

CHAPTER 27
BUILDING CODE

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BUILDING CODE

Sec. 27.01 Building Code Established

- a) **TITLE.** This Chapter shall be known as the “Building Code of the Village of Whiting” and will be referred to in this Chapter as “this Code” or this Chapter.”
- b) **PURPOSE.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.
- c) **PROVISIONS RELATING TO OFFICIAL MAP.** Regulations in this Chapter pertaining to permits, plat approvals, and penalties as they relate to the Official Map of the Village of Whiting are further specified in Section 27.19 of this Chapter. Where applicable, Section 27.19 takes precedence over other similar provisions of this Chapter.
- d) **GENERAL PERMIT REQUIRED.** No building, plumbing or electrical work, building moving or razing, or sign erection or parking lot construction shall be performed in the Village of Whiting unless a permit therefore is obtained as required in the provisions of this Chapter.
- e) **PAYMENT OF FEES.** All fees shall be paid to the Building Inspector an agent for the Village Clerk-Treasurer, and no permit shall be issued until fees as prescribed by this Chapter have been paid.
- f) **PERMIT LAPSES.** A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof. Permit shall also lapse if work is discontinued for a period of six (6) months or more and a new permit will have to be obtained before work can be started again.
- g) **REVOCAION.** If the Building Inspector shall find at any time that the above mentioned ordinances, laws, orders, plan and specifications are not being complied with, and that the holder of the permit refuses to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work there under until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the issuance of the permit, or a he may require for the preservation of human life and safety or property.
- h) **REPORT OF VIOLATIONS.** It shall be the duty of all police officers as well as other Village Officials to report at once to the Building Inspector any building, electrical or plumbing work or sign erection which is being carried on without a permit as required by this Chapter.
- i) **RECORDS.** The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report therein to the Village Board.
- j) **SURVEY.** The Building Inspector may require the builder to survey the lot being built on if corner markers are not in and lot lines cannot be accurately established without a survey. Certified surveys are required in the case of a land split.
- k) **FOUNDATION GRADE.** The minimum grade shall be eighteen (18) inches from the centerline grade of the street.

Sec. 27.02 Building Permits And Inspection

- a) **PERMIT REQUIRED.** No building of any part thereof shall hereafter be erected within the Village of Whiting or ground broken for the same, except as hereinafter provided, until a permit therefore shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term “building” as used in this Section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, sign, building moving, building razing, or anything affecting the fire hazards or safety of any building or structure.
- b) **APPLICATION.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.
- c) **DEDICATED STREET REQUIRED.** No building permit for any structure shall be issued unless the property on which the building is proposed to be built abuts a full street that has been dedicated for street purposes.
- d) **UTILITIES REQUIRED.**

- (1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required, and a receipt for payment of electrical hookup is presented to the Building Inspector.
- (2) Non-Residential Building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
- e) **PLANS**. With such application there shall be submitted two (2) complete sets of plans and specifications, including a plot plant showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the state Building Code shall bear the stamp of approval of the state department of Industry, Labor and human Relations. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two- family dwellings shall comply with the provisions of Chap. Ind. 20-09(4), Wis. Adm. Code.
- f) **WAIVER OF PLANS**. If the building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs of moving, provided the cost of such work does not exceed Two Thousand (\$2,000.00) Dollars.
- g) **APPROVAL OF PLANS**.
 - (1) If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Village and all applicable state laws and orders, he shall officially approve and stamp one set of plans, and shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After approval, the plans and specifications shall not be altered in any respect which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
 - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- h) **MINOR REPAIRS**. The Building Inspector may authorize minor repairs of alterations valued at less than Five Hundred (\$500.00) Dollars, which do not change the occupancy, area structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.
- i) **INSPECTION OF WORK**. The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, dry walling or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses.

