



**Special Council
Agenda**
Monday, August 26, 2019 at 5:00 PM
Council Chambers

Page

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

5. CLOSED SESSION PER STATE STATUTE 19.85 (1)(G)

5.a. Walmart Litigation Update

6. OPEN SESSION - ACTION ON CLOSED SESSION AGENDA

7. NEW BUSINESS

- | | | |
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| 7.a. | Appeal of Denial of License to Serve Appeal of Denial of License to Serve - Pdf | 3 - 4 |
| 7.b. | Resolution #081902 County Library Tax Exemption Memo- County Library Tax Exemption | 5 - 7 |
| 7.c. | Building Code Updates Memo-19-097 - Pdf | 8 - 49 |
| 7.d. | Extraterritorial Jurisdiction Memo: Extraterritorial Jurisdiction - Pdf | 50 |
| 7.e. | Rail Project Update Memo - Rail Project Update | 51 |
| 7.f. | City-Owned Property Located at 140th and CTH GG Memo-140th Street Property | 52 - 64 |
| 7.g. | 2020 Budget Memo - 2020 Budget | 65 |

7.h. Capital Improvement Plan 2020-2024
[Memo - Capital Improvement Plan 2020-2024](#)

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8. COMMUNICATIONS AND MISCELLANEOUS

9. ADJOURNMENT



MEMO

Prepared for: Mayor Fred Horne and City Council
Staff Contact: Craig Yehlik, Chief
Meeting: Special Council - 26 Aug 2019
Subject: Appeal of Denial of License to Serve

BACKGROUND INFORMATION:

On or about July 10, 2019 the City Clerks office forwarded an application for license to serve for Shelby L Reindahl. The application appeared to be a renewal and was accompanied by a Wisconsin Seller/Server certification for Ms. Reindahl, which had a date of completion of 07/08/2019.

While reviewing the application the applicant was asked if they have been convicted of any felony or of violating any law of the state of Wisconsin, any other state or the United States, including all traffic tickets and describe all convictions on the form, which also indicates to add additional sheets if necessary.

The first disclosure was for battery with a conviction date of 2/7/19. Wisconsin Court Access was checked and found that Reindahl was convicted of Battery. In house records were then checked and learned the case was a New Richmond case (17-00081). In this case, Reindahl was a bartender at the Wild Badger when the victim approached the bar to pay her bill. Reindahl was reportedly dating the victim's ex-boyfriend, an argument apparently took place with Reindahl grabbing the victim by the head and slamming the victims head on to the bar multiple times. Reindahl was convicted a placed on probation with restrictions to include not consuming alcohol.

The second disclosure was a disorderly conduct charge with a conviction date of 7-31-17. A case from New Richmond that was reported on 7-30-19, which Reindahl was taken into custody for a probation violation.

The third disclosure from Reindahl was a speeding ticket from March 15, 2017, which was also listed on CCAP. The Wisconsin State Patrol issued this citation and I have no other information on this contact.

Also located were case 18-1360 dated April 16, 2018. Where officers were called to Reindahls residence for a disturbance. Officer had contact with Reindahl who had the odor of intoxicants. Reindahl slammed the door on the officer prior to them confirming she was still on probation. They were able to confirm she was still on the restrictions and sent the information to the probation officer. No arrest was made.

Another police contact (18-3555) which was a barking dog complaint in which Reindahl was cited for that violation.

Reindahl also did not disclose the following New Richmond traffic citations:

| | | |
|----------|----------|--------|
| 6/20/18 | speeding | guilty |
| 10/19/16 | speeding | guilty |
| 10/01/14 | speeding | guilty |

4/27/12 suspended guilty

In each case with municipal court, the Defendant failed to appear at her appearances.

RECOMMENDATION:

On or about July 10, 2019 I, Chief Yehlik, taking the totality of the circumstance, due to the recent battery conviction while on duty as a bartender, the recent probation violations that involved alcohol along with the non-disclosure of items on the application recommended that this application for license to serve be denied. That recommendation was forwarded to the Clerk who then talked with Reindahl and explained the appeal process.



MEMO

Prepared for: City Council
Staff Contact: Jennifer Rickard, Interim Director
Meeting: Special Council - 26 Aug 2019
Subject: Resolution #081902 County Library Tax Exemption

BACKGROUND INFORMATION:

St. Croix County received the final equalized values for the 2020 tax levy. The County is required to levy a tax if the municipality does not levy an amount equal to or greater than a calculated amount in Column 7 on the attached document. Please see the attached resolution that states the City of New Richmond will make the required appropriation.

ATTACHMENTS:

[Library - County Tax Exemption calculation](#)
[RES 081902 - Exemption From County Library Tax](#)



Exemption from the County Library Tax

Under Wisconsin Statute 43.64(2), municipalities with public libraries may be exempt from the county library tax if they appropriate locally an amount above the defined minimum. In order to determine if a municipality may request an exemption from the county library tax for 2019 (the tax the county board will set in the fall of 2019 and expend in 2020), complete the following calculations.

The State of WI 2013-2015 Budget includes language that "allows municipalities participating in a joint library to be exempt from the county library tax, provided the municipality library levy is maintained at no less than the average of the last three years".

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----------------|----------------------------------|--|--|--|----------------------------------|--------------------------------------|--|---|
| Municipality | 2018 Equalized value of Property | 2018 Value of Communities that are exempted from 2017 County Library Tax | 2018 Equalized value Taxed for 2017 County Library service | 2019 County Appropriation for Library Services | County Library Tax Levy for 2019 | 2019 Equalized Value of Municipality | Minimum 2020 Appropriation to exempt from County Library Tax | 2019 Resolution to meet or exceed Minimum Appropriation |
| C New Richmond | \$ 9,461,518,600 | \$ 5,950,757,700 | \$ 3,510,760,900 | \$ 1,122,941 | 0.0003199 | \$ 803,944,900 | \$ 257,147 | |

RESOLUTION #081902
REQUESTING APPLICATION FOR EXEMPTION
FROM COUNTY LIBRARY TAX

WHEREAS, the County Board for St. Croix County, Wisconsin levies a county library tax; and

WHEREAS, Section 43.64(2)(b) of the Wisconsin Statutes provides that any city, town or village which levies a tax for public library service and appropriates and expends for a library fund as defined by section 43.52(1) of the Wisconsin Statutes during the year for which the county tax levy is made a sum at least equal to the county tax rate in the prior year multiplied by the equalized valuation of the property in the city, town, or village for the current year is exempt from the county library tax; and

WHEREAS, the City of New Richmond will, in 2020, appropriate and expend an amount in excess of that calculated above.

NOW THEREFORE, BE IT RESOLVED that the City of New Richmond hereby requests of the St. Croix County Board of Supervisors that the City of New Richmond be exempted from the payment of any county tax for the support of public library service as provided in Section 43.63(2) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded by the City of New Richmond Clerk to the following parties:

Carleton A. Friday Memorial Library
155 East First Street
New Richmond, WI 54017

St. Croix County – County Clerk
1101 Carmichael Road
Hudson, WI 54016

Dated this 26th day of August, 2019.

Frederick Horne, Mayor

Attest:

Tanya Batchelor, City Clerk



MEMO

Prepared for: Mayor Fred and City Council Members
Staff Contact: Beth Thompson, Community Development Director
Meeting: Special Council - 26 Aug 2019
Subject: Building Code Updates

BACKGROUND INFORMATION:

The Department of Safety and Professional Services (DSPS) is requiring several updates to local ordinances. With that in mind, City staff has gone through the entire Chapter 105 Buildings and Building Regulations. The following is a synopsis of the changes / corrections for your consideration:

1. All old references to the prior City Code have been removed. The references were very old, and as staff is moving forward with ordinance changes, we have been removing these reference numbers.
2. All references to Wisconsin Administrative Code Department of Commerce (COMM) have been changed to current Department of Safety and Professional Services (DSPS) code numbers.
3. Any misspellings or grammar errors were corrected.
4. All City Department names were updated to current Department names; i.e. Clerk/Treasurer was changed to Clerk; Street Superintendent was changed to Director of Public works, etc.
5. Building Permit expiration dates were changed from 18 months to 24 months to be consistent with state standards.
6. Language was cleared up as to when a permit is required. Our changed language (in blue) states:

Permit required. A permit shall be obtained by the owner or his agent from the Department for any of the following:

- (1) *Structure. All additions, alterations and repairs in excess of \$500 valuation, or new construction of any building or structure, except portable accessory structures equal to or less than 150 square feet. All demolition or moving of any building, or portion thereof, into, within, or out of the City.*
 - (2) *Electrical. All additions, alterations or new installations of electrical wiring, equipment or devices, except that no permit shall be required for the repair or replacement of defective fittings, fixtures, receptacles, sockets or switches.*
 - (3) *Mechanical. All new or replacement installations of any boiler, furnace, incinerator, wood burner, including a fireplace, or any other heat producing apparatus; any air cooled, water cooled or mechanically cooled air conditioning or refrigeration system; also any chimney, distribution system, fuel supply system, storage tank, ventilation system or any other equipment pertaining to the use of flammable gases, liquids or solids.*
 - (4) *Plumbing. All new installations or replacements and all additions to an existing system. All connections to public sewer or water mains.*
7. Electrical Code was updated to meet the state requirements for local enforcement.

8. Electrical and plumbing inspectors were formally appointed by the City Administrator; code changed to state Electrical and plumbing inspectors are appointed, hired, or contracted.
9. Electrical contractor insurance requirements have been removed as the state now enforces the requirements and the local municipality cannot have their own regulations.
10. Inspector Certifications were updated to meet current state requirements.
11. Section 105.3 H changed to the following wording:
The second set shall be filed in the Department. Plans for buildings involving the State Commercial Building Code review shall bear, if required per SPS 361.60 (5)(c), the stamp of approval of the Department of Safety and Professional Services.
12. The section on fees were updated as follows:
Fees shall be based on applicant's stated valuation or valuation as calculated by the building inspector, whichever is greater. Valuation calculators shall be on file in the Building and Zoning Office.
13. The below language was added to comply with DSPS standards:
All plans and specifications that involve an area of 50,000 cubic feet or more shall be signed by a Wisconsin licensed architect or engineer.
14. Section 105-4 was updated to DSPS standards.

RECOMMENDATION:

City staff is recommending this to be either the first reading or to approve Chapter 105 in its entirety as presented.

ATTACHMENTS:

[Chapter 105 BUILDINGS AND BUILDING REGULATIONS - RedLine](#)

[Chapter 105 BUILDINGS AND BUILDING REGULATIONS - City Council](#)

Chapter 105 - BUILDINGS AND BUILDING REGULATIONS^[4]

Footnotes:

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State Law reference— Buildings and construction, Wis. Stats. **Chh.** 101.

ARTICLE I. - IN GENERAL

Sec. 105-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein defined shall have the meanings as indicated in the various ~~sections which~~**sections, which** are adopted into this chapter. Any other words and phrases shall have the meanings given to them by common usage:

Building. Any structure built for the support, shelter or enclosure or enclosure of persons, animals, chattels or property of any kind.

Building, accessory. Any detached building or structure, not used as a dwelling unit, but whose use is incidental to that of the main building and which is located on the same property.

Building, attached. Any building or structure attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace or vestibule; or so constructed as to form an integral part of the principal building.

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

Building, detached. Any building or structure which is not physically connected to the principal building in any manner.

Building, principal. A single main building or structure on a lot for specific uses or occupancies.

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

Dwelling. A building which is designed or used, or which is intended to be used, as a residence or place of abode.

Equipment. As specifically regulated in this chapter, includes heating, cooling, air conditioning and ventilating systems; plumbing and sanitary systems; electric light and power systems; telephone, electronic, radio signaling and annunciator systems; dry cleaning, dyeing and washing machines; elevators and dumbwaiters; gas pipe systems; sprinklers, standpipes, fire extinguishers and fire protection apparatus; pumps, oil burners, stokers, and conveyors; refrigeration systems; devices, machinery and apparatus of every description; furnaces, boilers, high or low pressure steam systems; gasoline pumps; all movable or portable containers of every description; all air pressure or other tanks; and all other self-contained systems used in conjunction with buildings or structures.

Garage, private. A ~~building,~~**building** or portion of a building, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

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

Shall. As used in this chapter, "shall" is mandatory.

Structure. As specifically regulated by this chapter, anything which is constructed, erected and framed of component parts and which is fastened, anchored or rests on a permanent foundation, or on the ground for any occupancy or use whatsoever, excluding fencing.

Use. See *Occupancy*.

(Code _____ 1994, _____ §

Sec. 105-2. - Scope.

The provisions of this chapter shall govern the design, construction, alteration, erection, installation, addition, demolition, moving and repair of all buildings and structures, including building components and systems, except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a new building to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this chapter was enacted.

(Code 1994, § 15-1-1)

Sec. 105-3. - Building permits.

- (a) *Generally.* No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the [Department of Building Inspection \(hereinafter the "Department"\)](#). ~~Department of Building Inspection (hereinafter the "Department").~~ ~~Building Inspection and Zoning Office~~ [Department](#).
- (b) *Alterations and repairs.* The following provisions shall apply to buildings altered or repaired:
 - (1) *Alterations.* When not in conflict with any regulations, alterations to any building or structure, or building component or system accommodating a legal occupancy or use but of substandard type of construction, which involves either the structural members of floors, roofs, beams, girders, columns, bearing or other walls, room arrangement, heating or air condition systems, electrical systems, plumbing systems, light and ventilation systems, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this chapter applicable to such occupancy and use and given type of construction.
 - (2) *Repairs.* Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - (3) *When alterations not permitted.* When any existing building or structure, which, for any reason whatsoever, has deteriorated from any cause whatsoever to an extent greater than 50 percent of the equalized value of the building or structure, as determined by the assessor, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises within 30 days of notice thereof.
 - (4) *Required alterations and repairs.* When any building or structure or building component thereof, whether existing or being constructed, has deteriorated from any cause whatsoever to less than

its designed or safe performance level, the owner of such a building or structure shall commence within 48 hours to cause such building or structure, or building component thereof, to be restored to its designed or safe performance level. Failure to restore shall cause the building or structure or building component thereof, to be considered a menace to public safety and welfare and shall be ordered vacated and disconnected from utilities and thereafter no further occupancy or use shall be permitted. If the orders of the ~~Department of Building Inspection Building Inspection and Zoning Office~~ ~~Department Department~~ are not complied with after due notice and within 30 days, the ~~Department Building Inspection and Zoning Office~~ ~~Department Department~~ shall proceed as required by this chapter to have such building or structure demolished.

