

CHAPTER 14 BUILDING CODE

14.01 TITLE. This chapter shall be known as the Building Code of the Village of Clayton.

14.02 PURPOSE. This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings 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 building and/or structures. Its purpose is to protect and foster the health, safety and well being of persons occupying or using such building and the general public.

14.03 SCOPE. New buildings hereafter erected in, or any building hereafter moved within or into, the Village shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the Zoning Code.

14.04 STATE CODES ADOPTED.

(1) **ADOPTION OF CODES AND STATUTES.**

- (a) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs. SPS 314	Fire Prevention
Chs. SPS 316	Electrical
Chs. SPS 320-325	Uniform Dwelling Code
Chs. SPS 326	Manufactured Home Communities
Chs. SPS 328	Smoke Detectors
Chs. SPS 360-366	Commercial Building and Heating, Ventilating and Air Conditioning Code
Chs. SPS 367	Rental Unit Energy Efficiency
Chs. SPS 375-379	Building Constructed Prior to 1914
Chs. SPS 381-387	Plumbing

- (b) Applicable provisions of Chapter 101 and Chapter 145 Wisconsin Statutes.

- (c) IRC 2009 Edition Property Maintenance Code
- (d) Any act required to be performed or prohibited by a Wisconsin Administrative Code provision, Wisconsin Statutes or other codes incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of said provisions incorporated herein are intended to be made part of this Chapter.

(2) SCOPE OF UNIFORM DWELLING CODE EXPANDED.

Notwithstanding the provisions of Chapter SPS 320, Wis. Admin. Code, the scope of the Wisconsin Uniform Dwelling Code is revised to include for the purposes of this chapter:

- (a) Additions, alterations and major equipment replacements for one-family and two-family dwellings built prior to June 1, 1980. Because such projects are not under State jurisdiction, the Board of Appeals shall decide petitions for variance and final appeals. Petitions for variance shall be decided per Sec. SPS 320.19 Wis. Admin. Code. Petitions for variance shall be decided per Sec. SPS 320.19 Wis. Admin. Code, so that equivalency is maintained to the intent of the rule being petitioned. As the Board of Appeals approves petitions for variance, the Building Inspector is granted the power to apply the result to similar circumstances by precedent.
- (b) Detached garages serving one-family and two-family dwellings and any heating, electrical or plumbing systems therein, shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.
- (c) Residential sheds of over 120 square feet in area.

(3) DEFINITIONS. The following definitions shall be applicable in this Chapter:

- (a) Addition. New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (b) Alteration. A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (c) Department. The Wisconsin Department of Safety and Professional Services (SPS).
- (d) Dwelling.
 - 1) Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or

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

- Wis. Adm. Code Chapter SPS 320 – Administrative and Enforcement
- Wis. Adm. Code Chapter SPS 321 – Construction Standards
- Wis. Adm. Code Chapter SPS 322 – Energy Conservation Standards
- Wis. Adm. Code Chapter SPS 323 – Heating, Ventilating and Air
Conditioning
- Wis. Adm. Code Chapter SPS 324– Electrical Standards
- Wis. Adm. Code Chapter SPS 325– Plumbing

14.05 BUILDING INSPECTOR.

(1) POSITION AND QUALIFICATIONS. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the State of Wisconsin under Wisconsin Administrative Code Chapter SPS 305 as a Commercial Building Inspector and as a Uniform Dwelling Code Inspector.

(2) APPOINTMENT. The Building Inspector shall be designated by appointment of the Village President and confirmation of the Village Board.

(3) GENERAL DUTIES. The Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State which relate to building construction and related installations.

(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) **DELEGATED AUTHORITY OF MUNICIPALITY.** The Building Inspector shall also provide all plan reviews and inspections of commercial building projects as the Village may be delegated by the Department of Safety and Professional Services pursuant to SPS 361.60(5)(c), as amended from time to time, and as authorized pursuant Sec. 101.12(3)(g) Wis. Stats. as amended from time to time.

(6) **RECORDS.** The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspection made and of all removal and condemnation of buildings. He shall make a report to the Board upon request.

(7) **APPEALS.** Any person feeling himself aggrieved by any order or ruling of the Building Inspector may, within 30 days thereafter, appeal from such order or ruling to the Board of Appeals, such appeal to be in writing.

14.06 BUILDING PERMITS AND INSPECTION.

(1) **PERMIT REQUIRED.** No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the Village, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) **APPLICATION.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector which may be obtained at the office of the Village Clerk 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.

(3) **UTILITIES REQUIRED.** No building permit shall be issued for the construction of any building until sewer is installed and grading and graveling of the street necessary to service the property for which the permit is required is completed.

(4) **PLANS.** With each application there shall be submitted three 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 public, commercial and industrial buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services, if necessary. 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 Wis. Adm. Code SPS 320.09(4) as amended from time to time.