Sec. 27.03 State Uniform Dwelling Code Adopted

- a) **STATE CODE ADOPTED**. The administrative code provisions describing and defining regulations with respect to one and two family dwelling in Chapters Ind. 20-25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Such Codes shall only fully apply to all new structures built since the State's enactment of the Uniform Dwelling Code in 1980 and to any addition as to structures that were built under the Uniform Dwelling Code. Any act required to be performed or prohibited by an administrative code provisions incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of these Chapters to secure uniform statewide regulation of one- and two-family dwellings in this Village of the state of Wisconsin. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's Office.
- b) **DEFINITIONS**.
 - (1) Addition. "Addition" means new construction performed on a dwelling which increase the outside dimensions of the dwelling.
 - (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) Department. "Department" means the Department of Industry, Labor and Human Relations.
 - (4) Dwelling. "Dwelling" means
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one or two dwelling units, or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

- (5) Minor Repair. “Minor repair” means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement light and ventilation, access to or efficiency of any exit stairways or exists, for protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair by the Building Inspector.
- (6) One- or Two-Family Dwelling. “A one- or two-family dwelling” means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
- (7) Person. “Person” means an individual, partnership, firm, or corporation.
- (8) Uniform Dwelling Code. “Uniform Dwelling Code” means those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in following chapters of the Wisconsin Administrative Code:
 - Wis. Adm. Code Chapter Ind 20 - Administrative and Enforcement
 - Wis. Adm. Code Chapter Ind 21 - Construction Standards
 - Wis. Adm. Code Chapter Ind 22 - Energy Conservation Standards
 - Wis. Adm. Code Chapter Ind 23 - Heating, Ventilating and Air Conditioning Standards
 - Wis. Adm. Code Chapter Ind 24 - Electrical Standards
 - Wis. Adm. Code Chapter Ind 25 - Plumbing and Portable Water Standards

c) **METHOD OF ENFORCEMENT.**

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

Sec. 27.04 Severability

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

Sec. 27.05 Construction Standards; Codes Adopted

- a) **PORTIONS OF STATE BUILDING CODE ADOPTED.** Chapter ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Section with respect to those classes of buildings to which this Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Building Inspector. Sections IND. 52.10 through 52.19 (Fire Protection) of said Code are hereby adopted and made a part of this Section with respect to all dwellings hereafter erected within the Village of Whiting.

- b) DWELLINGS. The term “dwellings” as used in this Section includes every building occupied exclusively as a residence by not more than two families.

Sec. 27.06 New Method and Materials

- a) All materials, methods of construction and devices designed for use in building or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code issued by the State Board of Health.
- b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer’s specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

Sec. 27.07 Unsafe Buildings

Whenever the Building Inspector and/or Village Board find any building or part thereof within the Village to be in their judgment so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and so that it would be unreasonably to repair the same, they shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs to repair and make safe and sanitary, or to raze and remove at the owner’s option. Such order and proceedings shall be as provided in Sec. 66.05(5), Wis. Stats.

ILHR 14.117 Dilapidated or vacant building

a) DILAPIDATED BUILDINGS.

- (1) Any building which for any reason is especially liable to fire and which is so located as to endanger other buildings or property shall be repaired and put in safe and sound condition or shall be torn down and all materials removed.
- (2) Conditions considered especially liable to fire shall include, but are not limited to the following.
 - a. Missing or rotten shingles or similar defects on the roof;
 - b. Loose, missing or rotten siding;
 - c. Needless wall openings;
 - d. Broken plastering;
 - e. Holes in floors, ceilings or partitions;
 - f. Cracked or defective chimneys; and
 - g. Other conditions determined hazardous by the fire chief.
- (3) The kind, form, manner or extent of repairs may be authorized by local ordinance when a building is damaged from any cause to an extent of more than 50% of its sound value.
- (4) Within 30 days of written notification, the owner of a dilapidated building as specified in par. (a) shall decide whether to repair or tear down the building. Within 30 days of the decision, the building shall be repaired or torn down and all material removed.

State Law Reference: Section 66.0413, Wis. Stats.

b) VACANT BUILDINGS.

- (1) Upon vacating or abandoning any premises, the owner shall remove all noxious and hazardous material or waste matter and such premises shall be left in a clean and neat condition.
- (2) Every person owning or in charge of or control of any vacant building shall remove all accumulations of flammable or combustible waste or rubbish and shall securely lock, barricade or otherwise secure all doors, windows and other openings.