- (5) *Unsanitary buildings.* No person shall occupy or use, or permit to be occupied or used, any building or structure that is unsanitary, dilapidated, deteriorated or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this chapter are complied with.
- (6) *Extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (c) *Permit required.* A permit shall be obtained by the owner or his agent from the ~~Department of Building Inspection Building Inspection and Zoning Office~~ ~~Department Department~~ for any of the following:
 - (1) *Structure.* All additions, alterations and repairs in excess of \$500 valuation, or new construction of any building or structure, ~~except~~ except ~~minor repairs and~~ portable accessory structures equal to or less than 150 square feet. All demolition or moving of any building, or portion thereof, into, within, or out of the City.
 - (2) *Electrical.* All additions, alterations or new installations of electrical wiring, equipment or devices, except that no permit shall be required for the repair or replacement of defective fittings, fixtures, receptacles, sockets or switches, ~~nor for the installation of less than six outlets.~~
 - (3) *Mechanical.* All new or replacement installations of any boiler, furnace, incinerator, wood burner, including a fireplace, or any other heat producing apparatus; any air cooled, water cooled or mechanically cooled air conditioning or refrigeration system; also any chimney, distribution system, fuel supply system, storage tank, ventilation system or any other equipment pertaining to the use of flammable gases, liquids or solids.
~~Also, all additions, alterations or modifications to any of the above which involve more than 50 percent of the mechanical system, as determined by the Building Inspector.~~
 - (4) *Plumbing.* All new installations or replacements and all additions to an existing system. ~~All alterations or modifications involving more than 50 percent of an existing system, as determined by the Plumbing Inspector.~~ All connections to public sewer or water mains.
 - (5) *Canopy.* For the erection of any canopy which projects over any sidewalk, street or public thoroughfare or is provided with electricity. Such permit shall include any electrical work necessary.
 - (6) *Other.* Such other permits as may be required by the Common Council.
- (d) *Permit application.* Application for any permit shall be on forms prescribed by the ~~Department Building Inspection and Zoning Office~~ ~~Department~~. With such application, there shall be submitted two complete sets of plans, specifications and survey. The ~~Department Building Inspection and Zoning Office~~ ~~Department~~ may waive such filing of plans, specifications or survey if, in the opinion of the Inspector, the character of the work is sufficiently described in the application.
- (e) *Permit issuance.*
 - (1) If the ~~Department Building Inspection and Zoning Office~~ ~~Department~~ finds that the proposed work will comply in every respect with this chapter, other City ordinances, laws of the State, and lawful orders issued pursuant thereto, a permit shall be issued. After receiving a permit, the

plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws, orders or safety of the project, except with the written consent of the ~~Department Building Inspection and Zoning Office~~Department filed with the application.

- (2) In appropriate cases, the ~~Department Building Inspection and Zoning Office~~Department may issue a permit for part of a project prior to receiving plans for the entire project. No person shall commence work on any building or structure, or part thereof, before the proper permits are issued. The issuance of a permit upon the plans specifications shall not prevent the ~~Department Building Inspection and Zoning Office~~Department from thereafter requiring the correction of any errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinance, laws or lawful order.
- (f) *Dedicated street and approved subdivision requirement.* Unless a waiver is granted by the Planning Commission, following a recommendation from the ~~Department Building Inspection and Zoning Office~~Department, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey, and required improvements, meet the requirements of Chapter 117.
- (g) *Sewer, water, grading and graveling.*
- (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) *Nonresidential buildings.* 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.
 - (3) *Occupancy.* No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (h) *Plans and specifications for new ~~detached-structures~~buildings or additions.* With applications for new ~~detached-structures~~buildings or additions, there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to City datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter inch to one foot (~~fireplace details to three-quarters inch to one foot~~). One set of plans shall be returned after approval as provided in this chapter. The second set shall be filed in the ~~Department of the Building Inspection Building Inspection and Zoning Office~~Department. Plans for buildings involving the State ~~Commercial Building Code review~~ shall bear, ~~if required per SPS 361.60 (5)(c)~~, the stamp of approval of the ~~State Department of Safety and Professional Services of Commerce~~. One plan shall be submitted which shall remain on file in the ~~Department of the Building Inspection Building Inspection and Zoning Office~~Department. All plans and specifications ~~that involve an area of 50,000 cubic feet or more~~ shall be signed by ~~the designer a Wisconsin licensed architect or engineer~~.
- (i) *Waiver of plans; ~~minor repairs~~.*
- (1) ~~—~~If the ~~Department Building Inspection and Zoning Office~~Department finds that the character of the work is sufficiently described in the application, it ~~may~~ waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$7,500.00.

~~(2) Repairs for the purposes of maintenance or replacements in an existing building or structure, or building component, which do not involve the structural integrity, light and ventilation, room arrangement, access or efficiency of exit stairways or exits, fire protection or electrical system and which do not increase a given occupancy and use, shall be deemed minor repairs. The Building Inspector may authorize minor repairs or maintenance work which are valued, as determined by the Building Inspector, at less than \$500.00 without issuance of a building permit.~~

- (j) *Partial approval of plans.* In case adequate plans are presented for part of the building only, the ~~Department of Building Inspection Building Inspection and Zoning Office~~Department, at its discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (k) *Violation reports.* City ~~officers-employees~~ shall report at once to the ~~Department of Inspection Building Inspection and Zoning Office~~Department any building which is being carried on without a permit as required by this chapter.
- (l) *Weatherproof card.* ~~For new one or two family dwellings or new commercial buildings, A~~ weatherproof card signed by a member of the ~~Department Building Inspection and Zoning Office~~Department indicating the permits issued shall be posted in a conspicuous place at the work site during construction operations.

~~(Code 1994, § 15-1-2; Ord. No. 390, 7-14-2008; Ord. No. 392, 8-11-2008)~~

Sec. 105-4. - Inspections.

- (a) *Notification.* The permit holder shall notify the ~~Department Building Inspection and Zoning Office~~Department when ready for the following inspections:
 - (1) Inspection of footings and foundation walls for conformance with plans and specifications. Underground plumbing may be inspected at this time, if ready.
 - (2) Inspection of rough-ins, including framing, energy, electrical, mechanical and plumbing, as they are ready and prior to being concealed.
 - (3) Inspection prior to pouring concrete floors for subgrade, drain tile, forms and underfloor building components.
 - (4) Inspection upon completion ~~of project and prior to occupancy or use of wall insulation, included fire and draft stopping.~~
 - (5) Inspection upon completion of project and prior to occupancy or use.
- (b) *Coordination.* All provisions of the laws and regulations of this City, and of legally adopted rules of local health and fire officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases, and the maintenance of safe and sanitary conditions of use of occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever an inspection by any authorized enforcement officer discloses a violation of this chapter, or of any other rules, regulations or law, he/she shall immediately notify the administrative officer having jurisdiction of the violation.
- (c) *Inspection warrants.* If an Inspector is denied access to inspect a property, he may request the City Attorney to seek an inspection warrant pursuant to Wis. Stats. § 66.122.

~~(Code 1994, § 15-1-3)~~

Sec. 105-5. - Disclaimer.

The purpose of the inspections under this chapter is to improve the quality of buildings and structures in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

~~(Code 1994, § 15-1-4)~~

Sec. 105-6. - Certificate of occupancy.

- (a) *Inspections.* A final inspection of all new buildings, additions, and alterations shall be made by the ~~Department Building Inspection and Zoning Office~~Department. If violations of this chapter or any other law or ordinance are not found, a certificate of occupancy shall be issued, stating the purpose for which the building is to be used. No building or portion thereof shall be occupied until such certificate is issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
- (b) *Discontinuance of use.*
- (1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this chapter, the ~~Department Building Inspection and Zoning Office~~Department shall order such use or occupancy discontinued, and the building or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or portion thereof within ten days after receipt of the notice, or make the building or portion thereof comply with the requirements of this chapter.
 - (2) Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same until an application has been filed and a new certificate of occupancy issued.
- (c) *Change.* It shall be unlawful to change the use of any building, structure, premises, or part thereof without first obtaining from the ~~Department Building Inspection and Zoning Office~~Department an approval of such change in the occupancy or use, and a certificate of occupancy thereof.
- (d) *Hardship.* The Building Inspector may permit the occupancy of any building or structure prior to issuance of the certificate of occupancy in cases of hardship as, in his/her judgment, warrant occupancy and the premises are determined to be safe and sanitary. The Building Inspector shall determine the time within which such building can be completed, but not greater than 60 days.

~~(Code 1994, § 15-1-5)~~

Sec. 105-7. - Permit lapse or revocation.

- (a) *Lapse.* All permits shall lapse unless operations are commenced within six months of issuance or if the work authorized by such permit is suspended at any time after work has commenced for a period of 60 days, unless extended by the ~~Department Building Inspection and Zoning Office~~Department. In any case, all work shall be completed within ~~18~~24 months from the date of issuance of such permit.

Before any work is commenced or recommended after lapse of a permit, a new permit shall be issued and the required fees paid therefor.

- (b) *Revocation.* The ~~Department Building Inspection and Zoning Office~~Department may revoke any permit, certificate of occupancy or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- (1) Whenever the ~~Department Building Inspection and Zoning Office~~Department 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 construction has been issued to him/her.
 - (2) Whenever the continuance of any construction becomes dangerous to life or property.
 - (3) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (4) Whenever, in the opinion of the ~~Department Building Inspection and Zoning Office~~Department, there is inadequate supervision provided on the jobsite.
 - (5) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (6) Whenever there is a violation of any of the conditions of an approval or occupancy given by the ~~Department Building Inspection and Zoning Office~~Department for the use of all new materials, equipment, methods or construction devices or appliances.
- (c) *Notice.*
- (1) The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - (2) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the ~~Department Building Inspection and Zoning Office~~Department.
- (d) *Suspension of construction.* After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this chapter. However, such work as the ~~Department Building Inspection and Zoning Office~~Department may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

~~(Code 1994, § 15-1-6)~~

Secs. 105-8—105-32. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 105-33. - Violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this article shall be deemed an unlawful building, structure or use. The Building Inspector or other authorized inspectors shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection,

enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this article or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the ~~Department of Building Inspection Building Inspection and Zoning Office~~Department or other City officials constitute a defense. Compliance with the provisions of this article may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this article.

(b) Noncompliance.

(1) If an inspection reveals a noncompliance with this article or the Uniform Dwelling Code, the ~~Department of Building Inspection Building Inspection and Zoning Office~~Department shall notify the applicant and the owner, in writing, of the violation to be corrected. Except as otherwise provided, any person violating any of the terms of this article or the Uniform Dwelling Code, shall be subject to a forfeiture of not less than \$100.00 nor more than \$200.00, together with the costs of prosecution; provided that for any violation(s) of any condition in this article or the Uniform Dwelling Code which can be corrected by modification or repair, ~~F, failure to correct or rectify such defect within a reasonable time~~30 days, as determined by the ~~Department of Building Inspection Building Inspection and Zoning Office~~, shall constitute a separate violation for each day in which the violation exists, and be subject to penalties provided herein.

(2) If, after written notification, the violation is not corrected within a reasonable time, as determined by the ~~Department of Building Inspection, Building Inspection and Zoning Office~~Department a stop-work order may be served on the owner or his/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 ~~Department of Building Inspection Building Inspection and Zoning Office~~Department after satisfactory evidence has been supplied that the cited violation has been corrected.

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

(c) Any person feeling aggrieved by an order or a determination of the ~~Department of Building Inspection Building Inspection and Zoning Office~~Department may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(d) Except as may otherwise be provided by the Statute or ordinance, no officer, agent or employee of the City charged with the enforcement of this article shall render himself/~~herself~~ personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/~~her~~ duties under this article. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his/~~her~~ duties under this article shall be defended by the legal representative of the City until the final determination of the proceedings therein.

~~(Code 1994, § 15-1-80; Ord. No. 458, 11-11-2013)~~

Sec. 105-34. - Appeals.

Any person aggrieved by any order or ruling of the ~~Department of Building Inspection Building Inspection and Zoning Office~~Department may appeal from such order or ruling to the Board of Appeals within ten days after written notice of such order or ruling is delivered to him/~~her~~. Such appeal shall be in writing, setting forth the order appealed from, and the respects in which such person claims such order or ruling is erroneous or illegal. Such notice of appeal shall be filed with the City Clerk-~~Treasurer, with the~~

[appropriate application and fee](#), who shall thereupon notify the ~~Department Building Inspection and Zoning Office~~Department. The appeal shall be heard at the next Board of Appeals meeting and the said Board of Appeals, after consideration thereof, shall affirm, reverse or modify such order or ruling as is just in the premises. No such modification or reversal shall conflict with any State law, code or lawful order. The order or ruling of the ~~Department Building Inspection and Zoning Office~~Department shall remain in effect until acted upon by the said Board of Appeals.

~~(Code 1994, § 15-1-81)~~

Sec. 105-35. - Fees.

The fees for permits and inspections required by this article shall be as established by resolution. ~~Fees shall be based on applicant's stated cost or valuation as calculated by the building inspector, whichever is greater. Valuation calculators shall be on file in the Building and Zoning Office.~~

Secs. 105-36—105-58. - Reserved.

ARTICLE III. - BUILDING STRUCTURAL AND MECHANICAL CODES²

Footnotes:

--- (2) ---

State Law reference— One- and two-family dwelling code, Wis. Stats. § 101.60 et seq.; multifamily dwelling code, Wis. Stats. § 101.971 et seq.

Sec. 105-59. - State Uniform Dwelling Code.

(a) *Definitions.* The following definitions shall be applicable in this section only:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

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

~~*Department* means the Department of Commerce Safety and Professional Services.~~

Dwelling means:

- (1) Any building, the initial construction of which is commenced on or after the effective date of this article which contains one or two 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- or two-family dwelling.

Minor repair means repairs for the purposes of maintenance or replacements in an existing building or structure, or building component, which do not involve the structural integrity, ~~light and ventilation~~, room arrangement, access or efficiency of exit stairways or exits, fire protection or electrical system and which do not increase a given occupancy and use, shall be deemed minor repairs. The Building Inspector may authorize minor repairs or maintenance work which are valued, as determined by the Building Inspector, at less than \$500.00 without issuance of a building permit. ~~Windows and doors replaced in the same opening, along with flooring do not require a building permit.~~

One- or two-family dwelling means a building structure which contains one or two 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.

Person means an individual, partnership, firm or corporation.

Uniform Dwelling Code means Wis. Admin. Code Chs. ~~Comm-SPS 320—325~~.