(5) **PLOT PLAN REQUIRED WITH PLANS.** A Plot plan shall be submitted to the Building Inspector showing the locations, boundaries, dimensions, elevations, uses and size of the following:

- (a) The subject site.
- (b) The size and location of existing and proposed structures.
- (c) Off-street parking, loading areas, and driveways.
- (d) The existing and proposed street, side, and rear yards.

A copy of the legal description shall be submitted with the Plot Plan.

(6) **APPROVAL OF PLANS.** 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, he 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 submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the Building Inspector, at its discretion, may issue a permit before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one foot above the finished or proposed grade of the center line of the adjacent street.

(7) **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 the work does not exceed \$5,000.00.

(8) **GRANT OR DENIAL OF PERMIT.** After the receipt of an application and plans required by this section, the Building Inspector shall grant or deny the application within 10 business days.

(9) **INSPECTION OF WORK.** The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The Inspector shall perform the requested inspection within 48 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place with 48 hours of notification, excluding Saturday's, Sunday's, and holidays, unless otherwise agreed upon between the permittee and the Inspector.

(10) **PERMIT LAPSES.** A building permit shall lapse and be void unless building operations are commenced within 12 months, or no significant progress has been made within

two construction seasons, from the date of issuance thereof. In any event, all permits shall lapse two years from the date of issuance.

(11) **REVOCAATION.** If the Building, Plumbing or Electrical Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or 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, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety.

(12) **REPORT OF VIOLATIONS.** The police or other Village employees shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

14.07 PERMIT FEES. All permit and administrative fees assessed under this Chapter shall be established from time to time by Resolution of the Village Board. A schedule of fees is available in the office of the Village Clerk.

14.08 UNSAFE BUILDINGS. Whenever the Building Inspector finds any building or part thereof within the Village to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it a the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Sec. 66.0413, Wis. Stats. as amended from time to time. Where the public safety require immediate action, the Building Inspector shall secure an Administrative Warrant to enter the premises with such assistance as may be necessary and shall cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Village in an action against the owner or tenant.

14.09 REGULATIONS FOR DEMOLITION OF BUILDINGS.

(1) **BUILDING DEFINED.** A building shall be defined as a combination of materials forming a structure, including any portion thereof, that is safe and stable and adapted to the permanent or continuous occupancy for assembly, business, education, high hazard, industrial, institutional, mercantile, residential or storage purposes, and which is subject to the requirement for a building permit in order to be erected elsewhere in this Code.

(2) **PERMIT REQUIREMENT.**

(a) **GENERAL.** No building, as defined herein, shall be razed, demolished, removed or wrecked without a razing permit from the Village. The permit shall be issued by the Building Inspector upon satisfactory compliance with all of the requirements and subject to the conditions provided in this section. Razing permits shall lapse and be void unless the work

authorized thereby is commenced within six months from the date the permit is issued and completed within 30 days from the date of commencement of said work. The Village may, on good cause shown, grant extensions to the specified time requirements.

(b) **APPLICATION.** An application for a permit to demolish all or part of a building shall include the following information:

- 1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
- 2) The name, address and telephone number of the contractor(s) performing the demolition work;
- 3) The date upon which demolition is to commence;
- 4) The date by which demolition shall be complete;
- 5) A list of all hazardous waste and hazardous and toxic substances (as defined by Chapters NR , Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as provided under Chapter NR 447 and Chapter HFS 159 as amended from time-to-time], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
- 6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed (including the description of the route to be used by trucks in hauling the waste);
- 7) A description of the method of demolition to be used; and
- 8) A copy of a soil erosion control plan which shall include, but not be limited to, a description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
- 9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, staking 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) **SANITARY SEWER AND WATERMAIN LATERALS.** Prior to the razing or removal of a building, the permittee shall determine, with the assistance of the Public Works Department, if there are existing sanitary sewer or watermain laterals on or serving the property along any public right of way or easement. If such lateral or laterals serve the property, the permittee shall notify the Director of Public Works or the Village Engineer at least 48 hours in advance of the commencement of any razing or removal operations and shall permit Village personnel entry on the property to perform or to supervise the abandonment of the lateral or laterals. The permittee shall be responsible to disconnect any sanitary lateral at the property line

and affix a watertight plug, under the supervision of the Director of Public Works or Village Engineer to insure that it is performed to the Village's satisfaction and standards. The permittee shall likewise be responsible to disconnect any water lateral from the main or shut off and secure the main under the supervision of the Director of Public Works or Village Engineer to insure that it is performed to the Village's satisfaction and standards. The permittee shall backfill the excavation under the supervision and to the satisfaction of the Director of Public Works or the Village Engineer to insure that no damage is caused to any sanitary sewer or watermain by the backfill operation. The owner of the property shall assume all responsibility for all costs and expenses associated with abandonment of the laterals, as well as for any damage to persons or property due to the abandonment of the lateral or laterals.