Sec. 27.08 Electrical Code

- a) STATE CODE APPLIES. All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code, adopted the Department of Industry, Labor and Human Relations December 1, 1975 and amendments and revisions adopted to date, which is hereby made by reference a part of this ordinance except that the following shall apply:
- (1) Grounding. The primary ground for the main service entrance shall be the municipal water system and there shall be a secondary grounding of two electrodes as provided in the Wisconsin Code. Also a bonding jumper around the water meter must be installed unless grounding conductor is attached to the water piping system on the street side of the meter.

- b) PERMIT. No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Village Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations for such plan must be submitted to and approved by the Building Inspector.
- c) INSPECTION OF WORK. After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector, who shall at once inspect or cause to be inspected the same. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance, which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

Sec. 27.09 Plumbing Code

- a) STATE CODE APPLIES. The Construction reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wis. Adm. Code, Chapters H61, H62 and H 63 (State Plumbing Code) adopted by the State Board of Health, which is hereby adopted by reference as a part of this Chapter.
- b) PERMIT. No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made without first securing a permit therefore from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned alterations to be made, and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector.
- c) LICENSED PLUMBER REQUIRED. All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home provided that a permit is issued and the work is done in compliance with the provisions of this Chapter.
- d) INSPECTION OF WORK. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall at once inspector cause to be inspected the work. If he finds that the work conforms to the State Plumbing Code, he shall issue a certificate of compliance, which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the building Inspector. No person shall use or permit to be use any plumbing or drainage until it has been inspected and approved by the Building Inspector.

Sec. 27.10 Flammable Liquids and Flammable Gases

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

Sec. 27.11 Signs and Billboards

The erection of any sign, poster, billboard or other advertising material is expressly prohibited except.

- a) Legally constructed signs located on an owner's premises as provided in Zoning Chapter of the Whiting Code of Ordinances.
- b) Directional and highway signs erected by governmental bodies for the public safety or convenience.

Sec. 27.12 Fees

- a) **RESIDENTIAL BUILDING PERMIT FEES.** No residential building shall be erected, structurally altered or remodeled unless permit fees as provided by this Chapter are paid:
- (1) Single-Family Dwelling. The fee for erection of a single-family dwelling shall be Three Hundred Fifty (\$350.00) Dollars, which includes the building permit, electrical permit and plumbing permit.
 - (2) Two-Family Dwelling. The fee for erection of a two-family dwelling shall be Four Hundred Fifty (\$450.00) Dollars, which includes the building permit, electrical permit, and plumbing permit.
 - (3) Multiple-Family Dwelling. The fee for erection of a multiple family dwelling shall be Four Hundred Fifty (\$450.00) Dollars for the first unit and Fifty (\$50.00) Dollars for which additional unit which include the building permit, electrical permit, and plumbing permit.
 - (4) Addition. The fee for additions, alterations to residential dwellings or garage and storage buildings shall be:
 - a. Addition or alteration with permit for building, electrical and plumbing, Forty (\$40.00) Dollars.
 - b. Addition or alteration with permit for building and electrical, Twenty (\$20.00) Dollars.
 - c. Garage permit for building and electrical, Twenty (\$20.00).
 - d. Accessory yard building or fence permit, Ten (\$10.00) Dollars.
- b) **COMMERCIAL AND INDUSTRIAL PERMIT FEES.** The fee for erection or structural expansion of a commercial or industrial building (including schools, municipal buildings, churches, nursing homes) shall be Twenty-Five (\$25.00) Dollars for each additional Ten Thousand (\$10,000.00) Dollars and Twenty (\$20.00) Dollars for each additional Ten Thousand (\$10,000.00) Dollars of valuation or part thereof. The maximum permit fee for any one building shall be One Thousand (\$1,000.00) Dollars. The permit includes the building, electrical and plumbing permit.
- (1) Structural Alteration. Permits for the structural alteration of existing commercial or industrial buildings including plumbing and electrical work where no structural expansion is involved shall be Twenty-Five (\$25.00) Dollars for projects under Five Thousand (\$5,000.00) Dollars in cost and Fifty (\$50.00) Dollars for projects of Five Thousand (\$5,000.00) Dollars or greater in cost.
- c) **ELECTRICAL PERMIT FEE.** The permit fee for a separate electrical permit shall be Ten (\$10.00) Dollars.
- d) **PLUMBING PERMIT FEE.** The permit fee for a separate plumbing permit shall be Ten (\$10.00) Dollars.
- e) **MISCELLANEOUS FEES.**
- (1) Moving Permit. The permit for moving a building within or into the Village of Whiting shall be Twenty-Five (\$25.00) Dollars, in addition to any other applicable permit fees.
 - (2) Razing permit. The permit fee for a permit to raze a building shall be Ten (\$10.00) Dollars.
 - (3) Sign Permit. The permit fee for erection of a sign shall be Ten (\$10.00) Dollars which will include the electrical permit fee.
- f) **DOUBLE FEES.** In the event work is commenced prior to a permit being obtained, all fees shall be doubled. (May also be subject to other fines and legal remedies.)