- (b) *Adopted.* The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Wis. Admin. Code Chs. ~~Comm-SPS 320—23-325~~ are hereby adopted and by reference made a part of this article as if fully set forth herein. A copy of these administrative code provisions and any future amendments shall be kept on file in the ~~Office of Building Inspector Building Inspection and Zoning Office~~Department.
- (c) *Existing structures.* The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50 percent of the equalized value of the structure, said value to be determined by the City Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this article for new buildings. The provisions of Section 105-3 shall also apply.
 - (4) Whenever more than 25 percent of the roof covering of a building is replaced in any 12-month period, all roof covering shall be in conformity with applicable section of this article.
 - (5) Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable sections of this article.
- (d) *Enforcement.*
- (1) *Certification.* The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Wis. Admin. Code § ~~Comm-26.06SPS 305.63 (1)(a)~~.
 - (2) *Duties.* The Building Inspector shall administer and enforce all provisions of this article and the Uniform Dwelling Code.
 - (3) *Inspections.* The Building Inspector or an authorized 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 agent while in performance of his duties.
 - (4) *Records.* The ~~Department of Building Inspection Building Inspection and Zoning Office~~Department shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the ~~Department of Building Inspection Building Inspection and Zoning Office~~Department 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 ~~Department of Building Inspection Building Inspection and Zoning Office~~Department shall make a written annual report to the Common Council relative to these matters.

~~(Code 1994, § 15-1-20)~~

Sec. 105-60. - Construction standards.

- (a) *State Commercial Building Code.* The Building and Heating, Ventilating and Air Conditioning Code, [Energy Conservation, Fuel Gas Appliances, Existing Buildings under](#) Wis. Admin. Code Chs. ~~Comm SPS 361—65-366~~ are hereby made a part of this article by reference and shall apply to all new construction, additions, alterations, remodeling, repairs and change of occupancies to all buildings and structures, except one- and two-family dwellings and accessory buildings thereto. A copy of same and amendments thereto shall be kept on file in the ~~Department of Building Inspection Building Inspection and Zoning Office~~ [Department](#).
- (b) *State Uniform Dwelling Code.* The Uniform Dwelling Code is hereby made a part of this article by reference and shall apply to all new construction, additions, alterations, remodeling, repairs and change of occupancies to all one- and two-family dwellings and attachments thereto.
- (c) ~~*State Existing Buildings Code.* The Existing Buildings Code, Wis. Admin. Code Chs. Comm 75—79, hereby made a part of this article by reference and shall apply to all buildings and structures erected prior to October 9, 1914, except one- and two-family dwellings and accessory buildings thereto.~~
- (d) ~~*Flammable and Combustible Liquids Code.* The Flammable and Combustible Liquids Code, Wis. Admin. Code Ch. Comm 10, is hereby made a part of this article by reference.~~
- (e) ~~*Liquefied Petroleum and Natural Gases.* Wis. Admin. Code Ch. Comm 12 is hereby made a part of this article by reference.~~
- (f) ~~*Historic Building Code.* The Historic Building Code, Wis. Admin. Code Ch. Comm 70, is hereby made a part of this article by reference.~~

~~(Code 1994, § 15-1-21)~~

Sec. 105-61. - New methods and materials.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this article and not specifically mentioned in or permitted by this article shall not be so used until approved in writing by the ~~State Department of Commerce~~ [Department of Safety and Professional Services](#) for use in buildings or structures covered by the Wisconsin ~~State Commercial Building Code~~, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (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 Commerce~~ [Department of Safety and Professional Services](#). The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the ~~State Department of Commerce~~ [Department of Safety and Professional Services](#).

~~(Code 1994, § 15-1-22)~~

Sec. 105-62. - Unsafe buildings.

The Building Inspector is hereby authorized to act for the City under the provisions of Wis. Stats. § 66.0413, relating to the razing of buildings. The City Clerk ~~Treasurer~~ is authorized to place the assessment and collect the special tax as therein provided. Whenever the ~~Department of Building Inspection Building Inspection and Zoning Office~~ [Department](#) finds any building or part thereof within the City to be, in its 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, the ~~Department of Building Inspection Building Inspection and Zoning Office~~ [Department](#) may 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. The ~~Department of Building Inspection~~

[Building Inspection and Zoning Office](#) shall give specific reasons for its determination. Such order and proceedings shall be as provided in Wis. Stats. § 66.0413.

~~(Code 1994, § 15-1-23)~~

Sec. 105-63. - Razing buildings.

(a) *Generally.*

- (1) No building within the City shall be razed without a permit from the ~~Department of Building Inspection~~ [Building Inspection and Zoning Office](#).
- (2) Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections within the building, such as electric, gas, water, sewer and any other connections. A permit to demolish or remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.
- (3) A snow fence or other approved barricade and lights shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (4) After all razing operations have been completed, excavations shall be filled with solid fill to match lot grade within 48 hours of removal of the structure, the property raked clean, and all debris hauled away.
- (5) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Building Inspector.

(b) *Debris.* All debris must be hauled away at the end of each week for the work that was done during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

~~(Code 1994, § 15-1-24)~~

Sec. 105-64. - Basements; excavations.

- (a) *Basement subflooring.* First floor subflooring shall be completed within 60 days after the basement is excavated [unless approved otherwise by the Building Inspection and Zoning Office](#).
- (b) *Fencing 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 feet high between such opening or excavation and the public right-of-way.
- (c) *Closing of abandoned excavations.* Any excavation for building purposes or any uncovered foundation which shall remain open for more than three months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's

agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two consecutive publications at least ten days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Wis. Stats. § 66.60.

~~(Code 1994, § 15-1-25)~~

Sec. 105-65. - Moving buildings.

(a) *Generally.*

- (1) No person shall move any building or structure greater than 8½ feet wide upon any of the public ways of the City without first obtaining a ~~permit~~ Street Privilege Permit therefor from the ~~Department of Building Inspection Building Inspection and Zoning Office City~~ and upon the payment of the required fee. Every such permit issued by the ~~Department of Building Inspection Building Inspection and Zoning OfficeCity~~ 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. The Police Department shall be notified prior to the commencement of any moving operation.
- (2) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the ~~Department of Building Inspection Building Inspection and Zoning OfficeCity~~ prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Police Department.

(b) *Damaged buildings.* No building shall be repaired, altered or moved into or within the City that has deteriorated or been damaged by any cause more than 50 percent of its equalized value, and no permit shall be granted to repair, alter or move such building within or into the City.

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

(d) *Street repair.* Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report that fact to the Building Inspector who shall, in the company of the ~~Street Superintendent~~ Director of Public Works, 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. The person obtaining such permit and the sureties on his bond shall be responsible for the payment of all such damages.

(e) *Conformance with Code.* Prior to issuing a permit to move a building into or within the City, the Building Inspector shall inspect the building and determine if it is in a sound and stable condition, and of such construction that it will meet the requirements of this article in all respects. Plans shall be

submitted to indicate that the building will be in conformance with this article in all respects prior to its occupancy within the borders of this City.

(f) *Bond.*

(1) Before a permit is issued to move any building over 12 feet in width over any public way in the City, the party applying therefor shall give a bond to the City in a sum to be fixed by the Building Inspector and which shall not be less than \$5,000.00 (~~per the Street Privilege Permit~~), said bond to be executed by a corporate surety or two personal sureties to be approved by ~~the Common Council—the City Administrator~~ or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

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

(g) *Insurance.* The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than \$100,000.00 and for one accident in a sum not less than \$200,000.00, together with property damage insurance in a sum not less than \$50,000.00, or such other coverage as deemed necessary.

~~(Code 1994, § 15-1-26)~~

Sec. 105-66. - Accessory buildings and structures.

(a) *Defined.* An accessory building or structure, as used in this section, means a building or structure entirely separated from the principal building and is not subject to the ~~State Building~~Uniform Dwelling Code.

(b) *Distance from buildings.*

(1) ~~Frame-~~ Buildings and structures of frame wall construction shall be located not less than ten feet from any building; except that such distance may be reduced to not less than five feet when the adjacent wall is protected by at least one-hour fire rated construction.

(2) ~~Masonry—Masonry.~~ Buildings and structures of masonry wall construction shall not be located less than five feet from any building.

(c) *Footings and foundations.*

(1) Accessory buildings and structures shall be provided with the same type footings and foundations as are herein required for the principal building, except that:

a. Buildings and structures with a width up to and including 26 feet may be built with a continuous floating slab of wire mesh reinforced concrete not less than four inches thick, in which case the slab shall be provided with a thickened edge all around being eight inches wide by eight inches below the surface of the slab.

b. Buildings and structures with a width exceeding 26 feet, but less than 36 feet, may be built with a continuous floating slab of wire mesh reinforced concrete not less than four inches

thick, in which case the slab shall be provided with a thickened edge all around being 12 inches wide by 12 inches below the surface of the slab.

c. Buildings and structures with a width exceeding 36 feet shall have the thickened edge slab designed by structural analysis.

- (2) Exterior wall curbs of masonry shall be provided not less than four inches above finished ground grade, unless the wall construction within four inches of grade is approved insect- and termite-resistant. Bolts three-eighths inch in diameter, with nuts and washers attached, by six inches long, shall be embedded three inches in the concrete curb eight feet on centers.
- (3) For purposes of this subsection, the term "width" is defined as the distance between the exterior of one main load bearing wall and the opposite load bearing wall.

(d) *Walls.*

- (1) All walls shall be designed to support all superimposed vertical dead loads and live loads from floors and roofs without exceeding the allowable stresses of the material.
- (2) All walls shall be designed to withstand a horizontal wind pressure of at least 20 pounds per square foot applied to the vertical projection of the portion above grade. No reduction shall be permitted for any shielding effect of other buildings or structures.

(e) *Roofs and ceilings.*

- (1) Roof and roof/ceiling assemblies shall support all dead loads plus the minimum live loads as herein specified.
- (2) Roofs shall be designed and constructed to support a snow load of 40 pounds per square foot assumed to act vertically over the roof area.
- (3) Roofs shall withstand a pressure of least 20 pounds per square foot acting upward normal to the roof surface. Roofs shall be properly anchored to resist uplift.
- (4) All roofs shall be designed and constructed to assure the proper drainage of water.

(f) *Heating.* Heating units and equipment in accessory buildings shall conform to the requirements of heating systems in the principal building.

~~(Code 1994, § 15-1-27)~~

Sec. 105-67. - Drainage.

No building shall be erected or added to if such proposed construction shall unreasonably obstruct the flow of water from adjoining properties or obstruct the flow of water of any ditch, drain, ravine or stormwater sewer draining neighboring property; unless suitable provision is made for such flow by means of an adequate ditch or pipe. Building plans shall indicate in sufficient detail the proposed provision for surface water drainage.

~~(Code 1994, § 15-1-29)~~

Sec. 105-68. - Incinerators.

- (a) *Generally.* Incinerators shall meet the requirements of the Wisconsin Department of Natural Resources. The Department of Natural Resources shall have approving authority for the equipment involved. Installation shall conform to the following requirements, unless superseded by the manufacturer's requirements.
- (b) *Gas burner connections.* Where a gas burner is used, a lever handle shutoff cock shall be provided before the union at an accessible location in the gas line at the rear of the burner. Incinerators furnished with means of automatic ignition of the gas at the main burner shall be equipped with a device which will automatically shut off the main gas supply in the event the means of ignition

becomes inoperative, or the means of keeping the valve of the device open becomes inoperative, or both.

(c) *Mounting.*

(1) Incinerators, except as hereinafter provided, shall be mounted on floors of fire resistive construction with noncombustible flooring or surface finish and with no combustible material against the underside thereof. Such construction shall extend a minimum of 12 inches beyond the incinerator base on all sides, except that at the front or side where ashes are removed, it shall extend a minimum of 18 inches beyond the incinerator.

(2) Incinerators that are specifically approved for installation on a combustible floor may be mounted in accordance with the conditions of such approval.

(d) *Masonry chimneys for incinerators.* Masonry chimneys for incinerators shall be constructed in accordance with the requirements for masonry chimneys. All flues shall terminate in a substantially constructed spark arrester with openings a maximum of one-half inch, or be provided with other suitable means for stopping discharge of fly particles. Such screen shall be kept in repair at all times. Incinerators shall be connected to a chimney suitable for solid fuel burning appliances.

(e) *Clearances.*

(1) Incinerators, except as provided herewith, shall be installed to provide clearances between the unit and woodwork or other combustible material, of not less than 36 inches at the sides and top and not less than 48 inches at the front, and in no case shall the clearance above the charging door be less than 48 inches.

(2) Incinerators that are specifically approved for installation with clearances less than specified above may be installed in accordance with the conditions of such approval, provided that, in any case, the clearances shall be sufficient to afford ready accessibility for firing, clean out and any necessary servicing, and with a minimum clearance of three inches between the sides and any combustible materials.

(3) Incinerators may be installed in rooms, but not in confined spaces, such as alcoves, with reduced clearances to wood work is protected with an approved protective material, but in no case shall this clearance be less than three inches.

(f) *Flue pipes.*

(1) Incinerator flue pipes, except as herein provided, shall be installed to provide clearances of not less than 18 inches to woodwork or other combustible material.

(2) Incinerator flue pipes may be installed in rooms, but not in confined spaces, such as alcoves, with reduced clearances to woodwork or other combustible material, provided the combustible material is protected with an approved protective material.

(3) Incinerator flue pipes shall not pass through any combustible wall or partition unless protected at the point of passage by an approved thimble.

(g) *Refuse chutes.* Refuse chutes shall not feed directly into incinerators.

~~(Code 1994, § 15-1-31)~~

Sec. 105-69. - Enforcement.

Primary enforcement of this article shall be by the Building Inspector.

~~(Code 1994, § 15-1-32)~~

Secs. 105-70—105-96. - Reserved.

ARTICLE IV. - ELECTRICAL CODE³

Footnotes:

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Editor's note— Ord. No. 424, adopted February 23, 2011, repealed the former Art. IV, §§ 105-97—105-101, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from the Code of 1994, §§ 15-1-40—15-1-44.

State Law reference— Electrical regulations, Wis. Stats. § 101.80 et seq.; municipal authority relative to electricity, Wis. Stats. § 101.86.

Sec. 105-97. - Electrical jurisdiction.

An electrical jurisdiction is authorized and established covering all areas within the municipal boundaries of the City of New Richmond. The City of New Richmond shall be the authority having jurisdiction ("AHJ") for all residential and commercial electrical installations.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-98. - Electrical Inspector—~~Appointment.~~

- (a) The position of Electrical Inspector is authorized and established. The Electrical Inspector shall be appointed, hired, or contracted by the City ~~Administrator.~~
- (b) The Electrical Inspector shall be a person who is skilled in the installation, planning, designing, superintending and inspection of electrical wiring and equipment. He/she shall be well versed in approved methods of electrical construction for safety to life and property and the laws and ordinances pertaining thereto.
- (c) The Electrical Inspector shall not be interested as a partner or otherwise with any person or persons, or in any business dealing in electrical supplies, fixtures or material, or carrying on the trade or work of an electrician.
- (d) In all respects the City of New Richmond Electrical Inspector shall comply with the provisions of the Wisconsin Administrative Code ~~COMM-SPS Chapters 5 and 316.~~

(e) Certification. The Electrical Inspector shall be certified for inspection purposes by the Department of Safety and Professional Services in each of the categories specified under Wis. Admin. Code § SPS 305.62.