(4) PEST CONTROLS. Prior to the razing or removal of a building, the permittee shall take all necessary steps to treat the building so as to prevent the spread and migration of rodents and insects therefrom during and after the razing and removal of the building.

(5) REQUIRED BARRICADES. A snow fence or other approved barricade shall be erected by the permittee as soon as any portion of the building is removed and shall remain during razing operations.

(6) AIRBORNE CONTAMINENT CONTROL. If the razing or removal operation results in, or is likely to result in, an excessive amount of dust particles being released into the air, thereby creating a nuisance in the vicinity, the permittee shall take necessary steps to eliminate such a nuisance.

(7) FOUNDATION REQUIREMENTS.

(a) CLEARING AND LEVELING THE SITE.

- 1) When any such building is razed or removed, all subsurface structures, improvements and portions thereof, including but not limited to, foundations, footings, water and sewage pipes, all buried utilities to the property boundary, etc., shall be removed, except to the extent that the same are to be used for the construction of a new building or other structure thereon, after certification of the Building Inspector that the same are safe for such use. 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 thirty (30) consecutive days after demolition is completed.

- 2) Excavations from demolished buildings or structures shall be filled only with engineer approved fill materials. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
- 3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Clerk at least forty-eight (48) hours before filling of the excavation commences.

(b) FOUNDATION. After all razing operations are completed, the foundation shall be filled at least one foot above the adjacent grade, the property shall be raked clean and all debris shall be hauled away.

(8) DEBRIS REMOVAL. All debris, including combustible materials, shall be removed at the end of each work day. Combustible materials shall not be used for backfill. Burning of any materials at the site is prohibited. Debris shall be removed to a state licensed landfill or such other suitable site approved by the Building Inspector at the time the permit is issued.

(9) INSURANCE. The Building Inspector shall require public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident in a sum not less than One Million Dollars (\$1,000,000.00), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary in the discretion of the Building Inspector, including, but not limited to, errors and omissions.

(10) PENALTIES. Any person who razes, demolishes, removes or wrecks any existing building without a permit from the Village shall forfeit not more than \$500 per day. Each day the violation continues shall be considered to be a separate violation. Any person who violates any other provision of this section shall be subject to a forfeiture of not more than \$50 per day. Each day the violation continues shall be considered to be a separate day.

14.10 NON-ASSUMPTION OF LIABILITY BY VILLAGE. This chapter shall not be considered as assuming any liability on the part of the Village or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing or electric wiring or equipment.

14.11 BASEMENTS; EXCAVATIONS.

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

(2) **FENCING OF EXCAVATIONS.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right of way.

(3) **CLOSING OF ABANDONED EXCAVATIONS.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, and upon the holder of an encumbrance of record pursuant to the provisions of Sec. 66.0413, Wis. Stats., as amended from time to time. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0707, Wis. Stats.

14.12 DISCHARGE OF CLEAR WATERS.

(1) **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 of 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.

(2) **NUISANCE.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.

(3) **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.

(4) **STORM WATER.** All roof drains, surface 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.

(5) **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.

(6) **CONDUCTING TESTS.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he 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.

14.13 DUPLEX SERVICE CONNECTIONS. Each unit of a duplex shall have separate water and sewer lateral services as well as separate electric and natural gas service.

14.14 REGULATIONS FOR MOVING BUILDINGS.

(1) **GENERAL REQUIREMENTS.**

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

(2) **CONTINUOUS MOVEMENT.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or

intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

(3) **STREET REPAIR.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

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

(5) **BOND.**

(a) Before a permit is issued to move any building over any public way in the Village, the party applying therefore shall give a bond to the Village in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.

(b) At the discretion of the Building Inspector, the bond required by Subsection (5)(a) may 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 any danger to the health and general safety of the public.

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

14.15 PENALTIES AND VIOLATIONS.

(1) Any building or structure hereafter erected, enlarged, altered, repaired or moved, 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 or 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 the general penalty provisions of the Village Code. Each day a violation continues may be deemed a separate offense. 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 injunction order at the suite of the owner or owners of any real estate within the jurisdiction of this chapter.

- (2) (a) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to SPS 320.21, Wis. Adm. Code, as amended from time to time.
- (b) If, after written notification, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (c) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

(d) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

(3) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(4) The Village Attorney or other attorney hired by the Village or the Village's insurance carrier shall defend any officer, agent or employee of the Village in any lawsuit brought against said individuals as a result of any action required to be performed or permitted to be performed by said officer, agent or employee in the discharge of his/her duties under this Chapter. The Village shall indemnify any officer, agent or employee of the Village who is required by a court order or judgment to pay damages if said damages are determined by said court to have resulted from actions by said officer, agent or employee which are required or permitted under the Village Code in the discharge of said individual's duties.

14.16 – 14.24 RESERVED FOR FUTURE PROVISIONS.

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

