.
- (b) **PERMIT.** No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made without first securing a permit therefor from the Building Inspector. 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 must be submitted to and approved by the Building Inspector.

- (c) LICENSED PLUMBER REQUIRED. All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home provided that a permit is issued and the work is done in compliance with the provisions of this Chapter.
- (d) INSPECTION OF WORK. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall at once inspect or cause to be inspected the work. If he finds that the work conforms to the State Plumbing Code, he 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 by location in the office of the Building Inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the Building Inspector.

#### SEC. 10-4-10      FLAMMABLE LIQUIDS AND FLAMMABLE GASES.

- (a) FLAMMABLE LIQUIDS CODE. The Wis. Adm. Code, Chapter Ind 8, Department of Industry, Labor and Human Relations (Flammable Liquids Code), is hereby adopted by reference as a part of this Chapter, and it shall be the duty of the Building Inspector to enforce the provisions thereof.
- (b) STORAGE OF FLAMMABLE LIQUIDS. No flammable liquids, except as used for heating purposes, shall be kept in the Residential District in a container larger than ten (10) gallons.
- (c) NATIONAL FUEL GAS CODE APPLIES.
  - (1) The American National Standard Fuel Gas Code ANSI Z223.1 (1980), also referred to as National Fire Protection Association Pamphlet NFPA No. 54 (1980) together with any changes thereto which from time to time may be published, is hereby adopted by reference as part of this Chapter.
  - (2) Installation, operation, and maintenance of all gas piping, and gas utilization equipment and accessories for use with fuel gases such as natural gas, manufactured gas, liquefied petroleum gas in the vapor phase, liquefied petroleum gas-air mixtures or mixtures of these gases shall be installed and maintained in accordance with this National Fuel Gas Code for both non-industrial and industrial premises.

#### SEC. 10-4-11      DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village. 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, a disclaimer shall be included in each inspection report as follows: "The 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. 10-4-12      GARAGES.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than forty-five (45) minute fire-resistive construction as specified in Wis. Adm. Code Ind. Ch. 51.

SEC. 10-4-13      EARTH SHELTERED HOMES.

- (a) **DEFINITIONS.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) Atrium: A space open to the sky at the top of the space, but surrounded by rooms on all sides.
  - (2) Basement: An unfinished area, entirely or substantially below the level of the ground, not designed or intended to be occupied or used except for storage and for utilities.
  - (3) Courtyard: An atrium or a space open to the sky and surrounded by rooms on approximately three (3) sides.
  - (4) Earth sheltered house: Any residential building having any part of the total outside wall and roof area touching or under earth, clay or sod. Basement areas, cellars, porches and crawl spaces shall not be included in determining the percentage of outside walls touching or under earth, clay or sod.
  - (5) Swale: A low channel covered by grass and designed to direct the movement of surface water caused by rainfall.
  - (6) Earth sheltered housing permitted: Earth sheltered housing is permitted in the Village, in accordance with the regulations set out in this Section. No person, firm or corporation shall construct any earth sheltered housing without complying with the terms of this Section.
  - (7) Village: Village of St. Cloud.
- (c) **VENTILATION.** Each room intended for habitation shall have ventilation, either by a window to an atrium, courtyard or other outdoor area, or by forced air ventilation capable of providing outside air and capable of moving a volume of air equal to the volume of the room every five (5) minutes.
- (d) **MATERIALS FOR WALLS AND ROOF.** No outside wall or roof shall be placed under any earth or sod unless such wall is constructed of materials provided in this Section:
- (1) Walls and roofs shall be of concrete or other masonry construction.
  - (2) The outside surface of such wall and roof shall be coated with waterproofing material such as pitch.
  - (3) Drain tile shall be placed along the bottom of all outside walls, with an outlet, adequate to remove underground water from the ground next to the outside walls.
  - (4) The lot shall be graded to move surface water away from the walls. Where necessary, a swale shall be provided to keep surface water away.
- (e) **DRAINAGE.** The provisions of this Subsection apply to each habitable room, atrium, courtyard, basement or cellar that will be below the level of the adjacent ground when construction and grading is completed. Adequate drainage shall be provided. Where feasible, such drainage shall be by gravity. Where gravity drainage is not feasible, a sump pump shall be provided. If an electric sump pump is provided, a backup system shall be provided to make sure water can be removed when there is a power outage. Such system may be a gasoline generator capable of powering the sump pump or a gasoline powered pump.