~~(e) —They City of New Richmond appoints the following inspectors to the position of electrical inspector, having met all applicable Wisconsin training and examination requirements to qualify the AHJ:~~

~~(1) —John Frisco, Wis. Dept. Comm. License #70620.~~

~~(2) —Terry Sweeney, Wis. Dept. Comm. License #171211.~~

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-99. - Electrical inspector—Powers and duties.

- (a) The Electrical Inspector may make or cause to be made a thorough inspection of any wires or equipment within the City at any time.
- (b) The Electrical Inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of his duties. He shall also have the power to enter any building used in whole or in part for the purpose of public assemblage when occupied by the public, or at any time in order to examine electrical equipment in such building.
- (c) ~~He~~ The Department shall issue ~~licenses and~~ permits, with the approval of the electrical inspector as provided in this chapter.

~~(Ord. No. 424, 2-23-2011)~~

~~Sec. 105-100. Contractor—Insurance requirements.~~

~~Each electrical contractor shall maintain insurance for, or provide other proof to the City's satisfaction of, protection against claims under workers compensation acts; claims due to personal injury or death of any employee or any other person; claims due to injury or destruction of property; and claims arising out of errors, omissions, or negligent acts for which the applicant is legally liable. The limits for such insurance shall be as follows: comprehensive general liability for personal (bodily) injury and property damage combined (including contractual liability, products, and completed operations) — \$500,000.00 per occurrence; auto liability for personal (bodily) injury and property damage — \$500,000.00 per occurrence.~~

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-101. - City not liable for damages.

This chapter shall not be construed as assuming any liability on the part of the City for damages to anyone injured, or any property destroyed by defective work, material or plan in any building or the permanent equipment thereof.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-102. - Permit required.

- (a) No electrical wiring or other equipment shall be installed or repaired without securing a permit therefore from the ~~Electrical Inspector~~Department. The application for such permit shall state clearly the work planned, alterations to be made and equipment and materials to be used.
- (b) Permits will not be required for:
 - (1) Installing, altering or repairing equipment or appliances that merely plug into an existing electrical receptacle;
 - (2) Adjustment or repair of highly specialized electrical apparatus or equipment such as, but not limited to, computers, elevators, dental and medical equipment and X-ray machines, when performed by company or factory authorized personnel;
 - (3) Only minor routine repairs and maintenance of existing facilities;
 - (e) Electrical work in or on Federal or State owned buildings or property.
- (c) An electrical permit shall have lapsed and be void unless the electrical work is commenced within ~~six-twelve~~ months from the date of issuance thereof. Electrical permits may be renewed at a fee as stated in the City of New Richmond Fee Schedule within six months from the date of lapse. A permit shall expire if work on a project is ~~ceased for a period of not completed within~~ 18-24 months. Expired

permits may be reissued at the regular permit fee. All code and ordinance requirements in effect at the time of renewal or reissuance shall apply to the project.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-103. - Permit—Issuance.

Such permits shall be issued only to licensed electrical contractors, or to an owner to do the work on his homestead, and such permits shall not be transferable. For the purpose of this chapter the word "homestead" shall be construed to mean a single family dwelling occupied or to be occupied by the owner. However, permits may also be issued to plants and/or manufacturing facilities for the installation, alteration and control of electrical equipment when such establishment has in its employ a full time registered electrical engineer or Wisconsin State Certified Master Electrician supervising an established electrical maintenance department.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-104. - Minimum standards.

All electrical work, including the installation and placing of wires and other electrical equipment, shall be done in conformity with minimum standards established by the National Electrical Code, the Wisconsin State Electrical Code (Wisconsin Administrative Code ~~COMM-SPS Chapters 5, 316 and 24~~), and this chapter. Said codes are by this reference incorporated herein. Copies thereof shall be on file in the office of the Electrical Inspector and be open to public inspection. All electrical work performed in the City shall be performed in such a manner as not to endanger life or constitute a fire hazard.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-105. - Adoption of the Wisconsin State Electrical Code.

The Wisconsin Administrative Code, chapter ~~COMM-SPS 316~~ and all amendments thereto, are hereby adopted by reference and made a part hereof. The City of New Richmond hereby takes the responsibilities of electrical inspection of public buildings and places of employment pursuant to ~~COMM SPS 316, subchapter IV~~. The City of New Richmond shall employ, or contract with, a State certified commercial Electrical Inspector (COMEL). Except as otherwise regulated by this chapter, all installations of electrical equipment shall conform to and comply with the State electrical code, the statutes of the State of Wisconsin, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-106. - Inspector—Findings—Action.

Whenever the Electrical Inspector finds wires or equipment in a dangerous condition or so placed as to interfere with the work of the fire department or City electric utility, he may order the persons using or operating them to place them in a safe and noninterfering condition within 48 hours, and on failure to comply with such order or direction, the inspector shall have authority to order such wires disconnected. Failure to comply with such orders shall constitute a violation of this chapter. Any person who resists or obstructs any lawful exercise of authority by the inspector shall be subject to the penalty provided in this chapter.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-107. - Inspectors—Right-of-entry.

The Electrical Inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of his duties. He/[she](#) shall also have the power to enter any building used in whole or in part for the purpose of public assemblage when occupied by the public, or at any time, in order to examine electrical equipment in such building.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-108. - Inspection—Certificate.

Unless otherwise ~~especially specifically~~ permitted by the inspector, all work shall be left uncovered for examination until examined and approved by the inspector. Whenever any work is ready for inspection, the inspector shall be notified by the person receiving permit specifying the permit number under which work is being done. The Electrical Inspector shall have the privilege of inspecting all electrical installations previous to and after completion and he/[she](#) is empowered to have removed any obstructions, such as laths, plastering, boarding or partitions which might prevent a perfect inspection. ~~There shall be an electrical inspection card affixed to the building permit by the Electrical Inspector before any electrical work can be covered or concealed.~~ Installations when completed, found to be in accordance with the ordinances and laws relating thereto, shall be so certified by the Electrical Inspector who shall issue a certificate of inspection to the owner containing a general description of the installation, the street number of the premises and the date of the final inspection, which shall authorize the connection with the electrical supply. It is unlawful to make such a connection until such a certificate of inspection shall have been issued.

~~(Ord. No. 424, 2-23-2011)~~

Sec. 105-109. - Emergency work.

Any contractor doing or causing emergency work to be done shall report the same to the Electrical Inspector within one day after the beginning of the work.

~~(Ord. _____ No. _____ 424, _____ 2-23-2011)~~

Secs. 105-110—105-130. - Reserved.

ARTICLE V. - PLUMBING CODE^[4]

Footnotes:

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State Law reference— Plumbing, Wis. Stats. ch. 145.

Sec. 105-131. - Adoption.

- (a) *State Plumbing Code.* The State Plumbing Code, Wis. Admin. Code Chs. ~~Comm-SPS 381—86387~~, is hereby made a part of this article by reference and shall apply to all alterations, extensions, installations and repairs to any plumbing component or plumbing system or subsystem of any building or structure.
- (b) *Uniform Dwelling Code.* The Wisconsin Uniform Dwelling Code, Wis. Admin. Code Ch. ~~Comm-SPS 325~~, is hereby made a part of this article by reference and shall apply to all alterations, extensions, installations and repairs to any plumbing component, or plumbing system or subsystem, of all one- and two-family dwellings.

Sec. 105-98. - Plumbing Inspector

- (a) The position of Plumbing Inspector is authorized and established. The Plumbing Inspector shall be appointed, hired, or contracted by the City.
- (b) In all respects the City of New Richmond Plumbing Inspector shall comply with the provisions of the Wisconsin Administrative Code SPS Chapter 381-387.
- (c) Certification. The Plumbing Inspector shall be certified for inspection purposes by the Department of Safety and Professional Services in each of the categories specified under Wis. Admin. Code § SPS 305.625.

~~(Code 1994, § 15-1-60)~~

Sec. 105-132. - Enforcement.

Primary enforcement of the Plumbing Code regulations of this article shall be by the Plumbing Inspector.

~~(Code 1994, § 15-1-61)~~

Sec. 105-133. - Plumbers license.

No person shall engage in any plumbing, except leakage and stoppage repairs may be made, without the proper plumbing license as required by Wis. Stats. ch. 145.

~~(Code 1994, § 15-1-62)~~

Sec. 105-134. - Private sewage disposal.

Where a public sewer is not available under the provisions of this article, the building sewer shall be connected to a private sewage disposal system. When a building sewer is connected to public sewer, the private sewage disposal system to which it was connected shall be abandoned and filled with suitable material.

~~(Code 1994, § 15-1-63)~~

Sec. 105-135. - Existing sewers.

Whenever it is necessary to disturb any building drain or sewer in actual use, the same shall not be obstructed or discontinued without specific permission from the Plumbing Inspector. Old building sewers

may be used in connection with new buildings only when, on examination by the Plumbing Inspector, they meet all the requirements of this article.

~~(Code 1994, § 15-1-64)~~

Sec. 105-136. - Drain obstructions.

Whenever the course of any drain or sewer is obstructed by electrical, gas, steam, water or other pipe or conduits, the Plumbing Inspector shall determine whether the obstruction shall be raised or lowered to permit the construction, installation and venting of the drain or sewer.

~~(Code 1994, § 15-1-65)~~

Sec. 105-137. - Drains.

No stormwater or surface water drains shall be connected with the building sewer or building drain, whether installed above or below the surface of the ground. No building shall be erected, nor shall existing provisions for the conveyance of water from the roof of the building be altered or replaced, unless provision is made to convey water from the roof of the building in such a manner that such water will not, directly or indirectly, pass into the sanitary sewer system.

~~(Code 1994, § 15-1-66)~~

Chapter 105 - BUILDINGS AND BUILDING REGULATIONS

Footnotes:

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State Law reference— Buildings and construction, Wis. Stats. Ch. 101.

ARTICLE I. - IN GENERAL

Sec. 105-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein defined shall have the meanings as indicated in the various sections, which are adopted into this chapter. Any other words and phrases shall have the meanings given to them by common usage:

Building. Any structure built for the support, shelter or enclosure or enclosure of persons, animals, chattels or property of any kind.

Building, accessory. Any detached building or structure, not used as a dwelling unit, but whose use is incidental to that of the main building and which is located on the same property.

Building, attached. Any building or structure attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace or vestibule; or so constructed as to form an integral part of the principal building.

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

Building, detached. Any building or structure which is not physically connected to the principal building in any manner.

Building, principal. A single main building or structure on a lot for specific uses or occupancies.

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

Dwelling. A building which is designed or used, or which is intended to be used, as a residence or place of abode.

Equipment. As specifically regulated in this chapter, includes heating, cooling, air conditioning and ventilating systems; plumbing and sanitary systems; electric light and power systems; telephone, electronic, radio signaling and annunciator systems; dry cleaning, dyeing and washing machines; elevators and dumbwaiters; gas pipe systems; sprinklers, standpipes, fire extinguishers and fire protection apparatus; pumps, oil burners, stokers, and conveyors; refrigeration systems; devices, machinery and apparatus of every description; furnaces, boilers, high or low pressure steam systems; gasoline pumps; all movable or portable containers of every description; all air pressure or other tanks; and all other self-contained systems used in conjunction with buildings or structures.

Garage, private. A building or portion of a building, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

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

Shall. As used in this chapter, "shall" is mandatory.

Structure. As specifically regulated by this chapter, anything which is constructed, erected and framed of component parts and which is fastened, anchored or rests on a permanent foundation, or on the ground for any occupancy or use whatsoever, excluding fencing.

Use. See *Occupancy*.

Sec. 105-2. - Scope.

The provisions of this chapter shall govern the design, construction, alteration, erection, installation, addition, demolition, moving and repair of all buildings and structures, including building components and systems, except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a new building to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this chapter was enacted.

Sec. 105-3. - Building permits.

- (a) *Generally.* No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Department of Building Inspection (hereinafter the "Department"). Department.
- (b) *Alterations and repairs.* The following provisions shall apply to buildings altered or repaired:
 - (1) *Alterations.* When not in conflict with any regulations, alterations to any building or structure, or building component or system accommodating a legal occupancy or use but of substandard type of construction, which involves either the structural members of floors, roofs, beams, girders, columns, bearing or other walls, room arrangement, heating or air condition systems, electrical systems, plumbing systems, light and ventilation systems, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this chapter applicable to such occupancy and use and given type of construction.
 - (2) *Repairs.* Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - (3) *When alterations not permitted.* When any existing building or structure, which, for any reason whatsoever, has deteriorated from any cause whatsoever to an extent greater than 50 percent of the equalized value of the building or structure, as determined by the assessor, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises within 30 days of notice thereof.
 - (4) *Required alterations and repairs.* When any building or structure or building component thereof, whether existing or being constructed, has deteriorated from any cause whatsoever to less than its designed or safe performance level, the owner of such a building or structure shall commence within 48 hours to cause such building or structure, or building component thereof, to be restored to its designed or safe performance level. Failure to restore shall cause the building or structure or building component thereof, to be considered a menace to public safety and welfare and shall be ordered vacated and disconnected from utilities and thereafter no further occupancy or use shall be permitted. If the orders of the Department are not complied with after due notice and within 30 days, the Department shall proceed as required by this chapter to have such building or structure demolished.