Sec. 27.13 Disclaimer on Inspections

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

Sec. 27.14 Garages

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

Sec. 27.15 Earth Sheltered Homes

- a) **DEFINITIONS.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Atrium:** A space open to the sky at the top and surrounded by rooms on all sides.

- (2) **Basement:** An unfinished area, entirely or substantially below the level of the ground, not designed or intended to be occupied or used except for storage and for utilities.
- (3) **Courtyard:** an atrium or a space open to the sky and surrounded by rooms approximately three (3) sides.
- (4) **Earth sheltered house:** Any residential building having any part of the total outside wall and roof area touching or under earth, clay or sod. Basement areas, cellars, porches and crawl spaces shall not be included in determining the percentage of outside walls touching or under earth, clay or sod.
- (5) **Swale:** A low channel covered by grass and designed to direct the movement of surface water caused by rainfall.
- (6) **Earth Sheltered housing permitted:** Earth sheltered housing is permitted in the Village, in accordance with the regulations set out in this Section. No person, firm, or corporation shall construct any earth sheltered housing without complying with the terms of this Section.
- (7) **Village:** Village of Whiting.
- b) **VENTILATION.** Each room intended for habitation shall have ventilation, either by a window to an atrium, courtyard or other outdoor area, or by forced air ventilation capable of providing outside air and capable of moving a volume of air equal to the volume of the room every five (5) minutes.
- c) **MATERIALS FIREWALLS AND ROOF.** No outside wall or roof shall be placed under any earth or dos unless such wall is constructed of material provided in this Section:
 - (1) Walls and roofs shall be of concrete or other masonry construction
 - (2) The outside surface of such wall and roof shall be coated with waterproofing material such as pitch.
 - (3) Drain tile shall be placed along the bottom of all outside walls, with an outlet, adequate to remove underground water from the ground next to the outside walls.
 - (4) The lot shall be graded to move surface water away room the walls. Where necessary, a swale shall be provided to keep surface water away.
- d) **DRAINAGE.** The provisions of this Subsection apply to each habitable room, atrium, courtyard, basement or cellar that will be below the level of the adjacent ground when construction and grading is completed. Adequate drainage shall be provided. Where feasible, such drainage shall be by gravity. When gravity drainage is not feasible, a sump pump shall be provided. If an electric sump pump is provided, a backup system shall be provided to make sure water can be removed when there is a power outage. Such system may be a gasoline generator capable of powering the sump pump or a gasoline powered pump.
- e) **INSULATION.** No insulation shall be required for parts of outside walls below the frost line. Outside walls above the frost line and walls above the ground surface shall be insulated as required by the Village ordinances relating to insulation of outside walls of houses. All insulation installed below the level of the ground will be installed in such a way as to prevent damage by moisture. Insulating materials to be placed on the outside of a wall shall be of material that will not be damaged by water.
- f) **OTHER BUILDING CODE REQUIREMENTS.** Except as specifically set out herein, each earth sheltered house shall be constructed in accordance with all of the terms of all applicable ordinances of the Village relating to building, plumbing, electricity, and all applicable ordinances, including the One- and Two-Family Dwelling Building Code.