- (f) **INSULATION.** No insulation shall be required for parts of outside walls below the frost line. Outside walls above the frost line and walls above the ground surface shall be insulated as required by the Village ordinances relating to insulation of outside walls of houses. All insulation installed below the level of the ground will be installed in such a way as to prevent damage by moisture. Insulating materials to be placed on the outside of a wall shall be of material that will not be damaged by water.
- (g) **OTHER BUILDING CODE REQUIREMENTS.** Except as specifically set out herein, each earth sheltered house shall be constructed in accordance with all of the terms of all applicable ordinances of the Village relating to building, plumbing, electricity, and all applicable ordinances, including the One- and Two-Family Dwelling Building Code.

SEC. 10-4-14      INSTALLATION AND OPERATION OF ROOM HEATERS, STOVES, AND FREESTANDING FIREPLACES.

- (a) **APPLICATION.** This Section shall apply to radiant heating units installed in the Village of St. Cloud. No person shall install a radiant heating unit which fails to comply with the requirement of this Section.
- (b) **DEFINITIONS.** Radiant heating unit is a room heater, or stove, or freestanding fireplace not intended for duct connections used to heat a room or rooms that use the combustion of a solid fuel such as wood or coal as a source of heat.
- (c) **PERMIT.** No person shall install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following information:
  - (1) The wood burned should be dry wood, preferably dry hardwood.
  - (2) The chimney flue should be checked periodically to be sure the flue is open.
  - (3) The chimney flue should be cleaned at least once a year.
- (d) **PERMIT FEE.** A fee of Five (\$5.00) Dollars shall be paid by the applicant for each unit installed.
- (e) **PLAN AND DATA APPROVAL.** Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:
  - (1) The manufacturer's installation and maintenance/operations instructions.
  - (2) Purposed chimney flue and/or new chimney flue sizes.
  - (3) The number and sizes of existing vent connectors to the chimney flue.
- (f) **INSPECTION.** No person shall operate or permit the operation of a radiant heating unit without first calling for an inspection and receiving final approval from the Building or Fire Inspector.
- (g) **INSTALLATION CLEARANCES.** The clearance from combustibles for heating units shall be:
  - (1) From front of unit forty-eight (48") inches.
  - (2) From top-front and sides of unit thirty-six (36") inches.
  - (3) Chimney for vent connector eighteen (18") inches.
- (h) **MOUNTING OF UNIT.**
  - (1) On incombustible floors the unit shall be mounted on a firm level base of concrete brick or other incombustible material.
  - (2) On combustible floors the unit shall be mounted on a four (4") inch thick concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than eighteen (18") inches around the perimeter of the unit.

**SECTION 10-4-14.1, entitled Standards for Outdoor Solid Fuel Fired Heating Devices, is created to read as follows:**

**10-4-14.1 Standards for Outdoor Solid Fuel Fired Heating Devices**

**A. Design**

1. The outdoor wood furnace shall be constructed with self-contained weather-proofing with no additional structure enclosing the fired unit.

2. The outdoor wood furnace shall be listed by a nationally recognized testing laboratory acceptable to the Department of Commerce.

3. The outdoor wood furnace shall be designed for operation at atmospheric pressure and be properly vented to prevent a positive pressure condition.

**B. Code compliance.** The outdoor wood furnace and all parts accessory to it, including, but not limited to pressure safety controls, shall be installed to meet all applicable mechanical codes and the manufacturers listing. All electrical wiring serving an outdoor wood furnace shall be installed in accordance with Wisconsin Electrical Code.

**C. Permit.** A heating permit is required prior to installation. A site plan indicating the outdoor wood furnace location on the property and information to determine compliance with applicable standards and codes shall be filed with the permit application. Plans and calculations showing structural adequacy shall also be filed with the permit application. The installation shall be inspected by a heating inspector for compliance with all applicable standards and approved plans before it is placed into operation.