- (5) *Unsanitary buildings.* No person shall occupy or use, or permit to be occupied or used, any building or structure that is unsanitary, dilapidated, deteriorated or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this chapter are complied with.
- (6) *Extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (c) *Permit required.* A permit shall be obtained by the owner or his agent from the Department for any of the following:
 - (1) *Structure.* All additions, alterations and repairs in excess of \$500 valuation, or new construction of any building or structure, except portable accessory structures equal to or less than 150 square feet. All demolition or moving of any building, or portion thereof, into, within, or out of the City.
 - (2) *Electrical.* All additions, alterations or new installations of electrical wiring, equipment or devices, except that no permit shall be required for the repair or replacement of defective fittings, fixtures, receptacles, sockets or switches.
 - (3) *Mechanical.* All new or replacement installations of any boiler, furnace, incinerator, wood burner, including a fireplace, or any other heat producing apparatus; any air cooled, water cooled or mechanically cooled air conditioning or refrigeration system; also any chimney, distribution system, fuel supply system, storage tank, ventilation system or any other equipment pertaining to the use of flammable gases, liquids or solids.
 - (4) *Plumbing.* All new installations or replacements and all additions to an existing system. All connections to public sewer or water mains.
 - (5) *Canopy.* For the erection of any canopy which projects over any sidewalk, street or public thoroughfare or is provided with electricity. Such permit shall include any electrical work necessary.
 - (6) *Other.* Such other permits as may be required by the Common Council.
- (d) *Permit application.* Application for any permit shall be on forms prescribed by the Department. With such application, there shall be submitted two complete sets of plans, specifications and survey. The Department may waive such filing of plans, specifications or survey if, in the opinion of the Inspector, the character of the work is sufficiently described in the application.
- (e) *Permit issuance.*
 - (1) If the Department finds that the proposed work will comply in every respect with this chapter, other City ordinances, laws of the State, and lawful orders issued pursuant thereto, a permit shall be issued. After receiving a permit, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws, orders or safety of the project, except with the written consent of the Department filed with the application.
 - (2) In appropriate cases, the Department may issue a permit for part of a project prior to receiving plans for the entire project. No person shall commence work on any building or structure, or part thereof, before the proper permits are issued. The issuance of a permit upon the plans specifications shall not prevent the Department from thereafter requiring the correction of any errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinance, laws or lawful order.
- (f) *Dedicated street and approved subdivision requirement.* Unless a waiver is granted by the Plan Commission, following a recommendation from the Department, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey, and required improvements, meet the requirements of Chapter 117.
- (g) *Sewer, water, grading and graveling.*

- (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) *Nonresidential buildings.* 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.
 - (3) *Occupancy.* No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (h) *Plans and specifications for new buildings or additions.* With applications for new buildings or additions, there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to City datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter inch to one foot. One set of plans shall be returned after approval as provided in this chapter. The second set shall be filed in the Department. Plans for buildings involving the State Commercial Building Code review shall bear, if required per SPS 361.60 (5)(c), the stamp of approval of the Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the Department. All plans and specifications that involve an area of 50,000 cubic feet or more shall be signed by a Wisconsin licensed architect or engineer.
- (i) *Waiver of plans*
- If the Department finds that the character of the work is sufficiently described in the application, it may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$7,500.00.
- (j) *Partial approval of plans.* In case adequate plans are presented for part of the building only, the Department, at its discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (k) *Violation reports.* City employees shall report at once to the Department any building which is being carried on without a permit as required by this chapter.
- (l) *Weatherproof card.* For new one or two family dwellings or new commercial buildings, a weatherproof card signed by a member of the Department indicating the permits issued shall be posted in a conspicuous place at the work site during construction operations.

Sec. 105-4. - Inspections.

- (a) *Notification.* The permit holder shall notify the Department when ready for the following inspections:
- (1) Inspection of footings and foundation walls for conformance with plans and specifications. Underground plumbing may be inspected at this time, if ready.
 - (2) Inspection of rough-ins, including framing, energy, electrical, mechanical and plumbing, as they are ready and prior to being concealed.
 - (3) Inspection prior to pouring concrete floors for subgrade, drain tile, forms and underfloor building components.
 - (4) Inspection upon completion of wall insulation, included fire and draft stopping.

- (5) Inspection upon completion of project and prior to occupancy or use.
- (b) *Coordination.* All provisions of the laws and regulations of this City, and of legally adopted rules of local health and fire officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases, and the maintenance of safe and sanitary conditions of use of occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever an inspection by any authorized enforcement officer discloses a violation of this chapter, or of any other rules, regulations or law, he/she shall immediately notify the administrative officer having jurisdiction of the violation.
- (c) *Inspection warrants.* If an Inspector is denied access to inspect a property, he may request the City Attorney to seek an inspection warrant pursuant to Wis. Stats. § 66.122.

Sec. 105-5. - Disclaimer.

The purpose of the inspections under this chapter is to improve the quality of buildings and structures in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 105-6. - Certificate of occupancy.

- (a) *Inspections.* A final inspection of all new buildings, additions, and alterations shall be made by the Department. If violations of this chapter or any other law or ordinance are not found, a certificate of occupancy shall be issued, stating the purpose for which the building is to be used. No building or portion thereof shall be occupied until such certificate is issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
- (b) *Discontinuance of use.*
 - (1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this chapter, the Department shall order such use or occupancy discontinued, and the building or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or portion thereof within ten days after receipt of the notice, or make the building or portion thereof comply with the requirements of this chapter.
 - (2) Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same until an application has been filed and a new certificate of occupancy issued.
- (c) *Change.* It shall be unlawful to change the use of any building, structure, premises, or part thereof without first obtaining from the Department an approval of such change in the occupancy or use, and a certificate of occupancy thereof.
- (d) *Hardship.* The Building Inspector may permit the occupancy of any building or structure prior to issuance of the certificate of occupancy in cases of hardship as, in his/her judgment, warrant occupancy and the premises are determined to be safe and sanitary. The Building Inspector shall determine the time within which such building can be completed, but not greater than 60 days.

Sec. 105-7. - Permit lapse or revocation.

- (a) *Lapse.* All permits shall lapse unless operations are commenced within six months of issuance or if the work authorized by such permit is suspended at any time after work has commenced for a period of 60 days, unless extended by the Department. In any case, all work shall be completed within 24 months from the date of issuance of such permit. Before any work is commenced or recommended after lapse of a permit, a new permit shall be issued and the required fees paid therefor.
- (b) *Revocation.* The Department may revoke any permit, certificate of occupancy or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - (1) Whenever the Department 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 construction has been issued to him/her.
 - (2) Whenever the continuance of any construction becomes dangerous to life or property.
 - (3) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (4) Whenever, in the opinion of the Department, there is inadequate supervision provided on the jobsite.
 - (5) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (6) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Department for the use of all new materials, equipment, methods or construction devices or appliances.
- (c) *Notice.*
 - (1) The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - (2) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Department.
- (d) *Suspension of construction.* After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this chapter. However, such work as the Department may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

Secs. 105-8—105-32. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 105-33. - Violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this article shall be deemed an unlawful building, structure or use. The Building Inspector or other authorized inspectors shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection,

enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this article or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Department or other City officials constitute a defense. Compliance with the provisions of this article may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this article.

(b) Noncompliance.

(1) If an inspection reveals a noncompliance with this article or the Uniform Dwelling Code, the Department shall notify the applicant and the owner, in writing, of the violation to be corrected. Except as otherwise provided, any person violating any of the terms of this article or the Uniform Dwelling Code, shall be subject to a forfeiture of not less than \$100.00 nor more than \$200.00, together with the costs of prosecution; provided that for any violation(s) of any condition in this article or the Uniform Dwelling Code which can be corrected by modification or repair. Failure to correct or rectify such defect within 30 days, shall constitute a separate violation for each day in which the violation exists, and be subject to penalties provided herein.

(2) If, after written notification, the violation is not corrected within a reasonable time, as determined by the Department a stop-work order may be served on the owner or his/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 Department after satisfactory evidence has been supplied that the cited violation has been corrected.

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

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

(d) Except as may otherwise be provided by the Statute or ordinance, no officer, agent or employee of the City charged with the enforcement of this article shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this article. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his/her duties under this article shall be defended by the legal representative of the City until the final determination of the proceedings therein.

Sec. 105-34. - Appeals.

Any person aggrieved by any order or ruling of the Department may appeal from such order or ruling to the Board of Appeals within ten days after written notice of such order or ruling is delivered to him/her. Such appeal shall be in writing, setting forth the order appealed from, and the respects in which such person claims such order or ruling is erroneous or illegal. Such notice of appeal shall be filed with the City Clerk, with the appropriate application and fee, who shall thereupon notify the Department. The appeal shall be heard at the next Board of Appeals meeting and the said Board of Appeals, after consideration thereof, shall affirm, reverse or modify such order or ruling as is just in the premises. No such modification or reversal shall conflict with any State law, code or lawful order. The order or ruling of the Department shall remain in effect until acted upon by the said Board of Appeals.

Sec. 105-35. - Fees.

The fees for permits and inspections required by this article shall be as established by resolution. Fees shall be based on applicant's stated cost or valuation as calculated by the building inspector, whichever is greater. Valuation calculators shall be on file in the Building and Zoning Office.

Secs. 105-36—105-58. - Reserved.

ARTICLE III. - BUILDING STRUCTURAL AND

Footnotes:

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State Law reference— One- and two-family dwelling code, Wis. Stats. § 101.60 et seq.; multifamily dwelling code, Wis. Stats. § 101.971 et seq.

Sec. 105-59. - State Uniform Dwelling Code.

(a) *Definitions.* The following definitions shall be applicable in this section only:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

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

Dwelling means:

- (1) Any building, the initial construction of which is commenced on or after the effective date of this article which contains one or two 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- or two-family dwelling.

Minor repair means repairs for the purposes of maintenance or replacements in an existing building or structure, or building component, which do not involve the structural integrity, room arrangement, access or efficiency of exit stairways or exits, fire protection or electrical system and which do not increase a given occupancy and use, shall be deemed minor repairs. The Building Inspector may authorize minor repairs or maintenance work which are valued, as determined by the Building Inspector, at less than \$500.00 without issuance of a building permit. Windows and doors replaced in the same opening, along with flooring do not require a building permit.

One- or two-family dwelling means a building structure which contains one or two 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.

Person means an individual, partnership, firm or corporation.

Uniform Dwelling Code means Wis. Admin. Code Chs. SPS 320—325.

(b) *Adopted.* The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Wis. Admin. Code Chs. SPS 320—325 are hereby adopted and by reference made a part of this article as if fully set forth herein. A copy of these administrative code provisions and any future amendments shall be kept on file in the Department.

(c) *Existing structures.* The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:

- (1) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied.
- (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50 percent of the equalized value of the structure, said value to be determined by the City Assessor.
- (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this article for new buildings. The provisions of Section 105-3 shall also apply.
- (4) Whenever more than 25 percent of the roof covering of a building is replaced in any 12-month period, all roof covering shall be in conformity with applicable section of this article.

(5) Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable sections of this article.

(d) *Enforcement.*

(1) *Certification.* The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Wis. Admin. Code § SPS 305.63 (1)(a).

(2) *Duties.* The Building Inspector shall administer and enforce all provisions of this article and the Uniform Dwelling Code.

(3) *Inspections.* The Building Inspector or an authorized 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 agent while in performance of his duties.

(4) *Records.* The Department shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Department shall keep a record of all applications for building permits, 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 Department shall make a written annual report to the Common Council relative to these matters.

Sec. 105-60. - Construction standards.

(a) *State Commercial Building Code.* The Building and Heating, Ventilating and Air Conditioning Code, Energy Conservation, Fuel Gas Appliances, Existing Buildings under Wis. Admin. Code Chs. SPS 361—366 are hereby made a part of this article by reference and shall apply to all new construction, additions, alterations, remodeling, repairs and change of occupancies to all buildings and structures, except one- and two-family dwellings and accessory buildings thereto. A copy of same and amendments thereto shall be kept on file in the Department.

(b) *State Uniform Dwelling Code.* The Uniform Dwelling Code is hereby made a part of this article by reference and shall apply to all new construction, additions, alterations, remodeling, repairs and change of occupancies to all one- and two-family dwellings and attachments thereto.

(c) (c)

(f)

Sec. 105-61. - New methods and materials.

(a) All materials, methods of construction and devices designed for use in buildings or structures covered by this article and not specifically mentioned in or permitted by this article shall not be so used until approved in writing by the Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin Commercial Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

(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 Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Department of Safety and Professional Services.

Sec. 105-62. - Unsafe buildings.

The Building Inspector is hereby authorized to act for the City under the provisions of Wis. Stats. § 66.0413, relating to the razing of buildings. The City Clerk is authorized to place the assessment and collect the special tax as therein provided. Whenever the Department finds any building or part thereof within the City to be, in its 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, the Department may 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. The Department shall give specific reasons for its determination. Such order and proceedings shall be as provided in Wis. Stats. § 66.0413.

Sec. 105-63. - Razing buildings.

(a) *Generally.*

- (1) No building within the City shall be razed without a permit from the Department.
- (2) Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections within the building, such as electric, gas, water, sewer and any other connections. A permit to demolish or remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.
- (3) A snow fence or other approved barricade and lights shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (4) After all razing operations have been completed, excavations shall be filled with solid fill to match lot grade within 48 hours of removal of the structure, the property raked clean, and all debris hauled away.
- (5) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Building Inspector.

- (b) *Debris.* All debris must be hauled away at the end of each week for the work that was done during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 105-64. - Basements; excavations.

- (a) *Basement subflooring.* First floor subflooring shall be completed within 60 days after the basement is excavated unless approved otherwise by the Department.
- (b) *Fencing 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 feet high between such opening or excavation and the public right-of-way.
- (c) *Closing of abandoned excavations.* Any excavation for building purposes or any uncovered foundation which shall remain open for more than three months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be

provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two consecutive publications at least ten days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Wis. Stats. § 66.60.

Sec. 105-65. - Moving buildings.

(a) *Generally.*

- (1) No person shall move any building or structure greater than 8½ feet wide upon any of the public ways of the City without first obtaining a Street Privilege Permit therefor from the City and upon the payment of the required fee. Every such permit issued by the City 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. The Police Department shall be notified prior to the commencement of any moving operation.
- (2) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Police Department.

(b) *Damaged buildings.* No building shall be repaired, altered or moved into or within the City that has deteriorated or been damaged by any cause more than 50 percent of its equalized value, and no permit shall be granted to repair, alter or move such building within or into the City.

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

(d) *Street repair.* Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report that fact to the Building Inspector who shall, in the company of the Director of Public Works, 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. The person obtaining such permit and the sureties on his bond shall be responsible for the payment of all such damages.

(e) *Conformance with Code.* Prior to issuing a permit to move a building into or within the City, the Building Inspector shall inspect the building and determine if it is in a sound and stable condition, and of such construction that it will meet the requirements of this article in all respects. Plans shall be submitted to indicate that the building will be in conformance with this article in all respects prior to its occupancy within the borders of this City.

(f) *Bond.*

- (1) Before a permit is issued to move any building over 12 feet in width over any public way in the City, the party applying therefor shall give a bond to the City in a sum to be fixed by the Building Inspector and which shall not be less than \$5,000.00 (per the Street Privilege Permit), said bond to be executed by a corporate surety or two personal sureties to be approved by the City Administrator or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.
 - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by Subsection (f)(1) of this section shall be further conditioned upon the permittee erecting adequate barriers and within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (g) *Insurance.* The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than \$100,000.00 and for one accident in a sum not less than \$200,000.00, together with property damage insurance in a sum not less than \$50,000.00, or such other coverage as deemed necessary.

Sec. 105-66. - Accessory buildings and structures.

- (a) *Defined.* An accessory building or structure, as used in this section, means a building or structure entirely separated from the principal building and is not subject to the Uniform Dwelling Code.
- (b) *Distance from buildings.*
 - (1) *Frame.* Buildings and structures of frame wall construction shall be located not less than ten feet from any building; except that such distance may be reduced to not less than five feet when the adjacent wall is protected by at least one-hour fire rated construction.
 - (2) *Masonry.* Buildings and structures of masonry wall construction shall not be located less than five feet from any building.
- (c) *Footings and foundations.*
 - (1) Accessory buildings and structures shall be provided with the same type footings and foundations as are herein required for the principal building, except that:
 - a. Buildings and structures with a width up to and including 26 feet may be built with a continuous floating slab of wire mesh reinforced concrete not less than four inches thick, in which case the slab shall be provided with a thickened edge all around being eight inches wide by eight inches below the surface of the slab.
 - b. Buildings and structures with a width exceeding 26 feet, but less than 36 feet, may be built with a continuous floating slab of wire mesh reinforced concrete not less than four inches thick, in which case the slab shall be provided with a thickened edge all around being 12 inches wide by 12 inches below the surface of the slab.
 - c. Buildings and structures with a width exceeding 36 feet shall have the thickened edge slab designed by structural analysis.
 - (2) Exterior wall curbs of masonry shall be provided not less than four inches above finished ground grade, unless the wall construction within four inches of grade is approved insect- and

termite-resistant. Bolts three-eighths inch in diameter, with nuts and washers attached, by six inches long, shall be embedded three inches in the concrete curb eight feet on centers.

- (3) For purposes of this subsection, the term "width" is defined as the distance between the exterior of one main load bearing wall and the opposite load bearing wall.

(d) *Walls.*

- (1) All walls shall be designed to support all superimposed vertical dead loads and live loads from floors and roofs without exceeding the allowable stresses of the material.
- (2) All walls shall be designed to withstand a horizontal wind pressure of at least 20 pounds per square foot applied to the vertical projection of the portion above grade. No reduction shall be permitted for any shielding effect of other buildings or structures.

(e) *Roofs and ceilings.*

- (1) Roof and roof/ceiling assemblies shall support all dead loads plus the minimum live loads as herein specified.
- (2) Roofs shall be designed and constructed to support a snow load of 40 pounds per square foot assumed to act vertically over the roof area.
- (3) Roofs shall withstand a pressure of least 20 pounds per square foot acting upward normal to the roof surface. Roofs shall be properly anchored to resist uplift.
- (4) All roofs shall be designed and constructed to assure the proper drainage of water.

- (f) *Heating.* Heating units and equipment in accessory buildings shall conform to the requirements of heating systems in the principal building.

Sec. 105-67. - Drainage.

No building shall be erected or added to if such proposed construction shall unreasonably obstruct the flow of water from adjoining properties or obstruct the flow of water of any ditch, drain, ravine or stormwater sewer draining neighboring property; unless suitable provision is made for such flow by means of an adequate ditch or pipe. Building plans shall indicate in sufficient detail the proposed provision for surface water drainage.

Sec. 105-68. - Incinerators.

- (a) *Generally.* Incinerators shall meet the requirements of the Wisconsin Department of Natural Resources. The Department of Natural Resources shall have approving authority for the equipment involved. Installation shall conform to the following requirements, unless superseded by the manufacturer's requirements.

- (b) *Gas burner connections.* Where a gas burner is used, a lever handle shutoff cock shall be provided before the union at an accessible location in the gas line at the rear of the burner. Incinerators furnished with means of automatic ignition of the gas at the main burner shall be equipped with a device which will automatically shut off the main gas supply in the event the means of ignition becomes inoperative, or the means of keeping the valve of the device open becomes inoperative, or both.

(c) *Mounting.*

- (1) Incinerators, except as hereinafter provided, shall be mounted on floors of fire resistive construction with noncombustible flooring or surface finish and with no combustible material against the underside thereof. Such construction shall extend a minimum of 12 inches beyond the incinerator base on all sides, except that at the front or side where ashes are removed, it shall extend a minimum of 18 inches beyond the incinerator.
- (2) Incinerators that are specifically approved for installation on a combustible floor may be mounted in accordance with the conditions of such approval.

- (d) *Masonry chimneys for incinerators.* Masonry chimneys for incinerators shall be constructed in accordance with the requirements for masonry chimneys. All flues shall terminate in a substantially constructed spark arrester with openings a maximum of one-half inch, or be provided with other suitable means for stopping discharge of fly particles. Such screen shall be kept in repair at all times. Incinerators shall be connected to a chimney suitable for solid fuel burning appliances.
- (e) *Clearances.*
- (1) Incinerators, except as provided herewith, shall be installed to provide clearances between the unit and woodwork or other combustible material, of not less than 36 inches at the sides and top and not less than 48 inches at the front, and in no case shall the clearance above the charging door be less than 48 inches.
 - (2) Incinerators that are specifically approved for installation with clearances less than specified above may be installed in accordance with the conditions of such approval, provided that, in any case, the clearances shall be sufficient to afford ready accessibility for firing, clean out and any necessary servicing, and with a minimum clearance of three inches between the sides and any combustible materials.
 - (3) Incinerators may be installed in rooms, but not in confined spaces, such as alcoves, with reduced clearances to wood work is protected with an approved protective material, but in no case shall this clearance be less than three inches.
- (f) *Flue pipes.*
- (1) Incinerator flue pipes, except as herein provided, shall be installed to provide clearances of not less than 18 inches to woodwork or other combustible material.
 - (2) Incinerator flue pipes may be installed in rooms, but not in confined spaces, such as alcoves, with reduced clearances to woodwork or other combustible material, provided the combustible material is protected with an approved protective material.
 - (3) Incinerator flue pipes shall not pass through any combustible wall or partition unless protected at the point of passage by an approved thimble.
- (g) *Refuse chutes.* Refuse chutes shall not feed directly into incinerators.

Sec. 105-69. - Enforcement.

Primary enforcement of this article shall be by the Building Inspector.

Secs. 105-70—105-96. - Reserved.

ARTICLE IV. - ELECTRICAL CODE^[3]

Footnotes:

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Editor's note— Ord. No. 424, adopted February 23, 2011, repealed the former Art. IV, §§ 105-97—105-101, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from the Code of 1994, §§ 15-1-40—15-1-44.

State Law reference— Electrical regulations, Wis. Stats. § 101.80 et seq.; municipal authority relative to electricity, Wis. Stats. § 101.86.

Sec. 105-97. - Electrical jurisdiction.

An electrical jurisdiction is authorized and established covering all areas within the municipal boundaries of the City of New Richmond. The City of New Richmond shall be the authority having jurisdiction ("AHJ") for all residential and commercial electrical installations.

Sec. 105-98. - Electrical Inspector

- (a) The position of Electrical Inspector is authorized and established. The Electrical Inspector shall be appointed, hired, or contracted by the City.
- (b) The Electrical Inspector shall be a person who is skilled in the installation, planning, designing, superintending and inspection of electrical wiring and equipment. He/she shall be well versed in approved methods of electrical construction for safety to life and property and the laws and ordinances pertaining thereto.
- (c) The Electrical Inspector shall not be interested as a partner or otherwise with any person or persons, or in any business dealing in electrical supplies, fixtures or material, or carrying on the trade or work of an electrician.
- (d) In all respects the City of New Richmond Electrical Inspector shall comply with the provisions of the Wisconsin Administrative Code SPS Chapter 316.
 - (e) *Certification.* The Electrical Inspector shall be certified for inspection purposes by the Department of Safety and Professional Services in each of the categories specified under Wis. Admin. Code § SPS 305.62.

Sec. 105-99. - Electrical inspector—Powers and duties.

- (a) The Electrical Inspector may make or cause to be made a thorough inspection of any wires or equipment within the City at any time.
- (b) The Electrical Inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of his duties. He shall also have the power to enter any building used in whole or in part for the purpose of public assemblage when occupied by the public, or at any time in order to examine electrical equipment in such building.
- (c) The Department shall issue permits, with the approval of the electrical inspector as provided in this chapter.

Sec. 105-101. - City not liable for damages.

This chapter shall not be construed as assuming any liability on the part of the City for damages to anyone injured, or any property destroyed by defective work, material or plan in any building or the permanent equipment thereof.

Sec. 105-102. - Permit required.

- (a) No electrical wiring or other equipment shall be installed or repaired without securing a permit therefore from the Department. The application for such permit shall state clearly the work planned, alterations to be made and equipment and materials to be used.
- (b) Permits will not be required for:
 - (1) Installing, altering or repairing equipment or appliances that merely plug into an existing electrical receptacle;
 - (2) Adjustment or repair of highly specialized electrical apparatus or equipment such as, but not limited to, computers, elevators, dental and medical equipment and X-ray machines, when performed by company or factory authorized personnel;
 - (3) Only minor routine repairs and maintenance of existing facilities;

- (e) Electrical work in or on Federal or State owned buildings or property.
- (c) An electrical permit shall have lapsed and be void unless the electrical work is commenced within twelve months from the date of issuance thereof. Electrical permits may be renewed at a fee as stated in the City of New Richmond Fee Schedule within six months from the date of lapse. A permit shall expire if work on a project is not completed within 24 months. Expired permits may be reissued at the regular permit fee. All code and ordinance requirements in effect at the time of renewal or reissuance shall apply to the project.

Sec. 105-103. - Permit—Issuance.

Such permits shall be issued only to licensed electrical contractors, or to an owner to do the work on his homestead, and such permits shall not be transferable. For the purpose of this chapter the word "homestead" shall be construed to mean a single family dwelling occupied or to be occupied by the owner. However, permits may also be issued to plants and/or manufacturing facilities for the installation, alteration and control of electrical equipment when such establishment has in its employ a full time registered electrical engineer or Wisconsin State Certified Master Electrician supervising an established electrical maintenance department.

Sec. 105-104. - Minimum standards.

All electrical work, including the installation and placing of wires and other electrical equipment, shall be done in conformity with minimum standards established by the National Electrical Code, the Wisconsin State Electrical Code (Wisconsin Administrative Code SPS Chapters 316), and this chapter. Said codes are by this reference incorporated herein. Copies thereof shall be on file in the office of the Electrical Inspector and be open to public inspection. All electrical work performed in the City shall be performed in such a manner as not to endanger life or constitute a fire hazard.

Sec. 105-105. - Adoption of the Wisconsin State Electrical Code.

The Wisconsin Administrative Code, chapter SPS 316 and all amendments thereto, are hereby adopted by reference and made a part hereof. The City of New Richmond hereby takes the responsibilities of electrical inspection of public buildings and places of employment pursuant to SPS 316. The City of New Richmond shall employ, or contract with, a State certified commercial Electrical Inspector (COMEL). Except as otherwise regulated by this chapter, all installations of electrical equipment shall conform to and comply with the State electrical code, the statutes of the State of Wisconsin, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property.

Sec. 105-106. - Inspector—Findings—Action.

Whenever the Electrical Inspector finds wires or equipment in a dangerous condition or so placed as to interfere with the work of the fire department or City electric utility, he may order the persons using or operating them to place them in a safe and noninterfering condition within 48 hours, and on failure to comply with such order or direction, the inspector shall have authority to order such wires disconnected. Failure to comply with such orders shall constitute a violation of this chapter. Any person who resists or obstructs any lawful exercise of authority by the inspector shall be subject to the penalty provided in this chapter.

Sec. 105-107. - Inspectors—Right-of-entry.

The Electrical Inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of his duties. He/she shall also have the power to enter any building used in whole

or in part for the purpose of public assemblage when occupied by the public, or at any time, in order to examine electrical equipment in such building.

Sec. 105-108. - Inspection—Certificate.

Unless otherwise specifically permitted by the inspector, all work shall be left uncovered for examination until examined and approved by the inspector. Whenever any work is ready for inspection, the inspector shall be notified by the person receiving permit specifying the permit number under which work is being done. The Electrical Inspector shall have the privilege of inspecting all electrical installations previous to and after completion and he/she is empowered to have removed any obstructions, such as laths, plastering, boarding or partitions which might prevent a perfect inspection. Installations when completed, found to be in accordance with the ordinances and laws relating thereto, shall be so certified by the Electrical Inspector who shall issue a certificate of inspection to the owner containing a general description of the installation, the street number of the premises and the date of the final inspection, which shall authorize the connection with the electrical supply. It is unlawful to make such a connection until such a certificate of inspection shall have been issued.

Sec. 105-109. - Emergency work.

Any contractor doing or causing emergency work to be done shall report the same to the Electrical Inspector within one day after the beginning of the work.

Secs. 105-110—105-130. - Reserved.

ARTICLE V. - PLUMBING CODE^[4]

Footnotes:

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State Law reference— Plumbing, Wis. Stats. ch. 145.

Sec. 105-131. - Adoption.

- (a) *State Plumbing Code*. The State Plumbing Code, Wis. Admin. Code Chs. SPS 381—387, is hereby made a part of this article by reference and shall apply to all alterations, extensions, installations and repairs to any plumbing component or plumbing system or subsystem of any building or structure.
- (b) *Uniform Dwelling Code*. The Wisconsin Uniform Dwelling Code, Wis. Admin. Code Ch. SPS 325, is hereby made a part of this article by reference and shall apply to all alterations, extensions, installations and repairs to any plumbing component, or plumbing system or subsystem, of all one- and two-family dwellings.

Sec. 105-98. - Plumbing Inspector

- (a) The position of Plumbing Inspector is authorized and established. The Plumbing Inspector shall be appointed, hired, or contracted by the City.
- (b) In all respects the City of New Richmond Plumbing Inspector shall comply with the provisions of the Wisconsin Administrative Code SPS Chapter 381-387.
 - (c) *Certification*. The Plumbing Inspector shall be certified for inspection purposes by the Department of Safety and Professional Services in each of the categories specified under Wis. Admin. Code § SPS 305.625.

Sec. 105-132. - Enforcement.

Primary enforcement of the Plumbing Code regulations of this article shall be by the Plumbing Inspector.

Sec. 105-133. - Plumbers license.

No person shall engage in any plumbing, except leakage and stoppage repairs may be made, without the proper plumbing license as required by Wis. Stats. ch. 145.

Sec. 105-134. - Private sewage disposal.

Where a public sewer is not available under the provisions of this article, the building sewer shall be connected to a private sewage disposal system. When a building sewer is connected to public sewer, the private sewage disposal system to which it was connected shall be abandoned and filled with suitable material.

Sec. 105-135. - Existing sewers.

Whenever it is necessary to disturb any building drain or sewer in actual use, the same shall not be obstructed or discontinued without specific permission from the Plumbing Inspector. Old building sewers may be used in connection with new buildings only when, on examination by the Plumbing Inspector, they meet all the requirements of this article.

Sec. 105-136. - Drain obstructions.

Whenever the course of any drain or sewer is obstructed by electrical, gas, steam, water or other pipe or conduits, the Plumbing Inspector shall determine whether the obstruction shall be raised or lowered to permit the construction, installation and venting of the drain or sewer.

Sec. 105-137. - Drains.

No stormwater or surface water drains shall be connected with the building sewer or building drain, whether installed above or below the surface of the ground. No building shall be erected, nor shall existing provisions for the conveyance of water from the roof of the building be altered or replaced, unless provision is made to convey water from the roof of the building in such a manner that such water will not, directly or indirectly, pass into the sanitary sewer system.



MEMO

Prepared for: Mayor Horne & City Council
Staff Contact: Noah Wiedenfeld, Planning Director
Meeting: Special Council - 26 Aug 2019
Subject: Extraterritorial Jurisdiction

BACKGROUND INFORMATION:

As the New Richmond area grows in the future, it is crucial for the City of New Richmond to have a clear vision and approach to addressing land use proposals on the periphery of current City limits. The Plan Commission and City Council are likely to see an increase in requests for annexation, new subdivisions, rezoning, and proposed developments – some of which can have significant implications for the community for years to come.

The City of New Richmond's Comprehensive Plan identifies some related goals and policies, including:

LU Goal: Maintain and enhance New Richmond's land use and development patterns to ensure that future changes enhance our community's vitality, sense of identity, sustainability, and cost-efficient City services

LU-1.2 Preserve the agricultural areas outside the City boundary so future development can occur in a contiguous and efficient manner

IC Goal: Achieve a high level of intergovernmental cooperation and citizen participation

IC-1.4 Encourage and support annexation requests of properties that are entirely surrounded by New Richmond corporate limits and can efficiently provide municipal services

IC-1.5 Enter into boundary agreements, where possible, with neighboring towns to guide where certain types of development may occur and preserve open space to the greatest extent possible

City staff will lead a short discussion about these issues, specifically focused on the City Council's vision and approach to land use proposals on the periphery of current City limits.



MEMO

Prepared for: Mayor Horne & City Council
Staff Contact: Noah Wiedenfeld, Planning Director
Meeting: Special Council - 26 Aug 2019
Subject: Rail Project Update

BACKGROUND INFORMATION:

City staff will provide a brief overview of the rail transload facility being proposed by Wisconsin Central Limited, a subsidiary of Canadian National. The project site is in the Town of Richmond, on property owned by the estate of Robert and Leona Asp, southwest of the Links Course.



MEMO

Prepared for: Mayor Fred and City Council Members
Staff Contact: Beth Thompson, Community Development Director
Meeting: Special Council - 26 Aug 2019
Subject: City owned property located at 140th and CTH GG

BACKGROUND INFORMATION:

The City of New Richmond purchased 30.44 acres of land near the intersection of 140th Street and CTH GG in 2007 for \$304,000 for the purpose of creating a community park. Subsequently, the City purchased Freedom Park, which is now used for soccer, football, and other outdoor sporting events. The 30.44 acres at 140th and GG has not used as a park thus far.

I would like to present a number of alternatives to get this land back on the tax roll as I believe that this particular piece of property is prime land for a new subdivision. I have attached to a map that outlines current water, sewer and electric locations, as they relate to this parcel.

During my research, I spoke with a real estate agent and an appraiser to assist me in gathering information on land sales within the City of New Richmond and surrounding areas.

The following information is related to land sales:

Willow River Bluffs - There was an appraisal completed on this property as it was in bankruptcy and up for sale by the County. The appraisal stated the market value of the 70.46 acres of partially developed land was \$300,000 as of June 29, 2013. The actual sale price was \$409,000 in 2017. This would equate to \$5,800 per acre. When this property was sold approximately 30 acres were put into a conservation easement, whereby that land cannot be build on. Also, keep in mind that there was partial infrastructure in place.

Foster Place - This was sold as a multifamily parcel with the intent of apartment buildings. There are 8.1 acres and was sold for \$375,000, which equates to \$46,296 per acre. Excavation work will be started on this parcel within the next month.

Land in the Township of Star Prairie - In March of 2019, 35 acres of land was sold for \$257,143, which equates to \$7,346 per acre.

Land in the City of Hudson - in May of 2019, 18 acres of land was sold for \$260,000, which equates to \$14,444 per acre.

These four examples were sold for housing or multifamily housing and represent land that still needs infrastructure or partial infrastructure.

The following examples are lots sold with infrastructure in place:

Evergreen Valley - In November of 2018, there were six lots in Evergreen Valley which sold for 195,000, which equates to \$32,500 per lot.

North Shore Drive - In July of 2018, there were 5.5 acres of land sold for \$329,500, which equates to \$21,966 per lot.

The suggestion of both the realtor and appraiser, based on current market value, was to sell the land for \$7,500 - \$8,000 per acre. The cost for infrastructure is unknown at this time, keeping in mind we could get approximately 70 lots for this subdivision.

FINANCIAL IMPACT:

If the City Council decides on completing an appraisal of the property, the cost would be approximately \$1,500.

RECOMMENDATION:

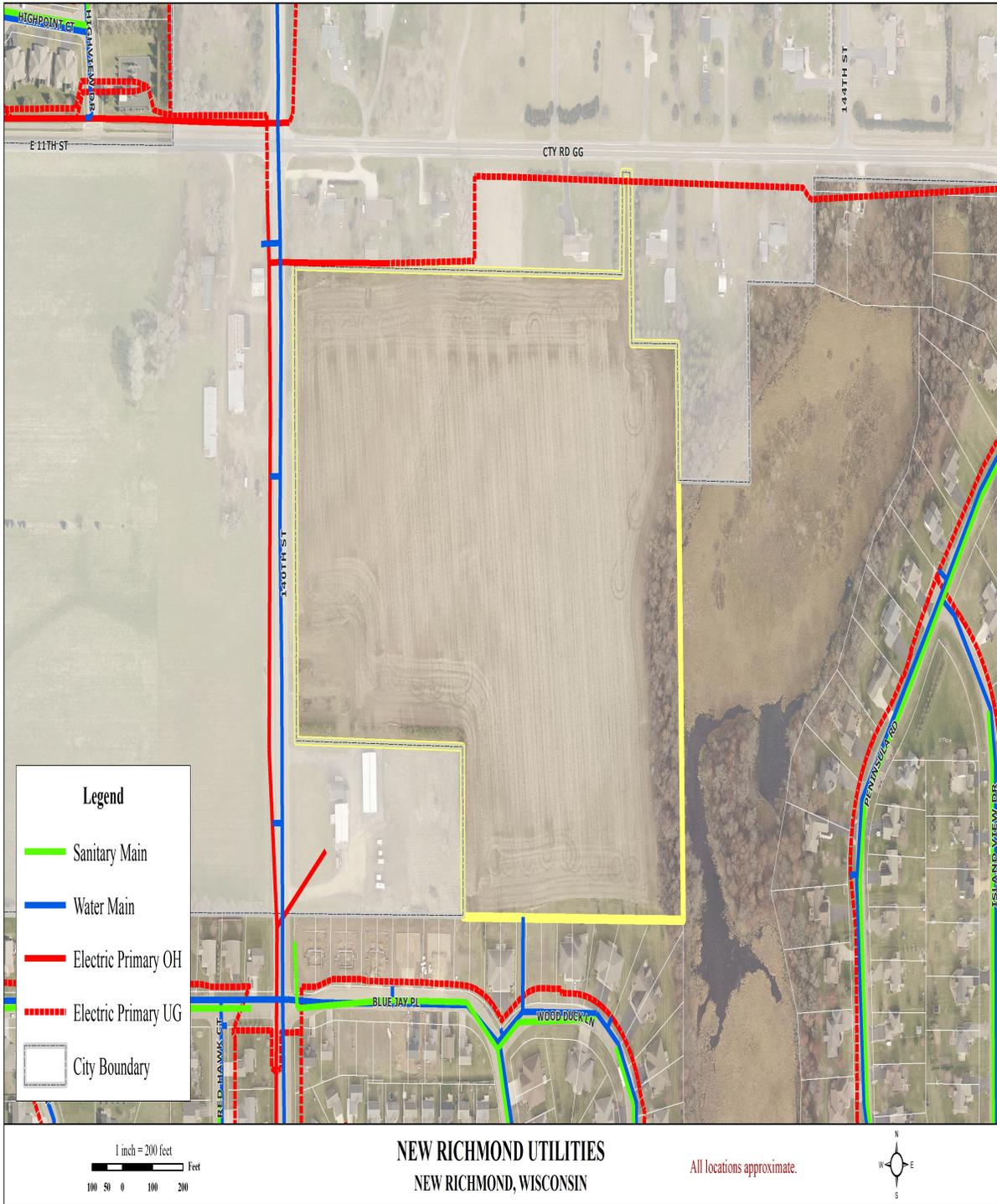
With that said, I have the following options for the City Council to consider:

1. Send out the attached draft RFQ to find any interested developers. This would give some flexibility to the City Council in finding out what developers are willing to pay, and/or if developers have other ideas on how to develop this property.
2. Sell the land outright using local realtors and/or brokers. With this option, the City can accept or reject any offer made. The realtor I spoke with estimated the value to be between \$7,500 and \$8,000 per acre. Using the higher estimate of \$8,000 per acre, the City would see around \$243,520 as income. A broker may be able to gain more than \$8,000 per acre.
3. Partner with a developer, which would include initially donating the land up front. Put a development agreement in place that states the developer has 7 to 10 years to build out 70 lots. As the homes/lots are sold, the City will be refunded the lot price of \$15,000 - \$18,000 (based on the need to put in infrastructure). In this scenario, the City would have a possibility of gaining approximately \$1M; however, this would not be immediate, but could be a way to entice developers as they have no initial land costs.
4. Get an appraisal of the property and bring the appraisal back to the City Council for next steps.

ATTACHMENTS:

[Cty Rd GG Utilities](#)

[RFQ 140th Street Property. Draft 2](#)



REQUEST FOR QUALIFICATIONS

Residential Development Opportunity

***Parcel #261-1070-60-005
Near Intersection of 140th Street & CTH GG
New Richmond, WI 54017***



City of New Richmond
156 East First Street
New Richmond, WI 54017

All RFQ submittals must be received **no later than** _____.

Purpose

The City of New Richmond (“City”) is seeking statements of qualifications from developers (individuals, firms, or teams) interested in presenting a viable residential development concept for 30.44 acres of real estate located in New Richmond, Wisconsin and controlled by the City (“Site”). The City seeks responses from individuals, firms, or teams interested in becoming a Qualified Developer for the Site. The City will select, through this RFQ process and an interview, finalists for further consideration under a subsequent Request for Proposal (RFP) process, which will be aimed toward awarding a development agreement for the Site.

Site Description

The Site has been owned by the City since 2007, when it was originally purchased for City parkland. Since its acquisition, no development has occurred on the Site, and the property has been leased to a local farmer who has planted corn, soybeans, and alfalfa. The site is located near the intersection of 140th Street (minor arterial) and County Road GG (collector). This area of the City has experienced a lot of residential growth in the past decade, including the Peninsula Heights Development and the Paperjack Place Development, located to the east and south of the Site, respectively. The Site is located only half a mile away from Paperjack Elementary School, and within one mile of the remaining four public schools in the School District of New Richmond (Middle School, High School, Starr Elementary, and Hillside Elementary). 140th Street has an existing paved off-street multi-purpose trail that connects to the City’s extensive 17+ mile trail system, and street lighting was recently installed during the fall of 2018.



Site Street View – Looking East



Aerial Photo – Looking North

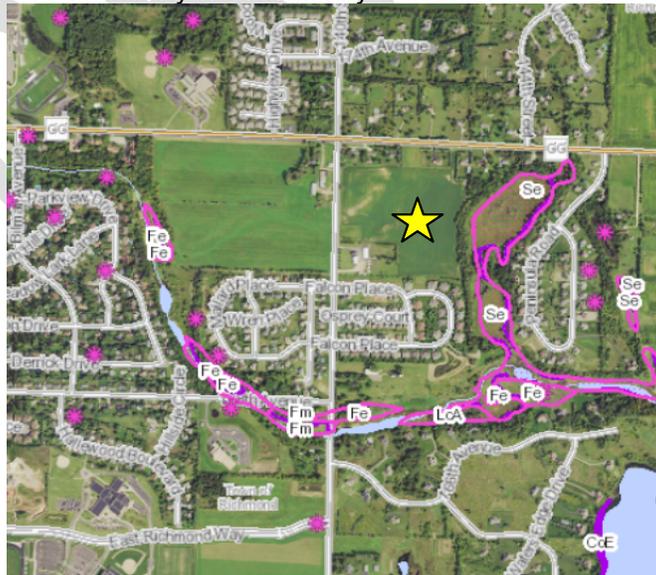


Aerial Photo – Looking Northeast



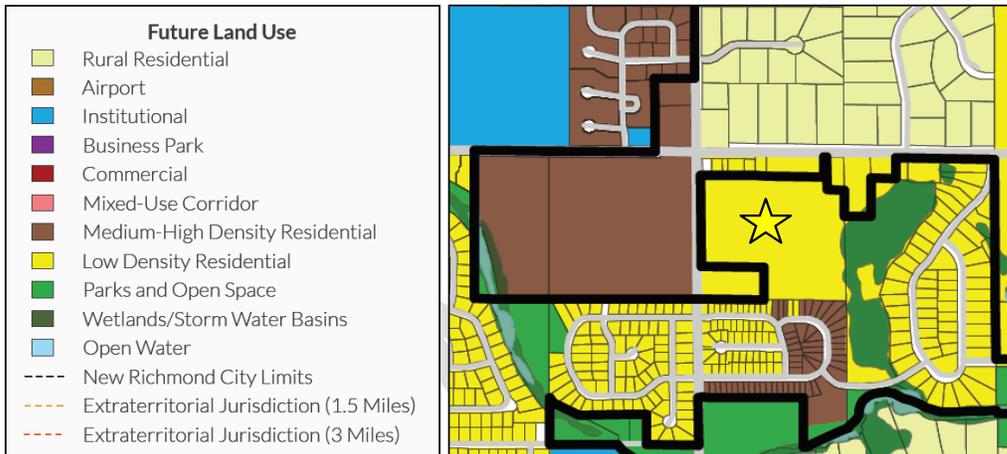
Wetlands

The Wisconsin Department of Natural Resources Surface Water Data Viewer (SWDV) indicates that the Site is unlikely to contain any wetlands.



Comprehensive Plan & Zoning

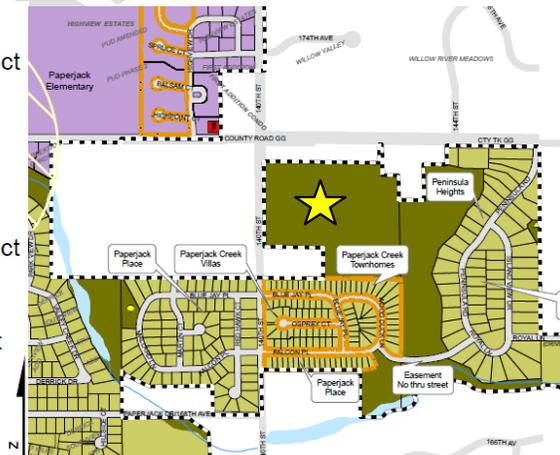
The City of New Richmond's Future Land Use Map (shown below) guides the property for low density residential uses. This land use category includes the traditional residential neighborhoods adjacent to downtown and the predominantly single-family detached subdivisions that occur throughout the remainder of the community. In addition to single-family detached homes, also allowed in this category would be two family dwellings.



The property is currently zoned Z1 Agriculture/Preservation District. Development of the property for more intensive use would require rezoning, likely to a Z2 Sub-Urban District designation.

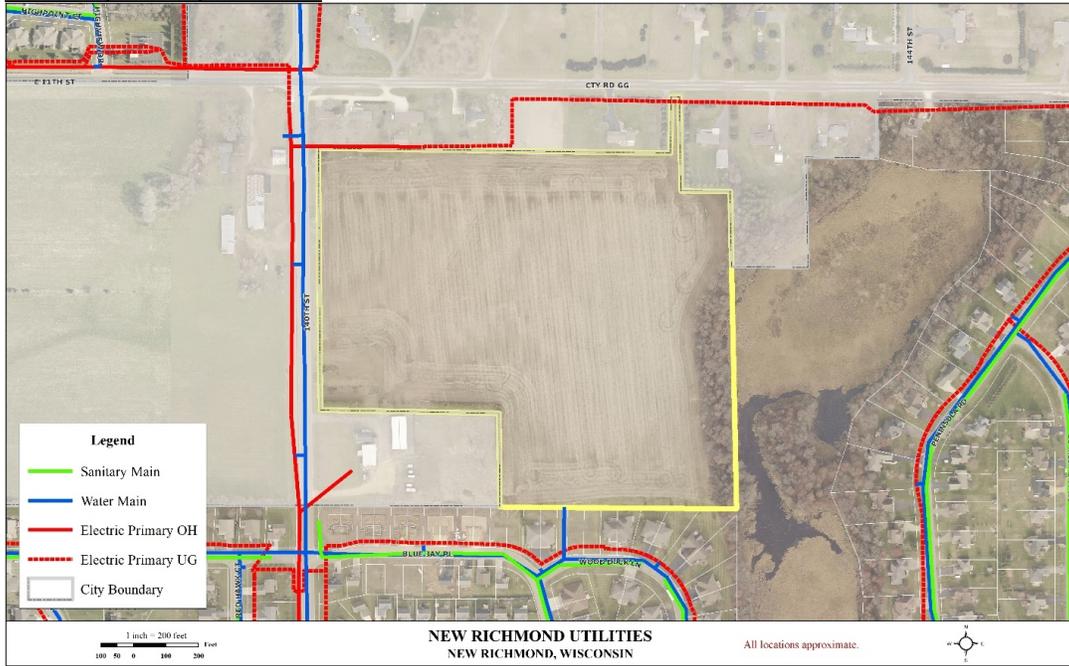
Zoning Districts

- Z1: Agriculture / Preservation District
- Z2: Sub-urban District
- Z3: Multi-Use / Corridor District
- Z4: General Urban District
- Z5: Traditional Neighborhood District
- Z6: Central Business District
- Z7: Specific Use / Industrial District
- Historic District Boundary
- Wellhead Protection Area

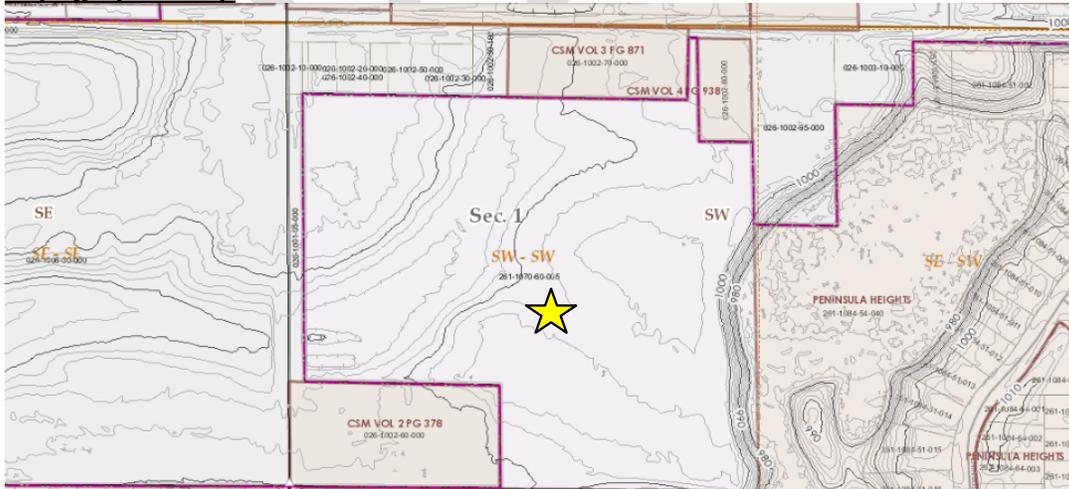


The purpose of the Z2 Sub-Urban District is to provide opportunities for low-density residential areas, limited neighborhood commercial uses and complementary uses.

Electric, Water, & Sewer

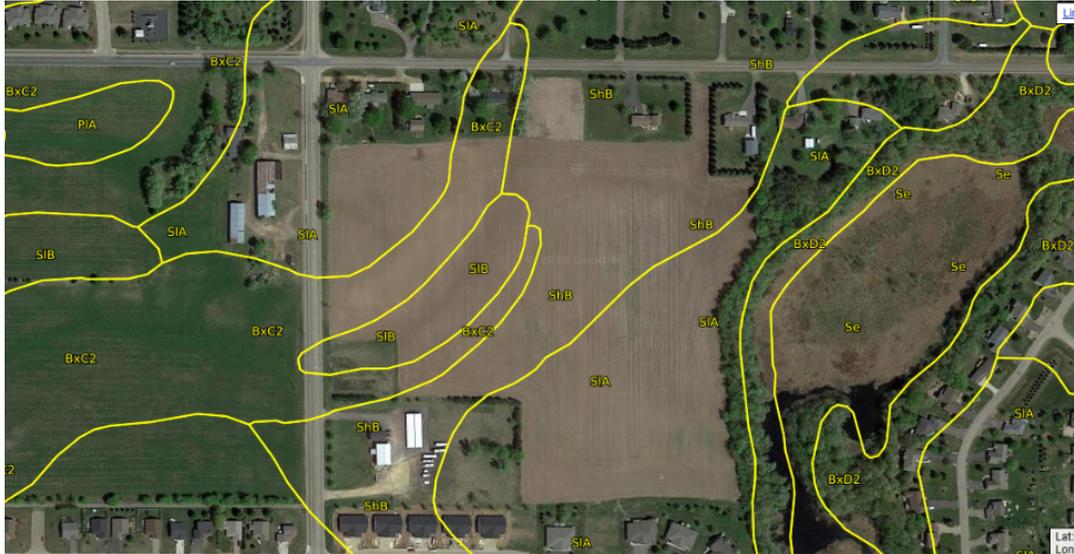


Topographic Map



Soil Survey

According to online data from the United States Department of Agriculture Natural Resources Conservation Service (NRCS), the soil profile for the site includes Sattre loam, Sattre silt loam, and Burkhardt-Sattre complex.



Schedule

The following is a list of dates for certain activities related to the RFQ process:

| | |
|--|-------|
| Release of RFQ..... | _____ |
| Deadline for Respondents to submit RFQ response..... | _____ |
| RFQ Respondent Interviews..... | _____ |

RFQ Location

This RFQ is posted on the City of New Richmond’s website. The address is:
<http://www.newrichmondwi.gov>

Contact Regarding Questions

The single point of contact listed below may be contacted to discuss this RFQ.

Mike Darrow
City Administrator
Phone: 715-246-4268
Email: mdarrow@newrichmondwi.gov

Presentations, Questions, and Iterative Development

No contract, development agreement, or other award will be made as a result of this RFQ. The City’s objective in this process is to better understand the interests, abilities, and constraints of potential respondents to a future RFP, and to better understand the information that potential respondents will need in order to provide high-quality

proposals. Therefore, informal, iterative communication between potential respondents and the City will be permitted to the extent that the volume of requests is reasonable and manageable. Formal written responses by any interested respondent are strongly encouraged, but allowed communication is not limited to that channel. Additionally, the opportunity for one-on-one meetings to ask preliminary questions and to tour the Site will be made available as requested and as time permits.

Submissions of Qualifications

Responses shall be submitted in complete original form. Submittals shall be sealed and marked “140th Street Property RFQ.” Respondents shall submit ten (10) stapled copies of their RFQ in paper form and one (1) in an electronic format via email. **Submittals must be received no later than 4:30 p.m., _____ to:**

Mike Darrow, City Administrator
City of New Richmond
156 East First Street
New Richmond, WI 54017
mdarrow@newrichmondwi.gov

Ownership of Submittals

Submittals shall become the property of the City, and shall not be returned to the respondents. By submitting, the respondent agrees that the City may copy the submittal for purposes of facilitating the City’s evaluation.

Other Information

Respondents may submit any other information that is not described in this RFQ that would be beneficial to the City. If in the Respondent’s opinion, the City has overlooked anything material or relevant, such item(s) may be brought to the City’s attention and be included in the RFQ.

Amendments to the RFQ

The City reserves the right to amend this RFQ, including dates, at any time. In the event it becomes necessary to amend, alter, or delete any part of the RFQ, changes to the RFQ will be posted on the City’s website. It is the Respondent’s responsibility to be aware of amendments that are posted on the website. The address is:
<http://www.newrichmondwi.gov>

Public Records Law

All submittals to this RFQ are subject to the Wisconsin Public Records Law.

Public View of RFQs

To the extent permitted by law, it is the intention of the City to withhold the contents of the RFQ from public view, until such times as competitive reasons no longer require non-disclosure, in the opinion of the City. At that time, all submittals will be made available in accordance with the Wisconsin Public Records Law. It is intended that

submittals will be withheld until after the RFP process has been completed. The RFP process will follow this RFQ process.

Incurred Costs

The City is not responsible for any costs incurred by the Respondent in the preparation of the response to this RFQ.

Information Requested in this RFQ

Provide all information identified below in an organized and precise manner.

Development Team

- A. Identify the legal name of the Respondent and the officers who would be legally authorized to bind the development ventures.
- B. Identify the key project team members (names and titles) and affiliates who would become directly responsible for the various aspects of the proposed development, describing briefly their respective backgrounds and history.
- C. Identify the development manager for your team.
- D. Describe the proposed organizational structure for the project team, their roles, reporting responsibilities, and team interface with the City.
- E. Include a brief statement of the availability of key personnel.

Experience

- A. Demonstrate the team's experience in superior urban design, site planning, and building design.
- B. Demonstrate the team's experience with public/private partnerships. Include the project size in total land and building area, project scope, project location, and development value.
- C. Discuss work experience in the local market, the State of Wisconsin, and/or the Midwest.

Financial Capability

- A. Provide evidence that the proposed venture has the financial stability and capability to undertake the project.
- B. To the extent possible, the development venture should provide the financing approach(s) it wishes to use and the role(s) it expects the City to have.
- C. Describe the team's experience in structuring and financing public/private development projects.

References from Similar Projects

Include a list of contacts from a minimum of two (2) to three (3) similar development projects that provide evidence of the Respondent's ability to plan and complete this project.

Other

Provide any other information that will help the City understand the capabilities, advantages, and limitations of respondents, including financial, technical, and administrative dimensions. This includes information about what kinds of arrangements may be most attractive and any potential barriers, and how those might be mitigated.

Company Information

Please include in any written communications a contact person for the response, including name, address, phone number, and email.

Response Deadline

Responses to the RFQ will be accepted until 4:30 p.m. on _____.

Selection of Respondents to Receive a Request for Proposals

This RFQ process is intended to give the City the opportunity to develop a short list of respondents who will be invited to respond to a Request for Proposals to be issued by the City for selection of a developer for the Site. Responses to this RFQ are required in order to be considered for invitation to the forthcoming RFP. The City reserves the right to contact Respondents for clarification or additional information.

DRAFT



MEMO

Prepared for: Mayor Fred Horne and City Council
Staff Contact: Rae Ann Ailts, Finance Director
Meeting: Special Council - 26 Aug 2019
Subject: 2020 Budget

BACKGROUND INFORMATION:

Earlier this summer, City staff began the process for the development of the 2020 budget. The general fund in combination with the Utilities, Tax Increment Districts, Debt, Capital and other various funds reflects \$26 million dollars in budgets. The budget provides the financial road map aligning resources with operational needs which allow us to keep our infrastructure safe and community beautiful.

While, the various approaches to budgeting, such as budget bus tours, creation of innovation teams to community engagement, have evolved year over year the focus on collaboration and transparency remain pillars in the process.

Over the last several months, we have worked with staff, department heads, council members and stakeholders in identifying needs and opportunities. Additionally, this year the budget process is focused on improving and enhancing policy.

During the meeting on Monday evening, general budget themes and key needs will be presented. Outcomes for this meeting include:

- Understanding and approval of key themes
- Overview of timeline and next steps within the budget process



MEMO

Prepared for: Mayor Fred Horne and City Council
Staff Contact: Rae Ann Ailts, Finance Director
Meeting: Special Council - 26 Aug 2019
Subject: Capital Improvement Plan 2020-2024

BACKGROUND INFORMATION:

The Capital Improvement Plan (CIP) is a comprehensive plan focused on maintaining infrastructure and improvements and determining financial resource availability to ensure the health, safety and general welfare needs of the City are met today and into the future. Planning and development of the CIP is a complex, multi-step process, which is instrumental in ensuring a high quality of life and continued economic vitality for our community.

The CIP is a five-year plan, updated annually in conjunction with the operating budget, to include new projects, delay or remove existing projects, provide revenue and expenditure estimates, identify project period and prioritization. As part of the 2020 budget process, staff began updating the plan based upon the 2018-2023 CIP, as well as, new projects identified by staff, Council and the community.

Projects have been categorized as a capital improvement project (CIP) or a capital maintenance/replacement project (CMAR) to provide additional clarification to the project. The projects have been initially prioritized by staff and the previous CIP priority. Project priorities are categorized as critical, very important or important based upon the following definition:

Critical = Project is in need of immediate replacement/repair. There is a direct impact on the safety or health of staff, residents, etc.

Very Important = Project is in need of replacement/repair soon, but not immediately, and can be addressed in the midterm.

Important = Project would be nice, but does not directly impact the safety or health of the community.

On Monday evening, an overview of projects will be provided. Over the next month, we will work to formalize project priority. Additionally, we will work on aligning financial resources to projects based upon priority as part of the 2020 Capital Budget.

It is important to note, that the Capital Improvement Plan does not commit the financial resources

of the City but provides a comprehensive list of current and future needs. Additionally, as we proceed through the capital planning and budgeting process we will seek feedback from the community.

No action is requested at this time.