



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 22-001

AN ORDINANCE TO UPDATE CHAPTER 14 (BUILDING REGULATIONS) AND MAKE RELATED AMENDMENTS TO CHAPTERS 34 (FIRE PREVENTION AND PROTECTION, 74 (SUBDIVISION REGULATIONS), AND 94 (ZONING)

WHEREAS, the Village of Weston has, for 30 years, a “building code” contained within Chapter 14 of the Municipal Code, which has included regulations governing the construction, modification, movement, demolition and addressing of buildings and other structures in the village; and

WHEREAS, Chapter 14 has been amended from time to time, including in 2018 to establish uniform building addressing provisions, but has never been comprehensively updated; and

WHEREAS, through its use of Chapter 14 and recent updates of Chapters 74 (Subdivision Regulations) and 94 (Zoning), the village has identified the need to comprehensively update Chapter 14 to incorporate changes in State law and references, unify Chapter 14 with other chapters of the Municipal Code, address recommendations of the 2018 Land Development Review Services audit, more accurately reflect actual village capabilities and practice, clarify certain procedures and standards within the confines of State law, and address other less significant matters; and

WHEREAS, following a public hearing, the Village Plan Commission and Extraterritorial Zoning Committee have each recommended enactment of this Ordinance; and

WHEREAS, the Village Board finds that the amendments contained in this Ordinance are reasonable and in the public interest.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain that the Municipal Code is amended as follows:

SECTION 1: Chapter 14: Building Regulations is hereby repealed and recreated as Chapter 14: Building and Addressing Regulations, to read as indicated in Exhibit A.

SECTION 2: Section 34.2055 is hereby created to read as follows:

Sec. 34.2055. Alarm Service Company Change.

Whenever a change in the service company for an alarm, detection or suppression system takes place within a building occupancy, the owner or authorized agent shall submit the changes in writing to the Fire Department

within twenty business days. The information shall consist of the type(s) of fire protection systems and the former and new service company name, address, and phone number(s).

SECTION 3: Section 74.6.04: Street Names is hereby amended to read as follows:

Section 74.6.04: Street Names

The subdivider shall propose names of all new and extended public streets on the face of the plat or certified survey map.

Street naming standards are in Section 14.6.03 of the Weston Municipal Code.

SECTION 4: Section 94.8.12 is hereby amended to read as follows:

Section 94.8.12: Building Permit Required

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector, per Chapter 14, Article 2.

SECTION 5: Section 94.8.13 is hereby amended to read as follows:

Section 94.8.13: Certificate of Occupancy Required

- (1) No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a certificate of occupancy has been issued by the Village Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this article and Chapter 14. Such certificate shall be applied for at the time of occupancy of any land and/or building.
- (2) No land within the Floodland Districts shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Building Inspector a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this Chapter have been fully complied with. Such certification shall include the elevations of the lowest opening and the lowest floor of any structure erected on the site.
- (3) No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of occupancy by the Building Inspector. Such permit shall show that the building or premises, or part thereof, is in compliance with the provisions of this Chapter, Uniform Dwelling Code (as applicable), Electrical Code, Fire Prevention Code and the Plumbing Code of the village and State. Such certificate of occupancy for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner.

SECTION 6: Section 94.13.02(8)(a) is hereby amended to read as follows:

- (8) **Signs Allowed without Permit.** The following signs are permitted without the need for a sign permit, in cases where they are beneath any size limitations provided herein. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located per Section 94.13.05 or 94.13.07 below, unless they are above any size limitations provided herein and therefore requiring a sign permit.
 - (a) **Addresses.** Address numerals and other sign information required to identify a location by law or governmental order, rule, or regulation, provided that the size does not exceed that required by any law, order, rule or regulation; including but not limited to Sections 14.6.04 and 14.6.05.

SECTION 7: Section 94.16.10 is hereby repealed and recreated to read as follows:

Section 94.16.10: Certificate of Occupancy Procedures

- (1) **Certificate of Occupancy Required.** No part of any building, building addition, or site shall be used for any purpose, and no change in a use shall occur, until a Certificate of Occupancy has been issued by the Zoning Administrator or Building Inspector. It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to occupy a building or site in the Village which conflicts with the Certificate of Occupancy or without having first obtained a Certificate of Occupancy. This subsection does not apply to an approved temporary use or agricultural use.
- (2) **Application for Certificate of Occupancy.** Every application for a zoning permit or building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use or change in use of land or building, without building construction or modifications requiring a building permit, shall be made directly to the office of the Zoning Administrator, including payment of the associated fee as approved by the Village Board.
- (3) **Issuance of Certificate of Occupancy.** No Certificate of Occupancy shall be issued until construction has been substantially completed and the premises inspected and certified by the Zoning Administrator or Building Inspector to be in conformity with the plans and specifications upon which the Certificate of Occupancy is based. The Zoning Administrator or Building Inspector may issue a temporary Certificate of Occupancy for a part of a building or site.
- (4) **Occupancy Changes.** No change shall be made in the use or occupancy of any building or site, or any space within a building or site, unless the change in use complies with the requirements of this Chapter, including but not limited to whether the proposed use is permitted in the associated zoning district and whether provisions such as parking meet minimum requirements. Whenever a change of use is contemplated, and before such change occurs, the owner or their duly authorized agent shall submit the proposed change in writing to the Zoning Administrator, on a form that the Administrator shall provide, not fewer than 15 business days before the change is proposed to occur. Within such period, the Zoning Administrator, Building Inspector, and Fire Inspector shall inspect the building and property. After such inspection, the Zoning Administrator shall either grant a new Certificate of Occupancy and charge the associated fee per the village's fee schedule, or notify the owner or agent of why the proposed occupancy or use change may not occur or be granted a Certificate of Occupancy, at least not at that time.
- (5) **Termination of Occupancy and Certificate.** The Zoning Administrator or Building Inspector shall terminate any Certificate of Occupancy, and/or order the vacation or removal of occupancy within a specified timeframe, and so notify the owner and occupant, whenever:
 - (a) Any building, portion of a building, or site is being used or occupied contrary to the Certificate of Occupancy, the provisions of this Chapter, or another chapter of the Weston Municipal Code.
 - (b) Any previously issued Certificate of Occupancy was based upon a false statement of any fact that is material to the issuance thereof
 - (c) Any building or site, or any part of a building or site, is vacated or damaged so as to jeopardize public safety or health.

SECTION 8: Section 94.16.11(8) Recording of Variance is hereby amended to read as follows:

- (8) **Recording of Variance.** The Zoning Administrator shall record the variance against the property, assigning all costs thereof to the applicant, and shall make record of the variance on the Official Zoning Map. The document recording the variance shall indicate that the property owner has the burden of proof

to conclusively demonstrate that activities associated with the variance are being completed within the following applicable periods, or the variance shall become null and void:

- (a) A building permit associated with the approved variance shall be obtained within one calendar year of the approval.
- (b) Upon issuance of a building permit, the associated work must be completed in accordance with Section 14.1.09.
- (c) In the event the variance does not require a building permit, the associated work must be completed within two calendar years of the variance approval.

In the event that a variance is rendered null and void under this subsection, the Zoning Administrator may record an amendatory document against the property, assigning all costs thereof to the applicant, and shall remove or modify record of the variance on the Official Zoning Map.

SECTION 9: Section 94.16.15(2)(e): Zoning Administrator is hereby amended to read as follows:

- (e) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, certificates of occupancy, variances, appeals, interpretations, and applications therefore.

SECTION 10: The following definitions in Section 94.17.04 are hereby amended to read as follows:

Section 94.17.04: Definitions

Deck: A platform, raised above the ground surface, either freestanding or attached to a building, and supported by pillars or posts.

Facade: That portion of the exterior vertical surface of a building extending from finished grade to the top of the parapet, wall, or eaves.

Manufactured home: A structure that is designed to be used as a dwelling with or without a permanent foundation and that it is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC §§ 5401 to 5424, and includes any additions, attachments, annexes, foundation and appurtenances.

Mobile home: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. “Mobile home” includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer’s warranty, and includes any additions, attachments, annexes, foundations and appurtenances.

SECTION 11: The definition of “Start of construction” in Section 94.17.04 is hereby repealed.

SECTION 12: The amendments effectuated by this Ordinance shall apply within the municipal limits of the village. Sections 4 through 11 are applicable within its extraterritorial zoning jurisdiction in the Town of Weston.

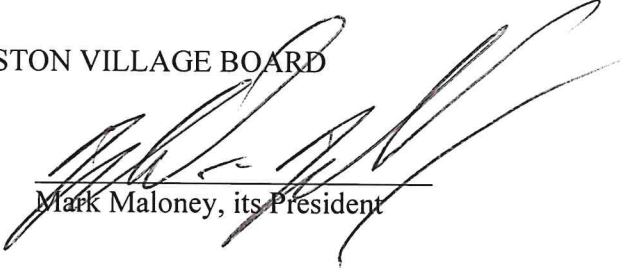
SECTION 13: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 14: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

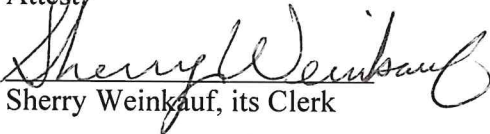
Dated the 17th day of January, 2022

WESTON VILLAGE BOARD

By:


Mark Maloney, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 1/17/2022

PUBLISHED: 1/20/2022

Attachments

Exhibit A: Chapter 14: Building and Addressing Regulations of Weston Municipal Code
(as updated)

Exhibit A: Chapter 14: Building and Addressing Regulations of Weston Municipal Code (as updated)

Exhibit A

CHAPTER 14: BUILDING AND ADDRESSING REGULATIONS VILLAGE OF WESTON, WI

ADOPTED: DATE PENDING

Style Definition: Heading 1

Style Definition: TOC 1

Style Definition: TOC 2: Tab stops: 7.19", Right,Leader: ...

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ARTICLE 1: INTRODUCTION AND ADMINISTRATION

Section 14.1.01: Title and Effective Date

- (1) This Chapter 14 shall be known, cited, and referred to as the VILLAGE OF WESTON BUILDING AND ADDRESSING CODE, except as referred to herein, where it shall be known as “this Chapter”.
- (2) This Chapter became effective upon passage and publication according to law on **INSERT EFFECTIVE DATE**.

Section 14.1.02: Authority

- (1) This Chapter is enacted pursuant to the authority granted by Wisconsin Statutes and Wisconsin Administrative Code, including but not limited to its Chapters 101 and 145. Specific statutory and code references are provided within this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.
- (2) The provisions of this Chapter shall not be construed so as to impose any liability or the assumption of liability on the part of the village for damages to anyone injured or any property destroyed by any defect in any building or in any heating, ventilating, air conditioning, electrical, ~~and plumbing-~~ or other equipment.

Section 14.1.03: Purpose

The purposes of this Chapter are to:

- (1) Protect and provide for the public health, safety, and general welfare of the community.
- (2) Regulate the construction, installation of mechanical systems within, movement, and demolition of buildings such that they are reasonably free of hazards.
- (3) Protect and foster the health, safety, and well-being of persons occupying or using buildings and structures, and the general public.
- (4) Provide for adequate light, air, and privacy.
- (5) Secure safety from fire, flood, and other danger.
- (6) Protect the character and the social and economic stability of the community.
- (7) Protect and conserve the value of land and the value of buildings and improvements upon the land, and minimize the conflicts among land and buildings.
- (8) Ensure that real property and principal buildings are uniformly addressed for purposes of wayfinding and emergency, delivery, and other services.

Section 14.1.04: Jurisdiction and Applicability

This Chapter applies to various activities involving the construction; alteration; movement; demolition; plumbing and electrical systems; heating, ventilation, and air conditioning (HVAC) systems; naming of streets;

and addressing of buildings and sites within the Village of Weston, with the applicability of each of these activities described in greater detail in the articles that follow.

Section 14.1.05: Abrogation and Greater Restrictions

- (1) **Abrogation.** It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right or abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (2) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare; shall be liberally construed in favor of the village; and shall not be construed to be a limitation or repeal of any other power now possessed by the village.
- (3) **Greater Restrictions.** Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, except as precluded by State law. Where there are conflicts between or among regulations within this Chapter, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (4) **Savings Clause.** In the event of a conflict between the terms and provisions of this Chapter and any provision of applicable Wisconsin Statutes or Wisconsin Administrative Code, the Statutes or Code shall control; except that where the applicable Statute or Code allows the village to impose more stringent standards or requirements, this Chapter 14 shall apply.
- (5) **Additional Conditions or Restrictions.** In its actions authorized by this Chapter, the designated village approval authority or administrative officer may require conditions or deed restrictions that are deemed necessary and appropriate to protect the purpose and intent of this Chapter. The violation of any such condition or restriction shall be deemed a violation of this Chapter.
- (6) **Street Privilege for Construction Materials Permit.** When any action under this Chapter requires any job trailer, dirt, coal, stone, timber, planks, boards or other materials for building or otherwise in or upon any sidewalk, street, alley, right-of-way or public square, the applicant shall first secure from the village a Street Privilege for Construction Materials permit as described in Section 70.105, before using such space in the manner indicated.

Section 14.1.06: Designated Administrative Officers

- (1) **Building Inspector.**
 - (a) Designation. The Village Board shall designate the Building Inspector. As permitted by law, the Building Inspector may designate another employee or contractor of the village to perform the duties of the Building Inspector, on a recurring, occasional, or case-by-case basis. Where a duty in this Chapter is assigned to the Building Inspector, it shall be assumed that his or her designee may also permit such duty except where otherwise restricted by law.
 - (b) Duties. The general responsibility of the Building Inspector is to interpret and administer Articles 2, 4 and 5 of this Chapter and to issue permits, perform inspections, administer and enforce provisions, and assist with addressing violations of such Articles. Except where other administrative officers,

boards, or committees are indicated as having such responsibilities, the specific responsibilities of the Building Inspector include the following:

- i. Review, issue, and maintain all building, relocation, and demolition permits for the village.
- ii. For all buildings for and within which the Wisconsin Uniform Dwelling Code is applicable under Section 14.2.05(1), review, permit, inspect and maintain records for all applicable building, plumbing, electrical, and heating, ventilation, and air conditioning (HVAC) equipment work.
- iii. Determine that all detailed plans and supporting materials for such permits comply with all provisions of this Chapter.
- iv. Maintain permanent and current records of such Articles, including but not limited to all applications and permits issued and rejected.
- v. Receive, file, and forward all applications for all procedures governed by such Articles to the designated official bodies.
- vi. Prohibit construction, alteration, or occupancy of any structure until he or she has inspected and approved such construction, alteration, or occupancy except where such inspections and approvals are the legal responsibility of the State.
- vii. Be permitted access to premises and structures during reasonable hours to make those inspections as the Inspector deems necessary to ensure compliance with such Articles. If, however, he or she is refused entry after presentations of his identification, he or she may procure a special inspection warrant in accordance with § 66.0119(2) of Wisconsin Statutes.
- viii. Investigate complaints made relating to the scope of such Articles, give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney.
- ix. Institute, in the name of the Village, any appropriate actions or proceedings against a violator of such Articles, as provided by law.
- x. Request assistance and cooperation from the Planning and Development Director, Electrical Inspector, Police Department, Fire Department, Village Attorney, Village Engineer, Village Clerk, Director of Public Works, and other Village staff and consultants as he or she deems necessary, either as a designee or advisor.
- xi. Make available to the public, to the fullest extent possible, all reports and documents concerning such Articles and permits issued and rejected thereunder. The Village Board may set fees necessary to recover the cost of providing such information to the public.
- xii. Make interpretations regarding the provisions of such Articles.

(2) Electrical Inspector.

- (a) Designation. The Village Board shall designate the Electrical Inspector. As permitted by law, the Electrical Inspector may designate another employee or contractor of the village to perform the duties of the Electrical Inspector, on a recurring, occasional, or case-by-case basis. Where a duty in this Chapter is assigned to the Electrical Inspector, it shall be assumed that his or her designee may also permit such duty except where otherwise restricted by law.
- (b) Duties. The general responsibility of the Electrical Inspector is to interpret and administer the provisions for this Chapter related to electrical permits, perform related inspections, administer and enforce related provisions, maintain records related to electrical systems, and assist with addressing violations of this Chapter as they relate to electrical systems. The Electrical Inspector shall perform such duties for and within all buildings and structures where the Wisconsin Uniform Dwelling Code

is applicable under Section 14.2.05(1). The Electrical Inspector shall perform such duties for and within all commercial buildings and structures, including all multi-family residential, retail, commercial service, office, industrial, storage, and institutional buildings and structures, for as long as the Electrical Inspector maintains the appropriate State certification.

Section 14.1.07: Exceptions, Waivers, and Appeals of Administrative Interpretations

(1) Scope and Manner.

- (a) For Exceptions or Waivers. Upon written request of an applicant for a permit or another approval under this Chapter, or by request of the designated administrative officer or Director of Planning and Development, the Plan Commission may waive, modify, or interpret one or more provisions of this Chapter, except where another provision of this Chapter allows an administrative officer the ability to grant an exception or waiver.
- (b) For Administrative Appeals. Appeals to the Plan Commission may be taken by any person aggrieved any order, requirement, decision, or determination of the designated administrative officer under this Chapter, except for enforcement actions. Each such appeal shall be taken within 30 days of the alleged grievance or judgment in question. Such appeal shall take the form of a notice in writing, filed with the officer from whom the appeal is taken, including an easily reproducible electronic copy plus hard copies in a quantity directed by the officer. The notice of appeal shall specify the grounds of such appeal, and any matter omitted therefrom shall not be considered by the Commission.

(2) Criteria. Exceptions, waivers, and actions on appeals or interpretations may be granted by the Plan Commission only where it first makes findings based upon the evidence presented in each specific case that the exception, waiver, or action on an appeals or interpretation:

- (a) Will not violate any State or federal law.
- (b) Will not be detrimental to the public good, safety, health, welfare, or desirable general development of the community in accordance with the Comprehensive Plan.
- (c) Will not cause injury or significant diminution of value to another property.
- (d) Will not conflict with or nullify the purpose of this Chapter or the associated Article within this Chapter.
- (e) Is based on conditions that are unique to the property for which the relief is sought and are not applicable generally to other property in the village.
- (f) Would, if not granted, result in a particular hardship to the owner as distinguished from a mere inconvenience.
- (g) Is not based exclusively on a financial consideration.

(3) Scheduling of Plan Commission Meeting. For appeals, the village administrative officer from whom the appeal is taken shall transmit to the Commission the appeal notice and all the papers constituting the record upon which the action appealed from was taken, and work with the Director of Planning and Development to schedule the item for Commission review at its next available meeting and provide due notice to affected parties including the appellant.

(4) Plan Commission Decision. The Plan Commission shall reach its decision within a reasonable time period after its receipt of materials under subsection (3) and consistent with the criteria in subsection (2).

The concurring vote of a majority vote of the members present of the Plan Commission shall be necessary to grant any exception or waiver, or reverse any order, requirement, decision, determination of any such administrative officer or to decide in favor of any appellant, or interpretation. The grounds of any such determination shall be stated in the motion or official minutes of the Commission. The Commission shall direct the transmission of a written copy of its decision to the appellant. The Plan Commission shall have all the powers of the officer from whom an appeal is taken, and as such may issue or direct the issue or rejection of a permit, address assignment, or similar action under this Chapter.

- (5) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Plan Commission that by reason of facts stated in the certificate a stay would, in his or her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Plan Commission, or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

Section 14.1.08: Fees and Reimbursable Costs

- (1) **Fee Amounts.** The fees for the applications, procedures, and permits established by this Chapter shall be established by resolution of the Village Board of the Village of Weston. There shall be no fees for applications filed in the public interest by any agency or official of the Village of Weston.
- (2) **Timing of Fee Payment.** Except for reimbursable costs described below and as otherwise prescribed under this Chapter and Wisconsin Statutes, fees shall be payable by the applicant at the time of permit approval. Reapplication fees may be required. Fees are not refundable, except that completion surcharges associated with building permits shall be refunded after successful completion of the permitted work by the Building Inspector.
- (3) **Fees for After-the-fact Applications.** The Building Inspector or other authorized administrative officer under this Chapter may charge a fee that is triple the normal permit fee if work has been started before a permit is applied for and issued. Such triple fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (4) **Other Fees.** Each particular project proposed under this Chapter may be subject to other fees prescribed in other chapters of the Weston Municipal Code and the fee schedule adopted by the Village Board. Such fees may include, but are not limited to, utility connection fees and a park and recreation impact fee. The Building Inspector or other administrative officer under this Chapter may withhold issuance of any associated permit or occupancy for any building or project until all associated fees are paid.
- (5) **Reimbursable Consultant Costs.** The village may retain the services of other professional consultants—including but not limited to attorneys, structural, civil, and electrical engineers, architects, and building, construction, demolition, electrical, environmental and other specialists—to aid in administering this Chapter. Any person, firm, or corporation requesting action by the village on matters contained in this Chapter shall be required to reimburse the village for any and all costs incurred by the village for retaining such professional consultant services to review any such matter.

Section 14.1.09: Time Limitations for Permits

- (1) **Permits Issued Under Previous Chapter.** All permits issued under the version of Chapter 14 in place before **INSERT EFFECTIVE DATE** shall be valid for periods defined in that previous chapter and

Wisconsin Statutes and Administrative Code, provided that visible on-site construction, building removal, or demolition is commenced within 12 months from the date of permit issuance.

- (2) **Commencement and Progress Required for Permits Issued.** Each permit issued under this Chapter shall become void if (a) visible on-site construction, building removal, or demolition is not commenced within 6 months from the date of permit issuance or (b) the work authorized by such permit is suspended at any time after work is commenced for a period of greater than 60 days. The Building Inspector or other authorized administrative officer may extend such periods if he or she determines that the delay was due to conditions beyond the control of the permit holder.
- (3) **Completion of Work Authorized by Permit.** Each Wisconsin Uniform Building Permit Application (WUBPA) and commercial permit issued under this Chapter shall be valid and all permitted construction completed within 24 months, unless otherwise provided under Wisconsin Administrative Code. Every other permit under this Chapter shall be valid and all permitted activities completed within 12 months, except that the Building Inspector or other authorized administrative officer may provide an extension to up to 24 months where, in his or her determination, a delay is due to conditions beyond the control of the permit holder or, based on the significant extent of the construction, the project cannot reasonably be completed within 12 months.
- (4) **New Permit Required Where Initial Permit Lapses.** Before any on-site work or construction, building removal, or demolition is commenced after an associated permit has lapsed or expired under this Section, a new permit shall be issued and a new fee paid.

Section 14.1.10: Violations and Penalties

- (1) **Violations.** It shall be unlawful to construct, alter, relocate, or demolish ~~and any~~ building, structure, or land, or to address a property or name a street, anywhere within the village in violation of any of the provisions of this Chapter or action or order taken under this Chapter. In case of any violation, the village may institute appropriate action or proceeding to enjoin a violation of this Chapter, including seeking a stoppage of work, abatement, removal, forfeiture, penalty, citation, or some combination, as outlined in this Section. Adoption of this Section does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (2) **Procedure for Notice of Violation.**
 - (a) The designated village administrative officer shall give written notice to the person or persons responsible for all alleged violations of the provisions of this Chapter or action taken under this Chapter. The notice shall describe the particulars of the alleged violation and the reasons why the officer believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of and within a reasonable time limit set by the officer.
 - (b) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the designated administrative officer within the time limit set in the written notice constitutes admission of violation of the provisions of this Chapter or action taken under this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other

penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the village.

- (3) **Stop Work Order.** If the designated administrative officer determines that any construction or other work is not proceeding in accordance with the requirements of the approved plans or permit, or that a permit is required under this Chapter but not obtained, a stop work order shall be served upon the owner or his representative, and a copy shall be posted at the site. Such stop work order shall not be removed except by written notice from the designated administrative officer and upon his or her satisfaction and written verification that the violation has been corrected, or that the stop work order was made in error.
- (4) **Suspension or Revocation.** The designated administrative officer of the village or the village attorney may suspend or revoke any permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order, or where the Inspector is denied access to the premises. No construction or other previously-permitted activity may take place after suspension or revocation of the associated permit, until and unless the village restores the permit.
- (5) **Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this Chapter or action taken under this Chapter shall forfeit not less than \$100.00, plus any applicable costs of prosecution, assessments, and court costs for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- (6) **Village Promulgated Correction of Violation.** In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the village reserves and maintains the continued right to abate violations of this Chapter.
 - (a) **Hazardous Condition Caused by Violation of this Chapter.** If the designated administrative officer determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals, or decency, the officer shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The officer is hereby authorized to abate a violation of this Chapter.
 - (b) **Non-Hazardous Condition Caused by Violation of this Chapter.** If the designated administrative officer determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals, or decency, the officer shall serve written notice on the current owner of the property (as indicated by current tax records) on which said violation is occurring to remove said violation within 10 working days. If such violation is not removed within such 10 working days, the officer shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.
 - (c) **Cost of Abatement.** In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days

from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by Wisconsin Statutes.

- (d) Chronic Nuisance Abatement. In addition to or in lieu of a determination of violation of this Chapter or action taken hereunder, the village may determine that a chronic nuisance exists under Section 50.104 of the Weston Municipal Code, and in such event the procedures and provisions under said Section 50.104 shall apply.

ARTICLE 2: BUILDING AND CONSTRUCTION

Section 14.2.01: Purpose and Applicability

- (1) **Purpose.** This Article provides certain minimum standards, provisions, and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or other structures undergoing one of the activities listed in subsection (2)(b) and (c).
- (2) **Applicability.**
 - (a) The provisions of this Article shall apply to every person who furnishes or performs building construction, remodeling, moving, and/or demolition services in the village, or who owns, sells, leases or lets for hire, uses, designs, installs, repairs, operates, maintains or grants possession of any equipment, materials, or apparatus relating to said services in the village.
 - (b) The provisions of this Article shall apply to all construction, placement, movement, reconstruction, extension, enlargement, structural repairs, structural alterations, reroofing, residing, ~~installation of and alterations to telecommunications and or energy generating systems as defined in Section 14.7.03,~~ and demolition on, in, and for the following types of buildings and structures:
 1. Single- and two-family dwellings and residential accessory buildings.
 2. Commercial buildings and structures, including all multi-family residential, retail, commercial service, office, industrial, storage, and institutional buildings and structures.
 3. Swimming pools, decks, porches, gazebos, and fences.
 4. Similar buildings and structures as those listed above, as determined by the Building Inspector and in compliance with other chapters of the Weston Municipal Code and Wisconsin law.
 - (c) The provisions of this Article shall also apply to repairs to mobile homes, and additions or alterations to manufactured homes or mobile homes.
 - (d) The provisions of this Article shall not apply to:
 1. Children's play structures, except for those including plumbing, electricity, and/or HVAC systems.
 2. Landscape features, except for structures like gazebos and garden sheds.
 3. Flag poles, although see construction standards in Section 94.5.04.
 4. Stormwater management related structures, except that grading and drainage review associated with building projects involving site changes is required.
 5. Farm structures such as barns, silos, grain elevators, and agricultural-related fences, except that this Article does apply to farm residences and residential accessory structures on a farm.
 6. Signs, although sign permits shall be required per the procedures and with the exemptions in Section 94.13.02.
 7. Painting, and adjustments to building facades that do not include any activity listed in subsection (2)(b), except that such adjustments may require site plan approval under Sections 94.3.03(3) and 94.16.09.

8. Placement of new mobile homes and manufactured homes, which shall instead be regulated under Chapter 46. Repairs to a manufactured home shall be performed in accordance with [HUD Manufactured Housing Standards](#) and are not subject to the Wisconsin Uniform Dwelling Code.

Section 14.2.02: Permit Requirement.

- (1) **Generally.** No person may commence construction of any project meeting the criteria in Section 14.2.01(2)(b) or (c) prior to obtaining a valid permit from the Building Inspector, upon a form which the Inspector shall provide.
- (2) **Prior Approvals.**
 - (a) **Zoning Approvals.** No building permit shall be issued for building projects requiring zoning approvals under Chapter 94, until such approvals are granted, applicable conditions of such approvals are met, and associated impact and other fees are paid. These shall include, but are not limited to, Building Inspector or Zoning Administrator determination that:
 1. The use to which the building will be put is allowed within the associated zoning district, and sufficient on-site parking, loading, and other basic features associated with the use will be provided.
 2. A conditional use permit has been issued and associated conditions met, where a conditional use permit is required for the use or building.
 3. Site plan approval has been obtained and associated conditions met, where site plan approval is required for the building and related improvements.
 4. All proposed new construction and additions to multi-family residential and non-residential buildings meets the exterior building design and material standards in Article 10 of Chapter 94.
 5. The requirements of any applicable airport height overlay district per Section 94.6.04 will be met.
 - (b) **Within New Land Divisions.** No building permit associated with a land division, subdivision, or condominium development shall be issued until the associated plat or certified survey map is recorded; associated fees and charges are paid; and construction and village acceptance of curb and gutter ([where required](#)), binder street pavement, and sidewalks (where required) has occurred; unless otherwise approved by the Village Board.
 - (c) **Public Utility Service.** No principal building used for human habitation shall be issued a building permit unless it is, or will at the time of occupancy, be provided ~~at~~ with functional connections to water, sanitary sewer, and electrical utilities. Where public water utility service is not available to an area in the determination of the village Director of Public Works, connection to a functioning private well in accordance with NR 812 of the Wisconsin Administrative Code shall suffice. Where sanitary sewer service is not available to an area in the determination of the village Director of Public Works, connection to a functioning private onsite wastewater treatment system approved by Marathon County shall suffice. The installation of holding tanks in the village shall not be permitted, except as provided in Section 94.3.03(13).
 - (d) **Addressing.** No building permit for the construction of a house or other principal building shall be issued until an address has been assigned per Section 14.6.04. No building permit for the alteration of an existing house or other principal building shall be issued unless the address is properly affixed in accordance with Section 14.6.04.

- (e) Dwelling Contractor Certification. Except for the owner of a dwelling who will reside in the dwelling, no person may obtain a building permit unless the person obtains and maintains a Certificate of Financial Responsibility from the Wisconsin Department of Safety and Professional Services in compliance with [Section 101.654 of Wisconsin Statutes](#).
- (f) Relocated Buildings. No building permit shall be issued for a building relocated to or within the village under Article 4 until the Building Inspector has issued a relocation permit and such building has been relocated in accordance with said permit.
- (3) **Zoning or Land Use Permits.** Zoning permits may be required per Section 94.16.04, generally for development that does not include a new or altered building or structure, such as for the conversion of a building from one land use to another land use without structural alterations and construction of a driveway or parking lot. Land use permits may be required for development within the floodplain, sometimes in addition to a building permit, where required under Section 94.7.11(1)(b). Where a zoning or land use permit is also required for the project per Chapter 94, the village may combine the building permit and zoning or land use permit into a single application and a single approval.
- (4) **Compliance with Fire Code.** All buildings and structures shall also comply with Chapter 34, Article II (Fire Prevention). The Building Inspector and Fire Chief shall collaborate on all permits required under Chapters 14 and 34 that potentially overlap, and may issue a single permit in cases where such overlap exists.
- (5) **Applications for Building Permit and Certificate of Occupancy.** Every application for a building permit shall be deemed to be an application for a Certificate of Occupancy, as governed under Section 94.16.04. When a building permit is issued for a project, a separate Certificate of Occupancy fee for the immediate occupancy following final inspection of such project shall not be required.
- (6) **Contents of Building Permit Application.** Each applicant for a building permit shall provide the Building Inspector with a complete application, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Building Inspector, consisting of the following except where reduced by the Building Inspector:
 - (a) Completed application form furnished by the Building Inspector, which shall at minimum include the following:
 - 1. Parcel number and address.
 - 2. Names, addresses, email addresses, and phone numbers of the owner of the building, owner of the land on which the building is or will be located, business owner if different, building designer, engineer, and general contractor.
 - 3. Written description of the project for which a building permit is sought, including type of structure, and existing and proposed operation or use of the structure or site.
 - 4. Zoning district within which the subject site lies.
 - (b) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations to Marathon County datum, uses, and sizes of the following:
 - 1. All street right-of-way lines and other property lines, including areas with roadway access restrictions.
 - 2. Existing and proposed buildings and building expansions, including actual and proposed building setbacks and footing elevations. (The Building Inspector may waive the requirement for

footing elevations for accessory structures, for remodeling projects not including horizontal expansion, and where the subject property is neither located within nor adjacent to a waterway, floodplain, or wetland.)

3. Off-street parking areas, loading areas, driveways, and other improvements as they may affect the building project
4. Present and proposed grades of the property and adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of the project (The Building Inspector may waive where he or she verifies that the project will require little to no change in grading.)
5. Underground and overhead utilities, easements, and other known encumbrances.
6. All floodplains, wetlands, shoreland setbacks, and slopes of greater than 12 percent.
7. Location, elevation, and use of any abutting lands and their structures within 40 feet of the subject property line.

Where the proposal is a remodeling or addition to an existing principal building; or construction, remodeling, or addition to an accessory structure; the Building Inspector may accept a location sketch drawn to scale in lieu of a plat of survey.