**D. Requirements.** 1. The outdoor wood furnace shall have an attached permanent stack extending at least 3 feet higher than the highest portion of the roofline of any building regularly occupied by people and having any door, openable window or air intake vent located closer than 50 feet from the outdoor wood furnace. Regularly occupied by people shall mean used in whole or in part as a place of assemblage, lodging, trade occupancy, or use by persons.

2. All stacks and chimneys shall be designed, constructed, and maintained to withstand horizontal wind pressures of not less than 30 pounds per square foot and also in accordance with the manufacturers listing.

3. The outdoor wood furnace shall be located at least 100 feet from any property line adjoining any developable lot and 150 feet from any door, openable window, or air intake vent of any building regularly occupied by people other than the building(s) served by the outdoor wood furnace.

4. The outdoor wood furnace shall not be located in any front yard or corner side yard.

5. The outdoor wood furnace shall be enclosed by fencing or other barrier to prevent access by unauthorized persons.

**E. Public Nuisance.** Dense smoke, noxious fumes, gas and soot, cinders, or live sparks produced by an outdoor wood furnace that interfere substantially with the comfortable life, health, or safety of another person or the public may be declared a public nuisance by a properly designated authority and ordered abated.

**F. Disconnection or removal.** If an outdoor wood furnace or any part thereof is deemed unsafe or is in violation of this chapter, the heating inspector may order that the outdoor wood furnace be permanently disconnected or removed.

**G. Repairs.** Repairs to the outdoor wood furnace shall be made in compliance with the manufacturers recommendations.

- (3) With legs on combustible floors. Units which have eighteen (18") inches or more of open space under units may be mounted on combustible floors provided that the floor under the unit is protected with not less than one-fourth (1/4") inch of asbestos millboard and covered with metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than eighteen (18") inches around the perimeter of the unit. If there is less than eighteen (18") inches of open space under the base of the unit, the unit shall be mounted on two (2") inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall not extend less than eighteen (18") inches around the perimeter of the unit.
- (i) SIZE AND TYPE OF CHIMNEY. An approved chimney shall be used for solid fuel-burning equipment. All residential buildings shall be required to have a Class "A" chimney, except as provided in Wis. Adm. Code Ind. 23.04 and 23.11. The chimney shall be sized so that the cross-sectional area of the chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the flue serving the solid fuel-burning equipment. Masonry chimneys constructed according to the requirements of Chapter 813 of the Federal Housing Administration Minimum Property Standards FHA. No. 30 and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters will be considered as approved.
- (j) THE CHIMNEY CONNECTOR. The chimney connector shall conform to Chapter 813 of the Federal Housing Administration Minimum Standards.
- (k) DAMPER. The Chimney connector shall have a cast iron damper to control the draft.
- (l) COMBUSTION AIR. If the Inspector, after examination of the unit, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the blue collar size of the unit.
- (m) BLOWER. A blower where used should have adequate protection such as a screen to prevent material from being inserted into the assembly.
- (n) ELECTRICAL CONNECTIONS. The electrical connections, controls, and wiring where used should conform to Village electric codes.
- (o) THERMOSTAT CONTROL. The Thermostat Controls, where used, shall activate the blower motor at a temperature of one hundred (100°) degrees F. to one hundred twenty (120°) degrees F.

SEC. 10-4-15      BASEMENTS.

First floor subflooring shall be completed within sixty (60) days after the basement is excavated.

SEC. 10-4-16      DISCHARGE OF CLEAR WATERS.

- (a) DISCHARGE. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) NUISANCE. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump

pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of property.

- (c) **GROUNDWATER.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **STORM WATER.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **STORM SEWER LATERAL.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **CONDUCTING TESTS.** If the Building Inspector or his designated agent suspects an illegal clear water discharge, as defined by this Code or by any other applicable provision of the Wisconsin Administrative Code as it may from time to time be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.
- (g) **COMPLIANCE AND PENALTY.** Any person determined to be in violation of any provision of this Section shall be given a written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof.

SEC. 10-4-17      DUPLEX SERVICE CONNECTIONS.

Each unit of a duplex shall have separate water and sewer services.

SEC. 10-4-18      PENALTIES AND VIOLATIONS.

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure of the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in Section 1-1-6 of this Code. 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 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.