Sec. 27.16 Installation and Operation of Room Heaters, Stoves, and Freestanding Fireplaces

- a) **APPLICATION.** This Section shall apply to radiant heating units installed in the Village of Whiting. No person shall install a radiant heating unit which fails to comply with the requirement of this Section.
- b) **DEFINITIONS.** Radiant heating unit is a room heater, or stove, or freestanding fireplace not intended for duct connections used to heat a room or rooms that use the combustion of a solid fuel such as wood or coal as a source of heat.
- c) **PERMIT.** No person shall install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following information:
 - (1) The wood burned should be dry wood, preferably dry hardwood.
 - (2) The chimney flue should be checked periodically to be sure the flue is open.
 - (3) The chimney flue should be cleaned at least once a year.
- d) **PERMIT FEE.** A fee of Five (\$5.00) Dollars shall be paid by the applicant for each unit installed.
- e) **PLAN AND DATA APPROVAL.** Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:
 - (1) The manufacturer's installation and maintenance/operations instructions.
 - (2) Purposed chimney flue and/or new chimney flue sizes.
 - (3) The number and sizes of existing vent connectors to the chimney flue.

- f) **INSPECTION.** No person shall operate or permit the operation of a radiant heating unit without first calling for an inspection and receiving final approval from the Building or Fire Inspector.
- g) **INSTALLATION CLEARANCES.** The clearance from combustibles for heating units shall be:
 - (1) From front of unit forty-eight (48") inches.
 - (2) From top-front and sides of unit thirty-six (36") inches.
 - (3) Chimney for vent connector eighteen (18") inches.
- h) **MOUNTING OF UNIT.**
 - (1) On incombustible floors. The unit shall be mounted on a firm level base of concrete brick or other incombustible material.
 - (2) On combustible floors. The unit shall be mounted on a four (4") inch thick concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than eighteen (18") inches around the perimeter of the unit.
 - (3) With legs on combustible floors. Units which have eighteen (18") inches or more of open space under units may be mounted on combustible floors provided that the floor under the unit is protected with not less than one-fourth (1/4") inch of asbestos millboard and covered with metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than eighteen (18") inches around the perimeter of the unit. If there is less than eighteen (18") inches of open space under the base of the unit, the unit shall be mounted on two (2") inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall not extend less than eighteen (18") inches around the perimeter of the unit.
- i) **SIZE AND TYPE OF CHIMNEY.** An approved chimney shall be used for solid fuel-burning equipment. All residential buildings shall be required to have a Class "A" chimney, except as provided in Wis. Adm. Code Ind. 23.04 and 23.11. The chimney shall be sized so that the cross-sectional area of the chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the flue serving the solid fuel-burning equipment. Masonry chimneys constructed according to the requirements of Chapter 813 of the Federal Housing Administration Minimum Property Standards FHA. No. 30 and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters will be considered as approved.
- j) **THE CHIMNEY CONNECTOR.** The chimney connector shall conform to Chapter 813 of the Federal Housing Administration Minimum Standards.
- k) **DAMPER.** The Chimney connector shall have a cast iron damper to control the draft.
- l) **COMBUSTION AIR.** If the Inspector, after examination of the unit, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the blue collar size of the unit.
- m) **BLOWER.** A blower where used should have adequate protection such as a screen to prevent material from being inserted into the assembly.
- n) **ELECTRICAL CONNECTIONS.** The electrical connections, controls, and wiring where used should conform to Village electric codes.
- o) **THERMOSTAT CONTROL.** The Thermostat Controls, where used, shall activate the blower motor at a temperature of one hundred (100°) degrees F. to one hundred twenty (120°) degrees F.