- (c) For new buildings or exterior remodeling or expansion of existing buildings, elevation drawings, drawn to a recognized architectural scale, of proposed buildings or proposed remodeling/expansion of existing buildings. For new and expanded commercial buildings, including all multi-family residential, retail, commercial service, office, industrial, storage, and institutional buildings and structures, elevation drawings shall include or be accompanied by:
 1. Exterior or roof mechanical equipment and lighting locations,
 2. Finished exterior treatments, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance.
 3. Calculations of each exterior facade building material by type, square footage, and percentage of total facade area.
- (d) Proposed floor plans and construction details, meeting all applicable State and federal requirements.
- (e) For the construction of any building or structure or for any construction in connection with existing buildings and structures, other than single- and two-family residences, containing more than 25,000 cubic feet of total volume:
 1. All plans, data and specifications shall bear the seal of the registered architect or registered engineer. (Also required for certain other projects under Section 94.10.03(3).)
 2. Plans stamped as approved as required by State agency with jurisdiction.
- (f) An erosion control plan, meeting all applicable State and federal requirements.
- (g) Proposed sewage treatment plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Marathon County Health Department for the installation of a Private On-site Wastewater Treatment System (POWTS), or other appropriate means of waste disposal. The Director of Public Works shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage treatment plan.

- (h) Proposed water supply plan if municipal water service is not available. This plan shall be in accordance with NR Chapter 812 of the Wisconsin Administrative Code and shall be approved by the Director of Public Works, who shall certify in writing that an adequate and safe supply of water will be provided.
 - (i) Required application, completion surcharge, drainage review, and other fees per Section 14.1.08.
 - (j) Such other information as the Building Inspector may require to evaluate the application against the requirements of this Chapter.
- (7) **Timing for Building Permit Issuance.** The Inspector shall have ten business days following the day of submittal of a complete building permit application to issue the building permit, issue the permit with conditions, or reject the permit. If the Inspector fails to take one of these actions within this period, the application shall be considered approved as presented. If rejected, the Building Inspector shall provide to the applicant the reasons for rejection and an opportunity to correct within 30 days without requiring a new application and fee.
- (8) **Early Start Permit.** The Inspector may, at his or her discretion, issue an early start permit to enable installation of footings and foundation if the application includes materials or is preceded by actions that fall short of what is normally required in this section. Any work completed under an early start permit is at the sole risk of the applicant if completed prior to submitting the necessary materials and securing the necessary approvals to obtain a full building permit. The fee for the early start permit, as established by the Village Board, shall be in addition to the fee for the subsequent building permit for the remainder of the project.

Section 14.2.03: Inspections and Occupancy

- (1) **Timing of Village Inspection Requests.** Each permit recipient shall request an inspection from the Building Inspector for applicable buildings under Section 14.2.05(1) at the following stages of construction progress:
- (a) After the placement of forms, shoring, and reinforcement of footings and foundations, but before placement of footing materials.
 - (b) Before foundation backfilling, where below grade drain tiles, waterproofing, or exterior insulation is required.
 - (c) After the installation of any temporary electrical, plumbing, or HVAC services to serve the construction project or the remainder of the building during construction.
 - (d) After underground and in-floor rough plumbing, electrical, and heating, ventilating, and air conditioning (HVAC) equipment is installed, but before the ground is filled or flooring material is installed.
 - (e) After framing of the building and installation of electrical, rough plumbing, and HVAC equipment, but before insulation installation.
 - (f) After insulation and vapor barrier are installed and all other rough inspections have been performed.
 - (g) After completion of all permitted work (i.e., final inspection).
- (2) **Timing of State Inspection Requests.** Where required by Wisconsin Statutes or Administrative Code for commercial plumbing, heating, ventilating, and air conditioning equipment, the permit holder shall be responsible for contacting the associated State inspector for inspections. If and when the village no longer has a State certified Electrical Inspector, such provisions shall apply to electrical work as well.

- (3) **Timing of Village Inspections.** Except as allowed by agreement with the permit holder, the Building Inspector and/or Electrical Inspector, as applicable, shall perform each requested inspection within five business days after the day the permit holder requests the final inspection, and within two business days after the request for all intermediate inspections.
- (4) **Effect of Village Inspections.** Construction may proceed beyond each point of inspection only once inspection has been completed, the applicable Inspector has approved the work in writing, and any required State inspections have been performed, except that if the inspection has not taken place by the end of the second business day following the confirmed day of notification to the Inspector, construction may proceed without inspection subject to any State limitations.
- (5) **Certificate of Occupancy Required.** No building, or portion of a building undergoing expansion, shall be occupied until each of the following events has occurred:
 - (a) The Building Inspector has completed the final inspection and verified that all permitted work complies with the permit, this and other applicable chapters of the Weston Municipal Code, and applicable Wisconsin Statutes and Administrative Code.
 - (b) Any required State permits have been issued, inspections made, and occupancy permits granted.
 - (c) Public utility service is provided or waived per Section 14.3.02(c).
 - (d) For all residential uses, a driveway has been installed per Section 94.12.08(9).
 - (e) The Building Inspector has issued a certificate of occupancy under Section 94.16.10.
- (6) **Temporary Occupancy Authorized.** The Building Inspector may permit the temporary occupancy of any building prior to issuance of a certificate of occupancy, where he or she determines that undue hardship would otherwise result; premises will be safe and sanitary; and to the extent practical the project complies with the permit, this and other applicable chapters of the Weston Municipal Code, and applicable Wisconsin Statutes and Administrative Code. When allowing temporary occupancy, the Building Inspector shall indicate in writing the duration of such occupancy, not exceeding 120 days, before full compliance with subsection (5) is achieved and a permanent certificate of occupancy is issued.

Section 14.2.04: Applicable Regulations

- (1) **Applicable State Law.** The village hereby adopts and requires the enforcement within the village limits of Chapters 101 and 145 of the Wisconsin Statutes and the following chapters of the Wisconsin Administrative Code, as amended:
 - (a) [Ch. SPS 305: Licenses, Certifications and Registrations](#)
 - (b) [Ch. SPS 316: Electrical](#)
 - (c) [Chs. SPS 320-325: Uniform Dwelling](#)
 - (d) [Ch. SPS 326: Manufactured Home Communities](#)
 - (e) [Ch. SPS 328: Smoke Detectors and Carbon Monoxide Detectors](#)
 - (f) [Ch. SPS 360: Erosion Control, Sediment Control and Storm Water](#)
 - (g) [Chs. SPS 361-366: Commercial Building Code](#)
 - (h) [Chs. SPS 375-379: Buildings Constructed Prior to 1914](#)

- (i) [Chs. SPS 381-387: Plumbing](#)
- (j) [Ch. PSC 114: Wisconsin State Electrical Code, Volume 1](#)
- (2) **International Codes.** Further, the village hereby adopts certain International Codes pursuant to the Wisconsin Administrative Code sections adopted herein, including but not limited to the IBC, International Building Code; the IECC, International Energy Conservation Code; the IMC, International Mechanical Code; the IFGC, International Fuel Gas Code; and the IEBC, International Existing Building Code, subject to the modifications specified in the Wisconsin Administrative Code. Copies of said International Codes may be obtained as set forth in SPS 361.05 of the Wisconsin Administrative Code.

Section 14.2.05: Other Requirements

- (1) **Applicability of Uniform Dwelling Code.** In addition to applicability under [Chs. SPS 320-325: Uniform Dwelling](#), the Wisconsin Uniform Dwelling Code is applicable to the following within the village:
 - (a) All applicable activities under Section 14.2.01(b) for single- and two-family dwellings regardless of when the dwelling was originally constructed.
 - (b) All applicable activities under Section 14.2.01(b) for residential accessory buildings, such as detached garages.
 - (c) All repairs to a mobile home, and all additions or alterations to a manufactured home.
- (2) **Grading.** No permit shall be issued if the proposed project and grades would, in the opinion of the Building Inspector:
 - (a) Result in negative slope towards the building foundation, or other grading conditions that would likely cause property damage.
 - (b) Unreasonably and negatively affect adjoining properties.
 - (c) Obstruct the natural flow of water, unless suitable provision is made for flow adjustment as approved by the Inspector, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.
 - (d) Be contrary to applicable village, County, or State rules related to erosion control or stormwater management.
- (3) **Stormwater Drains.** No building shall be erected, nor shall existing provisions for conveyance of water from the roof of any building be altered or replaced, unless provision is made to convey water from the roof of the building in such a manner that directs water away from the foundation and does not, directly or indirectly, result in storm water entering the sanitary sewer system.
- (4) **Certification of Footing Elevations and Setbacks.** After the forms for the footings are prepared, and before such footings are poured, the permit holder shall present the Building Inspector with written certification from a registered surveyor or engineer that the actual elevation and setback of the footings are in conformity with the original plan submitted by the permit holder, unless the Inspector determines that through his or her inspection that actual elevation and setback are in reasonable conformity with the original plan.

ARTICLE 3: PLUMBING, ELECTRICAL, AND HVAC SYSTEMS

Section 14.3.01: Purpose and Applicability

- (1) **Purpose.** This Article provides certain minimum standards, provisions, and requirements for electrical, plumbing, and heating, ventilation, and air conditioning (HVAC) equipment and systems within and serving buildings, other structures, and/or sites.
- (2) **Applicability.**
 - (a) The provisions of this Article shall apply to every person who furnishes or performs plumbing, electrical, and/or HVAC services in the village, or who owns, sells, leases or lets for hire, uses, designs, installs, repairs, operates, maintains or grants possession of any equipment, materials, or apparatus relating to said services in the village, with further provisions as follows:
 1. Except for an owner of a single-family building owned and occupied by him as his or her home or farm building, or as otherwise excepted under § 145.06 of Wisconsin Statutes, no person may obtain a Plumbing Permit unless the person is licensed or registered pursuant to Chapter 145 of Wisconsin Statutes.
 2. Except for an owner of a single-family building owned and occupied by him as his or her home, or unless otherwise exempted by law, no person may obtain an Electrical Permit unless that person is licensed pursuant to § 101.82 of Wisconsin Statutes.
 - (b) Except as indicated in subsection (2)(c), the provisions of this Article shall apply to the installation, expansion, or alteration of and to plumbing, electrical, or HVAC systems serving all single- and two-family dwellings and their accessory buildings and sites; and to the installation, expansion, or alteration of and to electrical systems serving all commercial buildings and sites; including but not limited to:
 1. Replacement of major equipment, including furnaces, central air conditioners, water heaters, and electrical panels, including those serving any mobile or manufactured home building or community.
 2. Any plumbing, electrical wiring, of HVAC installation or alteration associated with new building construction or remodeling projects, including for each accessory and storage building, swimming pool, and mobile or manufactured home building or community.
 3. Any solar photovoltaic (PV) system; ~~and plumbing, electrical equipment, structural, and HVAC system associated with any other alternative telecommunications or energy-generating system or telecommunications tower or systems defined in Section 14.7.03.~~
 4. Similar activities as those listed above, as determined by the Building Inspector.
 - (c) Except as explicitly provided in the sections of this Article that follow, the provisions of this Article shall not apply to:
 1. Ordinary maintenance and repairs of plumbing, electrical, and HVAC equipment or systems, including replacement of replacing switches, dimmers, fixtures, and fuses. If, during the course of such ordinance maintenance or repair, additional HVAC, electrical, or plumbing work meeting the criteria in subsection (b) is required, then this Article shall apply, except for projects described under subsection (c)(1).

2. Any person manufacturing or requiring electrical apparatus and equipment, and employing a State electrical contractor's certification, for his or its testing equipment.
3. Private or public utilities engaged in the distribution and sale of heat, light, electricity, and/or power, except within buildings designed to house corporate functions for such utilities.

Section 14.3.02: Permit Requirement.

- (1) **Generally.** No person may commence construction of any project meeting the criteria in Section 14.3.01(2)(b) prior to obtaining a valid permit from the Building and/or Electrical Inspector, on a form provided by said Inspector.
- (2) **Contents of Application.** Each applicant for a permit under this Article shall provide the Inspector with a complete application, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Inspector, consisting of the following:
 - (a) Completed application form furnished by the Inspector, which shall at minimum include the parcel number and address; the names, addresses, email addresses, and phone numbers of the owner of the building, owner of the land on which the building is or will be located, business owner if different, designer, and contractor; and a written description of the project for which a permit is sought.
 - (b) If for a permit for temporary service, the period of time for which such equipment is proposed to remain in service.
 - (c) Required application, completion surcharge, and other fees per Section 14.1.08.
 - (d) Such other information as the Building Inspector may require to evaluate the application against the requirements of this Chapter.
- (3) **Compliance with Fire Code.** All projects shall also comply with Chapter 34, Article II (Fire Prevention). The associated Inspector and Fire Chief shall collaborate on all permits required under Chapters 14 and 34 that potentially overlap, and may issue a single permit in cases where such overlap exists.

Section 14.3.03: Inspections and Occupancy

Provisions are identical to those in Section 14.2.03.

Section 14.3.04: Applicable Regulations

Provisions are identical to those in Section 14.2.04.

Section 14.3.05: Other Requirements

The following provisions shall apply to all work in the village, including for commercial buildings except where specifically exempted below:

- (1) **Temporary Service.** Each approved temporary electrical service, as specified in the associated application and permit, shall be cut off at the end of the period specified in the associated permit, and shall not again be connected without written permission from the Electrical Inspector. For buildings in which conduit wiring is required, special permits for temporary service may be granted by the Electrical Inspector for the installation of open work and exposed wiring, lights, power for building operations,

display, decorative lighting, etc., for a limited period, subject to discontinuance and complete removal at the expiration and subject to condemnation and revocation within such period.

- (2) **Emergency Service.** For any emergency electrical service or work, the person doing such work or causing such work to be done shall report the same to the Building or Electrical Inspector immediately after beginning work, and such work shall be done in accordance with the provisions of this Chapter. The Inspector shall determine the need for any after-the-fact application and fee for such emergency service and inspection, within the confines of the fee schedule established by the Village Board.
- (3) **For Plumbing.**
- (a) **Connection Fee.** No connection to the municipal sewer or water systems may be made unless the connection fees as established by the Village Board have been paid.
 - (b) **Licensed Plumber to Do Work.** Except as provided in Section 145.06 of Wisconsin Statutes, no person except a plumber licensed therefor shall be permitted to tap or make connections with the municipal water or sewerage systems or any part thereof.
 - (c) **Location of Lateral Connection Points.** Connections to municipal water or sewer mains shall be per lateral connection point, main diameter, and other information from the Director of Public Works, if available, with the village assuming no risk as to the accuracy of the same. If the lateral connection points are not found using information so provided, connections shall be made as provided in SPS 3 of the Wisconsin Administrative Code.
 - (d) **Connections to Active Mains.** Whenever it is necessary to disturb a water or sewer main in actual use, its use shall not be obstructed, disconnected, or otherwise affected without the permission and to the specifications of the Director of Public Works.
 - (e) **Connecting During Freezing Weather.** No opening in the street for making connection with a water or sanitary sewer main sewer shall be permitted when the ground is frozen, except when the Director of Public Works or designee judges such connection necessary. If such permission is granted, the work shall be done to the specifications of and in the timeframe specified by the Director of Public Works or designee.
 - (f) **Timing of Sanitary Sewer and Water Main Connections.** No work shall be done to connect any building to any public sanitary sewer or water main until:
 - 1. Such building is completely enclosed by roof.
 - 2. The outside walls are backfilled to rough grade.
 - 3. All sewer and water lines within the building that will be covered by basement floors, or by the footing and subfloor for buildings without basements, have been inspected and approved by the village Inspector
 - 4. A functional sump and sump pump have been installed in the basement, if required by the Inspector.
 - (g) **Damaging Plumbing Prohibited.** No person shall intentionally, willfully or maliciously damage or obstruct any sewer, house drain, catch basin, or any plumbing fixture or apparatus, pipe or other part of any plumbing in actual use, any sewer or gas pipe, or any part or apparatus connected therewith, laid or constructed in a street, alley, or other public place or under any sidewalk of the village.

- (4) **For Electrical.** When the Electrical Inspector finds electrical equipment to be in a dangerous or unsafe condition, he or she shall order the person owning, using, operating, or installing the same to place them in a safe condition. Upon failure of the owner to comply with the order of the Electrical Inspector, the Inspector may enter upon the premises with such assistance as may be necessary, causing the existing conditions to be corrected. Enforcement shall otherwise be per Section 14.1.10.
- (5) **For HVAC**
- (a) Windows and Ventilation ~~(except for commercial buildings)~~
- ~~Every living, sleeping, kitchen, or bathroom shall have available natural light and ventilation, as dictated by the occupancy of the building for habitable rooms shall meet SPS 321.05 (1) – (3) of the Wisconsin Administrative Code.~~ Natural light and ventilation, as dictated by the occupancy of the building for habitable rooms shall meet SPS 321.05 (1) – (3) of the Wisconsin Administrative Code.
 - Exhaust ventilation ~~shall be installed~~ ~~Per SPS 323.02~~ shall be installed in all toilet rooms, except those having only one fixture and in which the window area is greater than four square feet and more than two square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two cubic feet per minute per square foot of floor area.
 - ~~Habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one air change per hour. All required exhaust vents shall terminate outside the structure.~~
- (b) Heating. ~~Except within commercial buildings, all~~ All habitable rooms shall be provided with a permanently connected heating system, maintained in a safe and efficient condition by a qualified person. The system shall be capable of maintaining a minimum temperature of 67 degrees Fahrenheit when the outdoor temperature is above 0 degrees Fahrenheit and a minimum temperature of 60 degrees when the outdoor temperature is 0 degrees Fahrenheit or lower, absent the wind-chill factor, meet the design standards of SPS 323.02 of the Wisconsin Administrative Code.
- (c) Outdoor Solid Fuel Furnaces. Where permitted by zoning, each Outdoor Solid Fuel Furnaces shall meet requirements of Section 94.4.09(22) and, if serving a single- or two-family dwelling, shall require an HVAC permit per SPS 323.04(4) of the Wisconsin Administrative Code.

ARTICLE 4: BUILDING RELOCATION

Section 14.4.01: Purpose and Applicability

- (1) **Purpose.** This Article provides minimum standards and provisions for the safe, efficient, compatible, and non-damaging relocation of buildings within, to, or out of the village.
- (2) **Applicability.**
 - (a) The provisions of this Article shall apply to:
 1. Every person who provides building relocation services in or to the village, or who owns, sells, leases or lets for hire, uses, designs, installs, repairs, operates, maintains or grants possession of any equipment, materials, or apparatus relating to said services in the village.
 2. The relocation of all buildings, including buildings currently used for or accessory to residential, commercial, institutional, or industrial purposes, from one location in the village to another, from a location in the village to a location outside of the village, and from a location outside of the village to a location in the village.
 - (b) The provisions of this Article shall not apply to:
 1. The movement of buildings through the village, where neither the origin nor destination is the village. Instead, such activities are subject to village oversize/overweight permits per Chapter 82, Article I of the Municipal Code.
 2. The relocation of accessory structures that are not buildings, such as fences and signs.
 3. The location of new buildings or building components manufactured or assembled within a factory, sometimes intended to be partially or fully assembled within the village, including but not limited to mobile and manufactured homes.
 4. The location or relocation of manufactured homes or mobile homes into or out of the village.

Section 14.4.02: Permit Requirement.

- (1) **Generally.**
 - (a) No person may commence relocation of any building meeting the criteria in Section 14.4.01(2) prior to obtaining a valid relocation permit from the Building Inspector, upon a form which the Inspector shall provide, and payment of the associated fee per the fee schedule approved by the Village Board.
 - (b) See Section 14.3.02(2)(d) for the relationship between relocation permits and building permits. No certificate of occupancy under Section 94.16.10 shall be issued for the building until the Building Inspector determines that the relocation has been completed in accordance with the relocation permit and any required or requested building alterations have been fully completed.
 - (c) The applicant is responsible for obtaining any required County, State, or federal permits for building relocation and related activities, such as any permission to use highways under their jurisdiction.
- (2) **Contents of Relocation Permit.** Each relocation permit issued by the Building Inspector shall specify the following:
 - (a) The person or firm who is permitted to relocate the building.

- (b) Present location of the building, and location to which it is permitted to be relocated, by municipality if outside of the village or address and parcel number inside the village.
 - (c) Site or plot plans prepared by the applicant indicating the exact placement of the building at its present and proposed locations, where inside the village.
 - (d) The exterior appearance of the building as provided by the applicant, either through photographs if the building is not proposed for change or building elevations drawn to a recognized scale and indicating all exterior materials and colors if changes are proposed.
 - (e) The route proposed to be used for the relocation, including the street segments to be traversed and crossed and the entrance and egress routes within all applicable sites in the village.
 - (f) Executed insurance certificate and performance guarantee per Section 14.4.02(1).
 - (g) The date or timeframe within which the relocation will occur.
 - (h) Instructions for the discontinuance of gas, electrical, sanitary sewer, and water services at the current location if in the village.
 - (i) The right of the village to stop the moving operation if it becomes apparent that damage, with reasonable probability, will ensue if the operation is continued.
 - (j) Other conditions or modifications imposed by the Plan Commission under subsection (3)(c), or as determined reasonable by the Building Inspector to meet the purposes of this Article and Chapter.
- (3) **Plan Commission Authorization.** For any building to be relocated to a site inside of the village, the Building Inspector shall issue a relocation permit only following Plan Commission authorization, per the following procedure:
- (a) **Staff Review.** Once the Building Inspector has certified acceptance of a complete application, the Inspector shall authorize the public hearing, prepare a written evaluation of the application based on the criteria in subsection (3)(d) below and in consultation with the Police Chief and Director of Public Works, and forward a copy of the evaluation to the Plan Commission before the public hearing.
 - (b) **Public Hearing.** The Village Clerk shall schedule a public hearing before the Plan Commission to be held within 30 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 1 Notice and delivery to the owners of record of all lands within 300 feet of the boundaries of the subject property. Failure to mail said notice or meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (c) **Commission Action.** Within 15 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission, the Plan Commission shall take final action to authorize, authorize with conditions or modifications, or not authorize the relocation permit. Any action to authorize requires a majority vote of a quorum of the Commission members in attendance.
 - (d) **Review Criteria.** No authorization to relocate a building shall be made unless the Plan Commission finds that the following criteria are met:

1. The proposed building relocation is consistent with this Article; the Comprehensive Plan; the purpose of this Chapter, Chapter 94, and the zoning district to which the building is proposed for relocation.
2. The building, in its proposed location, bulk/volume, and architectural design, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, or other matters affecting the public health, safety, or general welfare.
3. No damage to the streets, curbs, sidewalks and paths, utilities, or street trees are expected; and removal of private vegetation or screening is minimized; or the applicant has provided a reasonable guarantee to replace such damage or mitigate such removal.

Section 14.4.03: Other Requirements.

- (1) **Insurance and Performance Guarantee.** Prior to the issuance of a relocation permit, the applicant shall file with the Building Inspector:
 - (a) A certificate of professional, commercial liability, personal injury, and property damage insurance for the person or firm relocating the building in amounts determined by the Village Attorney and listing the village as an additional named insured. Such insurance shall not be cancelled or reduced before the relocation is completed.
 - (b) A performance bond, cash deposit, or other performance guarantee approved by the Village Attorney, in an amount determined by the Director of Public Works but not less than \$1,000, to enable the village to repair any damage to public streets or other public infrastructure damaged or removed as a result of the building relocation, if the permittee fails to do so per subsection (6). The village shall release such guarantee only upon the Director of Public Works' determination that no such damage or removal has occurred, or the damage has been repaired or replaced per subsection (6).
- (2) **Condition Determination.** Prior to the issuance of a relocation permit, the Building Inspector shall determine that the building is in a sound and stable condition and of such construction that it will meet the requirements of the Article 2 in all respects. Should the Inspector determine that any repairs, improvements, or remodeling is required to assure that the building is such condition, the permittee shall make such repairs, improvements, or remodeling before the building is relocated from the premises, based on plans prepared by the permittee and approved by the Inspector.
- (3) **Utility Discontinuance.** At least 30 days prior to the commencement of relocation, the permittee shall notify in writing all public and private utilities with services to the building of the proposed relocation, requesting instructions for the discontinuance of such services. As provided by such instructions or otherwise by law, the permittee shall discontinue all such services, remove all meters and regulators, and cap and close any well and private on-site waste treatment system prior to the commencement of building relocation to the extent possible. All sewer and water laterals shall be located and sealed at a point outside the foundation line, with the plug or seal not be covered until inspected and approved by the Building Inspector.
- (4) **Accessory Structures.** The relocation of the principal building from a lot shall require the permittee to razing or relocate all accessory buildings and structures on that same lot, unless relocation is proposed to accommodate a new principal building on the same lot with construction commencing within six months of relocation. Should construction of such new principal building not actually be commenced in such

timeframe, upon order of the Building Inspector such accessory buildings and structures shall be immediately raised by the permittee or by the property owner at the time.

- (5) **Building Movement.** The movement of any building pursuant to a relocation permit shall be continuous and uninterrupted until the move is fully completed, with the least possible obstruction to streets as determined by the Director of Public Works. The permittee shall place flags during daylight hours or lighted warning flashers in darkness in conspicuous places at each end of the building during its movement. No building shall be allowed to remain overnight upon any public street or public property.
- (6) **Potential Infrastructure Restoration.** Following relocation of the building, the Director of Public Works shall inspect the affected streets, other public infrastructure, and public or private property in the village. If, in the Director's opinion, the movement of the building has caused any damage to any street, infrastructure, or property in the village, he shall so direct the permittee in writing and indicate the required restoration. The permittee shall restore such street, infrastructure, or property as directed. On the failure of the permittee to do so within ten days thereafter to the satisfaction of the Director, the village shall repair the damage, drawing from the performance guarantee or otherwise charging the permittee for the full cost of such restoration.
- (7) **Restoration of Site from which Building Relocated.** The permittee shall, at any site in the village from which a building has been relocated:
 - (a) Immediately upon building relocation, erect adequate barriers to guard any exposed excavation caused by the removal of the building in the village from being a safety hazard, unless the excavation is immediately filled per subsection (b).
 - (b) Within 30 days following building relocation:
 - i. Remove all rubble, rubbish, and other debris from the excavated area and other locations on the site to a licensed solid waste disposal facility or another site that will allow the deposit of such materials under all State and village laws, ordinances, and regulations.
 - ii. If not completely removed, break up the basement floor slab to allow free vertical drainage and excavate all basement walls to a point four feet below finish grade.
 - iii. Verify that all utilities, openings, pipelines, drains, and similar have been properly capped and otherwise discontinued, and complete any remedial action to complete such discontinuance.
 - iv. Fill all basements, crawlspaces, and other excavated areas and voids resulting from the building relocation to within four inches of finished grade. All fill shall be granular material free from debris and organic material, placed in layers of 12 inches or less, and compacted to not less than 95 percent of Modified Proctor (ASTM D-1557).
 - v. Grade the excavation and all other disturbed areas to not greater than a 3:1 slope.
 - vi. Spread a layer of arable topsoil capable of supporting perennial grasses over the disturbed area to a minimum depth of four inches, and install silt fence, silt socks, or other measures to ensure proper erosion control.
 - vii. Seed the site with a perennial grass capable of survival in climate zone six and water and otherwise maintain until the grass is established.

On the failure of the permittee to perform any of the above actions, the village may instead perform said action(s), drawing from the performance guarantee or otherwise charging the permittee or property owner for the full cost of such action(s).

- (8) **Inspections.** Each permittee shall, within 24 hours after the relocation has occurred and within 24 hours after seeding the site in the village from which the building was relocated per subsection (7), report such

actions to the Building Inspector. The Inspector shall thereupon inspect the site(s), inform the Director of Public Works so that he or she may perform duties under subsection (6), and direct any remedial action required to ensure compliance with this Article and the permit. The Building Inspector may inspect the site(s) in the village at any other time to verify compliance.

ARTICLE 5: BUILDING DEMOLITION

Section 14.5.01: Purpose and Applicability

- (1) **Purpose.** This Article provides minimum standards and provisions for the safe, orderly, and supervised wrecking, razing, or demolition of buildings.
- (2) **Applicability.** The provisions of this Article shall apply to:
 - (a) Every person who provides building demolition services in or to the village, or who owns, sells, leases or lets for hire, uses, designs, installs, repairs, operates, maintains or grants possession of any equipment, materials, or apparatus relating to said services in the village.
 - (b) Buildings greater than 100 square feet in area that are proposed for demolition, razing, or destruction and removal from a property on which they are constructed in the village.

Section 14.5.02: Permit Requirements

- (1) **Generally.**
 - (a) No person may commence demolition of any building meeting the criteria in Section 14.5.01(2)(b) prior to obtaining a valid demolition permit from the Building Inspector, upon a form which the Inspector shall provide, and payment of the associated fee per the fee schedule approved by the Village Board.
 - (b) The applicant is responsible for obtaining any required County, State, or federal permits for demolition and related activities, such as the proper form for notification of Demolition and/or Renovation and Application for Permit Exemption with the Wisconsin Department of Natural Resources.
- (2) **Contents of Demolition Permit.** Each demolition permit issued by the Building Inspector shall specify the following:
 - (a) The person or firm who is permitted to demolish the building.
 - (b) Present location of the building, by address and parcel number.
 - (c) Site or plot plan prepared by the applicant indicating the exact placement of the building on the site.
 - (d) Executed insurance certificate per Section 14.5.03(1), except where waived under that subsection.
 - (e) The date or timeframe within which the demolition will occur.
 - (f) Approved method of demolition, and any conditions associated with approved method.
 - (g) Instructions for the discontinuance of gas, electrical, sanitary sewer, and water services.
 - (h) The right of the village to stop the demolition operation if it becomes apparent that damage beyond that intended, with reasonable probability, will ensue if the operation is continued.
 - (i) Other conditions as determined reasonable by the Building Inspector to meet the purpose of this Article or this Chapter.

Section 14.5.03: Other Requirements

- (1) **Insurance.** Prior to the issuance of a demolition permit, the applicant shall file with the Building Inspector a certificate of professional, commercial liability, personal injury, and property damage insurance for the person or firm demolishing the building in amounts determined by the Village Attorney and listing the village as an additional named insured. Such insurance shall not be cancelled or reduced before the demolition is complete. The Inspector may waive this insurance requirement in the event he or she determines that the risk to the public and damage to other properties is negligible and the building is set back from all property lines at least 10 feet or a greater distance equal to its height.
- (2) **Utility Discontinuance.** At least 30 days prior to the commencement of demolition, the permittee shall notify in writing all public and private utilities with services to the building of the proposed demolition, requesting instructions for the discontinuance of such services. As provided by such instructions or otherwise by law, the permittee shall discontinue all such services, remove all meters and regulators, and cap and close any well and private on-site waste treatment system, prior to the commencement of building demolition to the extent possible. All sewer and water laterals shall be located and sealed at a point outside the foundation line, with the plug or seal not be covered until inspected and approved by the Director of Public Works or designee.
- (3) **Property Protection and Dust Control.** The permittee shall install a snow fence, lighted barricade, or such other barrier around the demolition site, and shall maintain such barrier over the duration of demolition and until the excavation is filled per subsection (5)(b). If the demolition operation causes excessive dust in the determination of the Building Inspector, the building and site shall be sufficiently dampened or other dust control measures taken.
- (4) **Accessory Structures.** The relocation of the principal building from a lot shall require the permittee to raze or relocate all accessory buildings and structures on that same lot, unless relocation is proposed to accommodate a new principal building on the same lot with construction commencing within six months of relocation. Should construction of such new principal building not actually be commenced in such timeframe, upon order of the Building Inspector such accessory buildings and structures shall be immediately raised by the permittee or by the property owner at the time.
- (5) **Restoration of Demolition Site.** The permittee shall:
 - (a) Immediately upon building demolition, erect adequate barriers to guard any exposed excavation caused by the demolition from being a safety hazard, unless the excavation is immediately filled per subsection (b).
 - (b) Within 30 days following building demolition:
 - i. Remove all rubble, rubbish, and other debris from the excavated area and other locations on the site to a licensed solid waste disposal facility or another site that will allow the deposit of such materials under all State and village laws, ordinances, and regulations.
 - ii. If not completely removed, break up basement floor slab to allow free vertical drainage.
 - iii. If not completely removed, excavate all basement walls to a point four feet below finish grade.
 - iv. Verify that all utilities, openings, pipelines, drains, and similar have been properly capped and otherwise discontinued, and complete any remedial action to complete such discontinuance.
 - v. Fill all basements, crawlspaces, and other excavated areas and voids resulting from the building demolition to within four inches of finished grade. All fill shall be granular material

free from debris and organic material, placed in layers of 12 inches or less, and compacted to not less than 95 percent of Modified Proctor (ASTM D-1557).

- vi. Grade the excavation and all other disturbed areas to not greater than a 3:1 slope.
- vii. Spread a layer of arable topsoil capable of supporting perennial grasses over the disturbed area to a minimum depth of four inches, and install silt fence, silt socks, or other measures to ensure proper erosion control.
- viii. Seed the site with a perennial grass capable of survival in climate zone 4b and water and otherwise maintain until the grass is established.

On the failure of the permittee to perform any of the above actions, the village may instead perform said action(s), charging the permittee or property owner for the full cost of such action(s).

- (6) **Inspections.** Each permittee shall, within 24 hours after the demolition has occurred and within 24 hours after seeding the demolition site per subsection (5), report such actions to the Building Inspector. The Inspector shall thereupon inspect the site and direct any remedial action required to ensure compliance with this Article and the permit. The Building Inspector may inspect the site at any other time to verify compliance.

ARTICLE 6: ADDRESSING AND STREET NAMING

Section 14.6.01: Purpose and Applicability

- (1) **Purpose.** This Article provides for the uniform and standardized addressing of real property and naming of public streets, including requiring house and building numbers and street name signs to be placed in prominent and visible locations, in order to:
 - (a) Assist emergency and protective service departments and dispatchers quickly find the correct property to which to provide such services when required.
 - (b) Provide a database for village records and enhanced 911 services.
 - (c) Minimize future street name and addressing conflicts.
 - (d) Comply with the addressing guidelines published in U.S. Postal Service Publication 28.
- (2) **Applicability.** This Article shall apply to the naming of public streets and certain private streets and to the addressing of all addressable structures, property, and parcels within the Village of Weston.

Section 14.6.02: Administration

- (1) **Department Responsibilities.** The Village of Weston Planning and Development Department (hereinafter the “Department”) shall have the authority to implement, administer, and enforce provisions of this Article, including but not limited to the following duties:
 - (a) Assigning address numbers in accordance with this Article.
 - (b) Maintaining an address database, including mapping.
 - (c) Approving and assigning new street names in accordance with this Article.
 - (d) Assembling, update, and maintain an official list of all street names throughout the Village for use by all jurisdictions.
 - (e) Providing, in the appropriate format, assigned address information to Marathon County Geographic Information System (GIS), the local U.S. Post Office, Everest Metro Police Department (EMPD), [South Area Fire and Emergency Response \(S.A.F.E.R.\)](#), and Marathon County Sherriff’s Department Administration/E911 Emergency Services.
 - (f) Providing assistance and information regarding addressing to local jurisdictions and agencies, including creation and maintenance of the Village of Weston Property Address Guide in cooperation with County and emergency services providers.
 - (g) Otherwise cooperate with other departments, County, and emergency service providers in the administration of this Article.
- (2) **Plan Commission Role.** The Department Director shall have the discretion to refer any disputed matter under this Article to the Plan Commission for final resolution by majority vote of its members in attendance, per Section 14.1.07.

Section 14.6.03: Street Naming

- (1) **Generally.**

- (a) The following types of streets shall be named:
 - i. Each existing, new, or extended public street.
 - ii. Each new or extended private street that serves, or in the determination of the Department potentially serves, three or more users, including within each manufactured home park and campground.
- (b) All street names shall be approved or selected by the Department and by the appropriate County department.
- (c) Once the Department approves a street name, it shall add the name to the Official Street Name List.
- (d) For streets within subdivisions, land divisions, and condominiums, street names shall be indicated on the final plat map, certified survey map, or condominium plat.
- (e) For other new streets or the naming of unnamed streets, the owner or owners and/or contract buyers of properties abutting said street may request an official name for a street. In such events, the owner(s)/buyer(s) shall provide the Department with a prioritized list of a minimum of three names acceptable to a majority of the property owners abutting the street.
- (2) **Street Naming Protocols.** In selecting street names, the following protocols shall be employed:
 - (a) The name of each new street shall not duplicate the name of any existing street in the County. The Department shall check and reserve proposed street names with the appropriate County department prior to Department approval and recording of the name.
 - (b) Names of similar pronunciation and/or spelling shall be prohibited (examples: Briar Lane-Brier Lane, Merry Lane-Mary Lane).
 - (c) Variations of the same name with a different street designation shall be prohibited within the first word of the two-word title or in the street suffix (examples: Pine Street-Pine Drive-White Pine Road, Lilly Road-White Lilly Lane).
 - (d) No street name shall consist of more than 30 letters and/or spaces including the street suffix.
 - (e) No street name shall contain the words North, South, East, or West, or any combination thereof. Use of standard suffixes, directional suffixes, or prefixes as road names shall not be permitted.
 - (f) Special characters in road names such as hyphens, apostrophes, or dashes shall not be permitted.
 - (g) Street names that are not readily capable of pronunciation or would be distasteful to a reasonable person are prohibited.
 - (h) All named streets that extend from incorporated areas into unincorporated areas shall retain the same name.
 - (i) Centerline alignment street name standards should be observed for non-continuous streets, unless there is no possibility for extension of the street to make it a continuous through street.
 - (j) A newly established street with less than a 125 foot centerline alignment offset from an existing street at an intersection with a third street shall continue the same street name. A newly established street, which has more than a 125 foot centerline offset from an existing street at its intersection with a third street shall be assigned a new name.

- (k) For the purposes of addressing developments with multiple buildings in a single complex (commercial, industrial, office, residential, or a combination thereof), a street centerline may be established and named from which to assign addresses. For instance, within a commercial shopping center or multi-family residential development, a fire lane or main drive may be established and named for addressing purposes so that addresses may be derived from the designated street centerline.
- (l) Except as may be otherwise approved by the Department, the following street name suffixes shall be used for the different classes of streets:
- i. Primary roads designed to carry traffic from one sector to another within the County: Freeway, Highway, Parkway, County Road.
 - ii. Arterial and collector roads designed to carry limited through traffic while also providing access from private driveways and smaller local roads: Road, Street, Avenue, Drive, Boulevard.
 - iii. Local streets with two termini on the same intersecting street: Loop, Circle, Way.
 - iv. Local streets which are permanent dead ends: Court, Place, Circle, Way.
 - v. Other local streets: Lane, Trail, Drive, Street, Terrace, Avenue.
- (3) **Naming and Renaming of Existing Streets.** The names of all streets properly named shall be designated as their official street names. The Department or property owners abutting an existing street which has an existing name may petition the Village Board for a name change. Property owner requests for name changes shall be approved by the owners of 100 percent of the land abutting the street, and shall be accompanied by a property owner commitment for street sign replacement. The Board may authorize a street name when it is found to be in the public interest and meets the naming requirements of this Article.

Section 14.6.04: Addressing

(1) **Generally.**

- (a) Each property owner is responsible for displaying proper address identification on the principal building or land on each addressed parcel, in accordance with this section, Section 14.6.05, and as assigned or approved by the Department.
- (b) The Department shall document address assignments for the village's address database; notify the property owner in writing using the latest Marathon County Land Records property information; and notify [South Area Fire and Emergency Response \(S.A.F.E.R.\)](#), [Everest Metro Police Department \(EMPD\)](#), E911, the County, the local office of the U.S. Postal Service Office, and other agencies as the Department determines necessary.
- (2) **Content.** Arabic numbers shall be used to indicate the assigned or approved street address. Script and Roman numerals cannot be used alone, but may be used in addition to Arabic numbers.
- (3) **Display.** The assigned street address shall be conspicuously displayed for every house and other principal building. Numbers shall be clearly readable from the addressed street at all times of the year and shall contrast with background colors (e.g., black on white) pursuant to the *International Fire Code*. If the house or other principal building is more than 75 feet from the nearest edge of street pavement, or is otherwise not clearly visible from the street in the Department's determination, ~~the address shall be posted on a flag/fire sign~~ as described in Section 14.6.05(3) or on an alternative structure if desired by the property

owner per Section 14.6.05(4). Such address shall be posted near the intersection of ~~the building's~~ access driveway and the street, or an alternate location approved by the Department if the driveway does not access the street on which the building is addressed.

- (4) **For Single- and Two-Family Residences.** Each such dwelling unit shall have address numbers, not less than four inches high, placed on the exterior wall of the principal building that faces closest to the street or service drive providing access to the building. Each such unit shall also have street numbers placed on its respective mail box, except as otherwise allowed below. Property owners constructing buildings located more than 75 feet from nearest edge of street pavement shall be furnished a flag/fire sign by the village at the time of issuance of the building permit, with the village posting such sign but the expense of such sign borne by the person to whom the building permit is issued as provided for in the village fee schedule. Fire/flag sign specifications are per Section 14.6.05(3). At the property owner's request and full expense, the Plan Commission may approve display of addresses on an alternative structure per Section 14.06.05(4). If the mailbox is on a different street from the dwelling unit's address, the address and street name must also be inscribed on the mailbox.
- (5) **For Multi-Family Residences.** Each building containing multi-family residential units shall have address numbers placed on its exterior building wall facing the street service drive or parking lot and located adjacent to the individual unit entrances to the buildings. Size and location of address number placement shall be approved by the Zoning Administrator or their designee prior to occupancy permit issuance. At the entrance of each service drive, there shall be a directory listing of the street numbers and building identifications that are accessible from the said street, service drive, or parking lot. Numbers identifying the individual units must be placed on the primary entrance of each dwelling unit.
- (6) **For Non-Residential Buildings.** Each such building less than 75 feet in height shall have address numbers, not less than five inches high, placed at the exterior wall of the principal building facing the street, service drive, or parking lot providing access to that building and located adjacent to any primary entrance door. Each such building 75 feet in height or greater shall have address numbers not less than 12 inches high located on the wall facing the primary street entrance. Only one street address shall be assigned per principal building. For buildings with more than one occupancy, a suite number (not a letter) shall be used to identify each individual unit, placed at the primary entrance to the unit. All such buildings with a rear service door shall conspicuously identify the occupant's name, street address, and suite number on said door, with contrasting and reflective letters and/or numbers not less than four inches in height. The address shall also be displayed on any freestanding sign associated with the non-residential building, if placed near the entrance of the addressed street.
- (7) **Timing of Address Installation.** Each permanent address sign required under this section shall be in place as soon as reasonably possible during construction. In the case of new houses or other new principal buildings, the address and building permit shall be placed on a temporary post or tree in front of the construction where it is visible from the street, and removed when the building is completed.
- (8) **Address Assignments—Generally.** The following are the general protocols that the Department, through its Zoning Administrator or designee, shall use in assigning addresses:
 - (a) For effective and efficient emergency services and enhanced 911, the Department shall provide for consistent and uniform addressing in coordination with the County.
 - (b) A building (commercial, industrial, office, residential, or combination thereof) with a number of entrances, each serving a separate occupant, shall be assigned one address and the individual units

shall be assigned unit or suite numbers on the outside of the building to be placed by the owner at unit or suite entrances.

- (c) A building (commercial, industrial, office, residential, or combination thereof) with common entrance(s) shall be assigned one address, with the building owner providing assigned individual unit or suite numbers inside the building at unit or suite entrances.
 - (d) Each multi-family residential building with common entrance(s), manufactured home park, and campground shall be assigned one address based on the addressing system coordinates. The owner shall be responsible for providing designated numbering of each individual unit before the Department assigns such address.
 - (e) For multiple buildings in a development (commercial, industrial, office, residential or combination thereof), it may be appropriate to establish a private street centerline for addressing purposes. Buildings would then be addressed using the established street centerline in accordance with numbering procedures in this ordinance.
 - (f) Vanity site addresses that do not conform to the Village's addressing grid shall not be permitted.
 - (g) Projects requiring site plan review shall be assigned addresses as part of the site plan review process. The arrangement of buildings and vehicular travel aisles and the implications to addressing shall be considered when preparing and reviewing site plans.
 - (h) The Village Board may adopt by resolution additional addressing guidelines, which the Department shall utilize to provide solutions for situations not adequately covered by this Section.
- (9) **Address Assignments—with Relation to Streets.** The following are the general protocols that the Department, through its Zoning Administrator or designee, shall use in assigning addresses with relation to streets:
- (a) Even address numbers shall appear on the north and west sides of streets and odd numbers on the south and east sides, unless the street changes direction and then the numbering shall follow the grid for the majority of the direction the street runs.
 - (b) Streets that have a definite north-south directional course shall be addressed using the north-south address grid. Streets that have a definite east-west directional course shall be addressed using the east-west address grid. Streets which do not have a definite directional course shall utilize the grid of the prominent street direction, as approved by the Department.
 - (c) A diagonal or meandering street shall be assigned numbers depending upon the address baseline that it most favors.
 - (d) For circle streets, the numbering shall start at the intersection point of the street closest to the address origination point and shall proceed in a clockwise direction using a consecutive numerical order with the odd/even numbers based on the starting point of the circle street as if the street were straight.
 - (e) For loop streets, the beginning of the street is designated by the closest intersection to the origination point, with addresses increased numerically to that point that is furthest from the origination point.
 - (f) Each property with a driveway shall be assigned an address based on a primary access point on a named street or common driveway, except in unique circumstances as determined by the Department.

- (g) Each property that has multiple driveways shall have a primary access point designated by the property owner that the Department will be used for addressing. If the property owner does not designate this primary access point, the Department shall make the determination.
 - (h) For each property accessed by a common driveway, the Department shall assign a primary access point, which shall be used to assign an address.
 - (i) All developments produced as a result of subdivision plat, certified survey map, or condominium plat, and that otherwise require the establishment of driveways to streets shall have primary access points designated during the development approval process. These points shall be utilized to assign addresses to the associated lots.
- (10) **Changes and Corrections to Existing Addresses.** The Department may approve or direct changes or corrections to existing addresses, using the protocols in this section, in one or more of the following circumstances:
- (a) The Department has identified an addressing error.
 - (b) Site address is out of sequence or there is an odd/even error on the street segment.
 - (c) Site where addresses of one or both neighboring parcels were assigned in such a way that there is no address available for a vacant lot(s).
 - (d) Change of access point for the building or parcel.
 - (e) Street name change.
 - (f) Any other reason that that the Department determines provides just cause and is consistent with the purpose of this Article.

The Department shall document all such changes and corrections for the village's address database, notify the property owner in writing using the latest Marathon County Land Records property information, and notify [South Area Fire and Emergency Response \(S.A.F.E.R.\)](#), [Everest Metro Police Department \(EMPD\)](#), E911, the County, the local office of the U.S. Postal Service Office, and other agencies as the Department determines necessary.

Section 14.6.05: Street Name and Address Signing

- (1) **Street Signs.** Street signs shall be designed, constructed, and installed at all intersections in conformance with associated standards of the Village of Weston Department of Public Works. the person or entity requesting the naming or renaming of a street shall be responsible for the cost of the sign and its installation, except as may be otherwise provided by development agreement under Section 74.7.03 or approved by the Village Board.
- (2) **Address Numbers.** Except where provided under subsection (3), it shall be the responsibility of the property owner to supply, install, and continuously maintain address numbers in accordance with Section 14.6.04.
- (3) **Flag/Fire Signs.** ~~Except per subsection (4),~~ Flag/fire signs shall be provided by the village for new addresses when the building is located more than 75 feet from the nearest edge of street pavement or when the building is not clearly visible from the street in the Department's determination, at the cost of the property owner for material and installation, per the following:

- (a) The sign shall be two-sided flag style and reflective.
- (b) The name of the village shall be above the number with the road name below the number.
- (c) The sign shall be posted by the village.
- (d) The sign shall be placed a maximum of 15 feet from the intersection of the driveway access to the property and the street right-of-way.
- (e) The sign shall be installed on the left side of the driveway as viewed from the street, and the numbers shall be perpendicular to the street.
- (f) The sign shall be installed between 3 ½ and 4 ½ feet from the ground level and shall not be concealed from view of the road.
- (g) At the discretion of the Department, alternate posting requirements for a property may be necessary due to utilities, structures, or other obstructions within the normally specified sign location or height.
- (h) After installation, the property owner shall maintain the flag/fire sign, which shall include clearing vegetation and keeping the sign in a condition so it is easily visible and legible at all times. If the sign is damaged, destroyed, or removed, the property owner shall immediately notify the village, which shall order and install a replacement sign at the cost of the property owner.

(4) **Alternative to Fire/Flag Sign.** At the written request and full expense of the property owner, the Plan Commission may approve address installation on an alternative structure rather than installation of a flag/fire sign. Such request shall be prepared with reference to subsections 3(a)-(g), and shall be accompanied by:

- (a) A site plan for the property showing, at a minimum, the location of the proposed sign relative to lot and street right-of-way lines, street pavement edges, driveways, and existing and proposed structures or vegetation that may impede public visibility of the sign.
- (b) A diagram of the proposed sign, drawn to a recognized scale, and listing and depicting the type, materials, structural support, height, and width of the sign, plus proposed location, height, and font of the address number and related information.

The Plan Commission may approve the request as presented, approve the request with modifications, or reject the request. Upon approval and once installed, the owner shall maintain the sign including clearing vegetation and keeping the sign in a condition so it is easily visible and legible at all times, and shall replace the sign and address information if either or both is damaged, destroyed, or removed.

~~(4)~~(5) **Sign Permit.** Street name and address signage do not generally require a sign permit under Section 94.13.02, except where the combined size of the address numerals (and street name if included with numerals) exceeds the maximum size in Section 94.13.02(8)(a). No fire/flag sign issued by the village or alternative under subsection (4) shall require a sign permit regardless of size.

ARTICLE 7: DEFINITIONS

Section 14.7.01: Introduction to Word Usage, Abbreviations and Definitions

The purpose of this Article is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration, and enforcement of this Chapter, and which may not be part of common English usage.

Section 14.7.02: Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words “shall,” “must,” and “will” are mandatory.
- (5) The words “may,” “can,” and “might” are permissive.
- (6) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) The word “Village” or “village” shall mean the Village of Weston, Wisconsin.
- (8) The word “County” shall mean the County of Marathon, Wisconsin, except where its context clearly requires otherwise.
- (9) The word “State” shall mean the State of Wisconsin.
- (10) The word “Plan Commission” shall mean the Village of Weston Plan Commission.
- (11) The words “Board of Trustees” and “Village Board” shall refer to the Village of Weston Board of Trustees.

Section 14.7.03: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Any item not defined herein shall follow the Wisconsin Administrative Code definitions.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall.

Agent: The person, partnership or corporation who signs the application for a permit for the owner of the parcel.

Alteration: A substantial change or modification other than an addition or minor repair to a building or to systems within a building.

Basement: A portion of a building located partly underground, but having one-half or less of its floor to

ceiling height below the average grade of the adjoining ground. Also referred to as “cellar”.

Building: A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals or chattels.

Building, accessory: A building that meets the following criteria:

- (1) Is subordinate to and serves a principal structure and/or principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter or Chapter 94; and
- (4) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building setback line: A line within a lot or other parcel of land so designated on the preliminary plat, between which line and the adjacent boundary of the street upon which the lot abuts the erection of a building is prohibited, as prescribed by Chapter 94.

Bulk (of a building): The combination of building height, size, and location on a lot.

Certificate of occupancy: See Section 94.16.10.

Comprehensive Plan: The adopted Comprehensive Plan of the Village, as may be from time to time amended, and as further defined in Section 94.17.04.

Construction: Any part or portion of the activity of installing, locating, siting, erecting, or raising a building.

Contractor: Any person, firm, or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies or materials.

Deck: A platform, raised above the ground surface, either freestanding or attached to a building, and supported by pillars or posts.

Driveway: An area defined by gravel, limestone, or paving located wholly within the boundaries of privately held property and intended as an access from the public right-of-way to an allowed parking space or area. It does not include parking spaces or areas, or turnarounds.

Dwelling: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and campgrounds.

Dwelling unit: A room or group of rooms providing or intended to provide permanent living quarters for not more than one family. Also “housing unit.”

Easement: Written authorization, recorded in the Register of Deeds’ office, from a landowner authorizing another party to use any designated part of the land owner’s property for a specified purpose.

Electrical: The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections that tie a structure to the power grid of an electric generating utility or distributes the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State or a person under the supervision of such an electrician.

Facade: That portion of the exterior vertical surface of a building extending from finished grade to the top of the parapet, wall, or eaves.

Family: An individual or two or more persons, each related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit; or a group of not more than four persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

Fixture: A plumbing device including, without limitation, sinks, bathtubs, wash basins, water closets, shower stalls, urinals, laundry tubs, water heaters of any type, range boilers, floor drains, catch basins, bubblers, sumps, bar connections, soda fountains, ice boxes, machine waste connections, acid tanks, ejectors and all plumbing fixtures and water-connected appliances, together with all changes or alterations where inspections are necessary; and house drain, sewer, water and fire protection installations, when no plumbing fixtures are installed.

Habitable: Any building, room, or portion thereof, designed and used for human habitation.

HVAC: An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

Manufactured home: A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC §§ 5401 to 5424, and includes any additions, attachments, annexes, foundation and appurtenances.

Manufactured home community: Any plot or plots of ground upon which three or more manufactured homes or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for the accommodation.

Mobile home: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty, and includes any additions, attachments, annexes, foundations and appurtenances.

Occupancy: The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.

Owner: The person, persons, or other legal entity having the right of legal title to a lot or parcel of land.

Plumbing: The trade that relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State or work under the supervision of such a plumber. Plumbing includes, but is not limited to:

- The construction, connection, or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.

- The water service piping from the outside or proposed outside foundation walls of any building to the water utility service terminal.
- Water pressure systems other than municipal systems.
- A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.
- Plumbing does not include minor repairs to faucets or the removal of stoppages in solid or waste pipes.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Principal use: Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

Private On-Site Wastewater Treatment System (POWTS): A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank where permitted under this Chapter, or alternative private sewage system located on the same lot as the principal building. Private on-site wastewater treatment systems are regulated under SPS 383 of the Wisconsin Administrative Code, other State regulations, and the County Sanitary Ordinance.

Property line: An outer boundary of a recorded lot or parcel, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the proper line for purposes of this Chapter.

Repairs: A maintenance or replacement activity in an existing building or structure that does not:

- Affect structural portions of the building or structure.
- Affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance.
- Increase a given occupancy and use.

Right-of-Way: A strip of land occupied or intended to be occupied by a public street and related purposes, walkway or pathway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

Setback: The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line.

Site plan: See Sections 94.3.03(10) and 94.16.09 of the Weston Municipal Code.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Swimming pool: Either an above ground or in-ground outdoor structure that contains a body of water in a receptacle or other container having a depth for water at any point greater than 18 inches below the adjacent ground or deck elevation; used or intended to be used solely by the owner, operator, or lessee thereof and his

family and invitees; and including all structural facilities, appliances, appurtenances, equipment, and other items intended to be used for the operation and maintenance of the swimming pool. Includes hot tubs, spas, and any other structure meeting the above definition. For the purposes of the associated regulations in this Chapter, a swimming pool does not include any pond or any pool that is designed to be readily and/or seasonally disassembled, stored, and reassembled to its original integrity, provided that pool wall height does not exceed 48 inches.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Yard: A required open space on a lot that is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.