Sec. 27.17 Basements

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

Sec. 27.18 Discharge of Clear Waters

- a) **DISCHARGE.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump, pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- b) **NUISANCE.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of property.
- c) **GROUNDWATER.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the

building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

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

Sec. 27.19 Official Map

- a) **ESTABLISHMENT.** There is hereby established an official map of the Village of Whiting, which is on file with the Clerk-Treasurer in accordance with Section 62.23(6) of the Wisconsin Statutes, showing the location and width of streets, highways and parkways as laid out, adopted and established.
- b) **PLAT APPROVAL.** No land subdivision plat shall be approved unless such plat conforms to the Official Map.
- c) **PERMITS.** For the purpose of conserving the integrity of the Official Map, no building shall be erected or located within the bed of any street, highway or parkway shown on the Official Map unless a permit therefore shall first have been applied for and issued in accordance with Section 62.23(6)(d), (f) and (g) of the Wisconsin Statutes. The applicant for such a permit shall submit to the Building Inspector, with his application, an accurate plat plan, certified by a qualified surveyor, showing the location of the proposed building with reference to any street, highway or parkway shown on the Official Map.
- d) **CHANGES AND AMENDMENTS.** The Village Board may, whenever and as often as it may deem it for the public interest, and after a public hearing as provided in Section 62.23(6) (b) of the Wisconsin Statutes, change or add to the official map of the Village so as to establish the exterior lines of planned new streets, highways and parkways or to widen, narrow, extend or close existing streets, highways, or parkways.
- e) **REGISTRATION.** The Village Clerk shall immediately file with the Register of Deeds of Portage County, a certificate showing that the Village of Whiting has established an Official Map.

Sec. 27.20 Penalties and Violations

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The building Inspector shall promptly report all such violations to the Village Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure of the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in in this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall nay error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this Chapter may also be enforced by an injunction order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

Sec. 27.21 Moving Buildings Within or Into the Village

- a) **CONFORMANCE WITH CODE.** No permit shall be issued to move a building within or into the Village of Whiting and to establish it upon a location within the Village until the Building Inspector has made an investigation of such building at the location from which it is to be move, and is satisfied from such investigation that said building is in sound and stable condition and of such construction that it will meet the requirements of this building code. A complete plan of all further repairs, improvements, and remodeling with reference to such

building shall be submitted to the Building Inspector and Village Plan Commission for review and approval. The Building Inspector shall make a finding of fact to the effect that all such repairs, improvements, and remodeling are in conformity with the requirements of this Building Code, and that when same are completed the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the corporate limits, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

- b) **PLAN COMMISSION AND VILLAGE BOARD REVIEW AND APPROVAL.** No such permit shall be issued by the Building Inspector unless it has been found as a fact by the Plan Commission and Village Board, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved and altered, will not be at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by the zoning ordinances of the Village, or any ordinance amendatory thereof or supplementary thereto, as to cause a measurable depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Village, which shall not be less than \$5000.00 to be executed in the manner provided in paragraph (3) hereof to the effect that he will within a time to be set by the Plan Commission and Village Board, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village of Whiting.
- c) **REQUIRED IMPROVEMENTS.** The Plan Commission and Village Board as part of their approval to allow a building to be moved to a location within the Village of Whiting is hereby granted the authority to require improvements to the building including but not limited to new siding, new roofing materials, new windows, porches, attached garage, paved driveways and landscaping to insure that the building being moved to a location within the Village meets the criteria and standards of this Code.
- d) **BOND.**
- (1) Before a permit is issued to move or raze any building in this Village, the party applying therefore shall give a bond or cash deposit in the Village's name or a letter of credit, to the Village in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand (\$5000) Dollars; said bond to be executed by a corporate surety or two person sureties to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any person or property, the payment of any judgment together with the costs and expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued and the completion, at the expense of the owner, of improvements to the property which was a condition of the moving or razing of the building.
 - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the fall into such excavation of children under 12 years of age unlikely, the bond required by (a) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein. In any event, the excavation shall be filled with solid fill to match lot grade within 5 days of removal of the structure. Any excavation shall be protected with the appropriate fences, barriers, and/or lights.
- e) **INSURANCE.** The Building Inspector shall require in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than One Hundred Thousand (\$100,000) Dollars and for one accident in a sum not less than Two Hundred Thousand (\$200,000) Dollars, together with property damage insurance in a sum not less than Fifty Thousand (\$50,000) Dollars, or such other coverage as deemed necessary.
- f) **STREET REPAIRS.** Every person receiving a permit to move or raze a building shall, within one day after completion, report that fact to the Building Inspector who shall thereupon, in the company of the Public Works Chairman, inspect the streets and highways and ascertain their condition. If the removal of said building has

caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted.