

ARTICLE A

Building Code

SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **TITLE.** These regulations shall be known and cited as the "Menasha Building Code" and shall be construed to secure their expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction. A violation of any provision therefrom shall be a violation of this Chapter.
- (b) **SCOPE.** The provisions of this Chapter shall govern the design, construction, alteration, demolition and moving of all buildings and structures. The Director of Community Development shall have general supervision of the administration and enforcement of this Chapter.

SEC. 15-1-2 STATE CODES ADOPTED.

- (a) **BUILDING AND HEATING, VENTILATION AND AIR CONDITIONING CODE.** The Wisconsin Administrative Code, Chapters ILHR 50 through 64, both inclusive, and all amendments thereto, are hereby made a part of this code by reference with respect to those classes of buildings to which such provisions apply. A copy of said code is on file in the office of the Building Inspector.
- (b) **UNIFORM DWELLING CODE.** Chapters ILHR 20 through 25, Wis. Adm. Code, inclusive, and all amendments thereto, are hereby made a part of this code by reference and shall apply to all one (1) and two (2) family dwellings and alterations and additions thereto, the initial construction of which was commenced after the effective dates of various chapters of the Wisconsin Uniform Dwelling Code. A copy of said code is on file in the office of the Building Inspector.

SEC. 15-1-3 GENERAL CONSTRUCTION STANDARDS.

- (a) **APPLICATION.** The Uniform Dwelling Code, Chapters ILHR 21 through 25, Wis. Adm. Code, and all changes, is hereby adopted by reference to apply to all additions and remodeling of existing one (1) and two (2) family homes and any new or remodeled garage and/or storage shed.
- (b) **EXCEPTIONS.**
 - (1) Exterior Coverings. All exterior wall coverings shall be approved moisture- and weather-resisting materials of sufficient stiffness and properly attached to resist rain and wind. All exterior intersections between wood or metal and masonry veneer shall be caulked with elastic waterproofed material, except where metal flashed. The bottom edge of the exterior siding immediately over any exterior wall opening shall be so located as to permit the headflashing to extend under the siding and to be turned up behind the

- siding. No asphalt siding shall be used, except for remodeling to match the existing building. No felt or sheathing shall remain exposed on exteriors.
- (2) **Re-roofing.** A new roof covering may be applied on top of an existing roof covering. No more than two (2) layers of roof covering will be allowed. If additional layers of roofing material are requested, calculations shall be submitted.
- (c) **FOUNDATION WALLS.** The exterior of block foundation walls may be pargeted with three-quarter (3/4) inch cement mortar and shall be waterproofed with an approved bituminous material. Poured concrete foundation walls shall be bituminous-coated.

SEC. 15-1-4 APPLICATION OF "MENASHA BUILDING CODE."

All buildings and structures hereafter erected, altered, repaired, moved or demolished that are used or designed to be used for the purpose herein defined shall comply in full with the requirements of this Code as follows:

- (a) **ZONING LAWS.** No provision of this Code shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.
- (b) **NEW BUILDINGS.** The construction requirements of the Menasha Building Code shall apply to all buildings covered under Section 15-1-2 and any accessory building.
- (c) **EXISTING BUILDINGS.** This Code shall also apply to buildings and conditions described in this Section:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the assessor of the municipality.
 - (3) Additions and alterations, regardless of cost, made to an existing building shall comply with the requirements of this code. The provisions of Subsection (c)(4) of this Section shall also apply.
 - (4) Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this code.
- (d) **ALTERATIONS AND REPAIRS.** The following provisions shall apply to buildings altered or repaired:
- (1) **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of a nonconforming-type of construction, which involved either the structural members of floors or roofs, beams, girders, columns, bearing, or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this code applicable to such occupancy and use and given type of construction.

- (2) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure, or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy and use shall be deemed minor repairs. Ordinary repairs to buildings may be made without application or notice to the building inspection official. Such repairs shall include and not be limited to re-roofing. However, should any person, firm or corporation desire the building inspection official to issue a roofing permit so that proper inspection can be made, he can obtain one on a voluntary basis by paying the necessary fee. The repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alterations of, replacement or relocation of any standpipe, water pipe, sewer, drainage, drain leader, gas, soil, waste vent or similar piping, electrical wiring or mechanical or other works affecting public health or general safety. Ordinary repairs shall not include complete residing of a building.
- (3) Alterations When Not Permitted. When an existing building or structure which, for any reason whatsoever, does not conform to the regulations of this Chapter has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
- (4) Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated, and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
- (5) Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (6) Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Chapter have been complied with.
- (7) Maintenance.
 - a. All buildings and structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service

equipment, means of egress, devices and safeguards which are required by the Uniform Building Code in a building, or which were required by a previous statute in a building when erected, altered or repaired shall be maintained in good working order.

- b. The owner or his designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its exit facilities at all times.

(8) Emergency Measures.

- a. **Vacating Buildings.** When, in the opinion of the Building Inspection Official, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building, the Building Inspection Official is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows: "This Building is Unsafe and Its Use or Occupancy has Been Prohibited by the Building Inspection Official," and it shall be unlawful for any person to enter such building or structure, except for the purpose of making the required repairs or of demolishing the same.
- b. **Closing Streets.** When necessary for the public safety, the Building Inspection Official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe buildings and prohibit the same from being used.
- c. **Emergency Repairs.** For the purposes of this section, the Building Inspection Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- d. **Costs of Emergency Repairs.** Costs incurred in the performance of emergency work shall be paid from the municipal treasury on certificate of the Building Inspection Official, and the legal authority of the municipality shall institute appropriate action against the owner of the premises where the unsafe building or structure was located for the recovery of such costs.

SEC. 15-1-5 PERMITS.

- (a) **PERMITS REQUIRED.** No building or structure or any part thereof shall hereafter be built, enlarged, altered or demolished within the municipality, or moved within or out of the municipality, except as hereinafter provided, unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector. Permits required are as follows:
 - (1) Accessory structures.
 - (2) Air conditioning.
 - (3) Building.

- (4) Electrical.
 - (5) Heating.
 - (6) Moving of buildings.
 - (7) Occupancy.
 - (8) Plumbing.
 - (9) Signs.
 - (10) Wrecking or Razing.
 - (11) Other permits as required.
- (b) **APPLICATION FOR PERMITS.** Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer, and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require. With such application, there shall be submitted to the Building Inspector two (2) complete sets of plans and specifications.
- (1) Plans and Specifications. All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:
 - a. All elevations.
 - b. All floor plans.
 - c. Complete construction details.
 - d. Fireplace details [three-quarters (3/4) inch per foot] showing cross-section of fireplace and flues.
 - e. Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.
 - (2) All plans shall remain on file in the office of the Building Inspector until at least one (1) year after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public record, or may destroy them.
- (c) **DEDICATED STREET AND APPROVED SUBDIVISION REQUIRED.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes or has access to public streets via private road reservations or easements. No building permits shall be issued until the subdivision and required improvements are accepted by the Common Council, upon the recommendation of the Building Inspector.
- (d) **UTILITIES REQUIRED.**
- (1) Residential Buildings. No building permit shall be issued for construction of any residential building until suitable sanitary sewer, storm sewer, water (including required hydrants for fire protection), grading and graveling are installed as necessary to service the property for which the permit is required.

- (2) Non-Residential Buildings. No building permit shall be issued for construction of any building, other than residential, until contracts have been let for the installation of sanitary sewer, storm sewer, water (including required hydrants for fire protection), grading and graveling are installed as necessary to service the property for which the permit is required.
 - (3) Occupancy. No person shall occupy any building until the sanitary sewer, storm sewer, water (including required hydrants for fire protection), grading and graveling are installed as necessary to service the property.
 - (e) **WAIVER OF SOME REQUIREMENTS**. At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.
 - (f) **DRAINAGE REQUIREMENTS**.
 - (1) a. New lawns shall be graded so as to meet the sidewalk grade and the grade of any existing neighboring lawns. The owner or building must grade his lot so that surface water will not be impounded on his or adjacent lots, or else he must provide adequate storm sewer, drain tile or other facilities to conduct ponded water from his lot to the City storm sewer or street.
 - b. Using a minimum slope of one-fourth (1/4) inch per foot, but no more than one-half (1/2) inch per foot, the building or owner shall take necessary physical and legal steps to insure that water will flow from any point within a lot to a street right-of-way a natural or constructed drainage right-of-way or easement, or a storm sewer system, and that the grading of the lot does not conflict with the drainage plan for the subdivision. The City's engineering department will determine the sidewalk elevation at the time the street is opened.
 - (2) When required, plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow any existing ravine, ditch, drain or storm water sewer draining neighboring property.
 - (3) No storm water or surface water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.
 - (4) Storm water, clear water, surface water and ground water of the properties of one (1) and two (2) family dwellings may be discharged onto flat areas of streets or lawns so long as the water flows away from the buildings and not onto neighboring lots and does not create a nuisance such as ponding of water or buildup of ice on a public way. Clear water from other buildings shall be discharged in accordance with ILHR 82.36 of the State Uniform Plumbing Code.
- (g) **PERMITS ISSUED; TERM.**

- (1) If the Building Inspector finds that the proposed building will comply in every respect with this Chapter, other municipal ordinances and all laws of the State of Wisconsin and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.
 - (2) In case adequate plans are not presented, the Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the municipality or laws of the State of Wisconsin or lawful orders issued pursuant thereto.
 - (3) For the construction of buildings requiring approval of the Department of Industry, Labor and Human Relations of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Building Inspector.
 - (4) No work is to be started unless a proper grade has been established by the Director of Public Works, including the grade for sidewalks, curb and gutter, driveways and general construction.
 - (5) A weatherproof card signed by the Building Inspector indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this Chapter.
 - (6) The building permit shall become void unless operations are commenced within (4) months from the date thereof or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of sixty (60) days. The period of time may be extended by the Building Inspector if the delay was due to conditions beyond the control of applicant.
 - (7) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within twelve (12) months from the date of issuance of the permit.
- (h) **REVOCAATION.**
- (1) The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- a. Whenever there is a violation of any regulation of this Chapter or of any other ordinance, law or lawful orders of Wisconsin Statute relating to the same subject matter.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction, devices or appliances.
 - g. Whenever construction has not substantially started within four (4) months of the issuance of permit.
- (2) The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter.
 - (5) Appeals of such revocations or suspensions may be taken to the Common Council.
- (i) **FEES DETERMINED.** Before receiving a building permit, the owner or his agent shall pay any applicable fees. In applying the provisions of this Chapter in respect to new work, existing building, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs or as otherwise provided in the local ordinances.
 - (j) **FAILURE TO OBTAIN PERMIT.** It shall be unlawful to commence work prior to obtaining a permit therefor. Double fees shall be charged if work is commenced prior to the issuance of a permit.
 - (k) **REPORT OF VIOLATIONS.** The police and other City officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
 - (l) On or before March 1 of each calendar year the Director of Community Development shall recommend to the Common Council certain building permit fees.

If the same is not amended by the Common Council, said fees shall stand. Re-certification to the Common Council is not necessary in the following years and the fees remain unchanged. The original recommendation shall be to the Administration Committee.

SEC. 15-1-6 INSPECTIONS.

- (a) **NOTIFICATION.** Upon notification from the permit holder or his agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:
- (1) Inspection to determine if the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundations walls is in compliance with approved plans, data and the terms of the permit. Recertification of the footings and foundation location and elevation shall be provided to the Building Inspector prior to pouring concrete.
 - (2) Inspection of all wall, floor and roof framing, fire stopping and bracing, when completed, and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.
 - (3) Inspection prior to laying concrete for basement floor to inspect subgrade, drain tile and forms.
 - (4) Upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same is occupied or used, a final inspection shall be made by the Building Inspector, and until such building, structure or equipment is in compliance with all the requirements of this Chapter and terms of the permit, no occupancy shall be maintained. If the construction conforms to the requirements of this Chapter, a certificate of occupancy shall be issued.
- (b) **COORDINATED INSPECTIONS.** All provisions of the laws and regulations of the City and of legally adopted rules of local fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gasses and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Chapter or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.
- (c) **CERTIFIED REPORT.** The Building Inspector may require a certified report of all required inspections as regulated by this Chapter from the registered architect or registered engineer supervising the construction after the work has been executed in accordance with all of the regulations of this Chapter, approved plans, specifications and terms of the permit, and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

- (d) **DISCLAIMER ON INSPECTIONS.** The purpose of the inspections under this Chapter is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. The following disclaimer shall apply to each inspection report: "The findings of inspection are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. Inspections do not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited in the inspection report is expressed or implied."
- (e) **STOP-WORK ORDER.** Whenever the provisions of this Chapter or of the plans approved thereunder are not complied with, a stop-work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop-work order shall not be removed, except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

SEC. 15-1-7 OCCUPANCY AND USE.

- (a) **CERTIFICATE OF OCCUPANCY.**
 - (1) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this or any other ordinance be found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used.
 - (2) No building, nor part thereof, shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
- (b) **USE DISCONTINUED.**
 - (1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirement of this Chapter.
 - (2) Any building, structure or premises or any part thereof hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health shall not hereafter be occupied or used under an existing certificate of occupancy or without the same until an application has been filed and a new certificate of occupancy issued.
- (c) **CHANGE OF USE.** It shall be unlawful to change the use of any building, structure, premises or part thereof without first obtaining from the Building Inspector an approval of such change in the occupancy or use and a certificate of occupancy therefor.

- (d) **HARDSHIP.** The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the municipality, prior to issuance of any occupancy certificate, in all such cases of hardship as, in his judgment and discretion, warrant occupancy before final stage of completion as set forth in this Chapter. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed; such time should not exceed one hundred twenty (120) days.

SEC. 15-1-8 REGULATIONS FOR MOVING BUILDINGS.

- (a) **GENERAL.** No person shall move any building or structure upon any of the public rights-of-way of the municipality without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (b) **MOVING DAMAGED BUILDINGS.** No building shall be repaired, altered or moved within or into the municipality that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value, and no permit shall be granted to repair, alter or move such building within or into the municipality.
- (c) **CONTINUOUS MOVEMENT.** The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- (d) **STREET REPAIR.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector who shall thereupon, in the company of the Director of Public Works, inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (e) **CONFORMANCE WITH CODE.** No permit shall be issued to move a building within or into the municipality and to establish it upon a location within the said municipality until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation

that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will be moved from the municipality to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **BOND.**

(1) Before a permit is issued to move any building over any public way in this municipality, the party applying therefor shall give a bond to the municipality in a sum to be fixed by the Building Inspector and which shall not be less than Ten Thousand Dollars (\$10,000.00), nor more than Twenty-five Thousand Dollars (\$25,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs and expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.

(2) The bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and, within forty-eight (48) hours, filling in any related excavations or adopting and employing such other means, devices or methods approved by the Building Inspector.

(g) **INSURANCE.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

(h) **PLAN COMMISSION OR OTHER ASSIGNED BOARD OR COMMISSION.**

(1) No such permit shall be issued unless it has been found as a fact by the Plan Commission (or other assigned board or commission) of the municipality by at least a majority vote 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 plans of the building to be moved or moved and altered will not be so 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 municipality or any ordinance

amendatory thereof or supplementary thereto as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposed 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 cash bond to the municipality's Plan Commission which shall not be less than One Thousand Dollars (\$1,000.00) to be executed to the effect that he will, within a time to be set by the Plan Commission, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. Said cash bond shall also be used to cover any incurred cost due to damage to any public property. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the municipality. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he shall request a meeting of the Plan Commission to consider applications for moving permits which he has found comply in all respects with all other ordinances of the municipality. The Plan Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time; and within forty-eight (48) hours after the close of the hearing, the Plan Commission shall, in writing, make or refuse to make the finding required by Subsection (h) hereof and file it in the office of the Clerk, who shall send a copy of it to the Building Inspector.
- (i) **MOVING BUILDING FROM CITY.** A building being moved through or from within the City to outside the City shall meet all provisions of this Section, except Section (h)(1) relating to Plan Commission approval.
- (j) **MOVING OF SMALL BUILDINGS ON TRUCKS OR TRAILERS.**
 - (1) Small buildings of one (1) story in height and not more than fourteen (14) feet wide, including cornices, may be moved on a truck or trailer equipped with pneumatic tires.
 - (2) All provisions of this Section shall be met except for Section (h)(1) relating to Plan Commission approval and also the bond requirement of Section (f)(1) may be reduced to no less than One Thousand Dollars (\$1,000.00).

SEC. 15-1-9 RAZING OR REPAIR OF BUILDINGS.

- (a) **REMOVAL PROCEDURE.** Whenever the Building Inspector and/or Common Council find any building or part thereof within the City to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or unfit for human occupancy or use and that it would be unreasonable to repair the same, they

- shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats. The Building Inspector may require the owner or occupant of any premises within the City to remove therefrom and dispose of, within a reasonable stated time, any unsightly articles or material visible to the public and which he reasonably finds detrimental to the appearance, neatness and cleanliness of the neighborhood or the City in general.
- (b) **PERMIT REQUIRED.** No building or structure shall be razed or demolished unless a permit has been granted by the Building Inspector.
 - (c) **APPLICATION.** Any person wishing to raze or demolish a building or structure shall make application to the Building Inspector on a form provided by the Building Inspector. At the time of the filing of this application, the applicant must provide to the City a certified check in the amount of Five Hundred Dollars (\$500.00) for buildings less than twenty-five thousand (25,000) cubic feet, One Thousand dollars (\$1,000.00) for buildings between twenty-five thousand (25,000) and fifty thousand (50,000) cubic feet, and Two Thousand dollars (\$2,000.00) for buildings in excess of fifty thousand (50,000) cubic feet. In the event of a default by the applicant concerning any of the terms or conditions of the demolition permit or any other provisions of the City of Menasha Building Code, said certified check shall be used by the City to complete the demolition work. In lieu of the certified check as above mentioned, the Building Inspector may allow an applicant to provide a performance bond, letter of credit or other suitable instrument equal to the estimated cost of the demolition work in question. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance naming the City of Menasha as an insured party, covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00), or such other coverage as deemed necessary. A copy of said insurance shall be kept on file with the City Clerk.
 - (d) **UTILITY DISCONNECTION.** Prior to the issuance of any building demolition permit, the applicant must provide the Building Inspector a proof of utility disconnection.
 - (e) **TIME LIMITATION OF PERMIT.** Permits for the razing or demolition of a building or structure shall be granted subject to the following provisions:
 - (1) The razing or demolition of all residential and all accessory buildings shall be completed and the requirements of this Section be met within thirty (30) days of issuance of a permit.
 - (2) The razing or demolition of all commercial, industrial or institutional buildings shall be completed and the requirements of this Section be met within thirty (30) days of issuance of a permit.
 - (3) The Building Inspector may issue, in writing, a ten (10) day extension of these time limits upon receiving, in writing, good and sufficient reason for such time extensions. No more than two (2) such time extensions shall be permitted.
 - (4) If demolition or razing of a building or structure is begun but not completed within the time limitations of the permit, the building Inspector shall initiate

condemnation under Sec. 66.05 Wis. Stats., and the permit holder shall be considered in violation of this Section.

- (f) **FENCING REQUIRED.** All residential, industrial and commercial demolition building sites shall be adequately and securely fenced. The method of enclosure, as well as the fencing material used, shall be approved by the Building Inspector.
- (g) **LOT MAINTENANCE.** Whenever a building is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, the restoration of established grades and the erection of the necessary retaining walls and fences in accordance with applicable ordinances.

SEC. 15-1-10 ABANDONED SERVICE STATIONS.

- (a) **DEFINITIONS.** As used in this Section:
 - (1) "Service station" shall mean automobile service station, truck service station and any other type of vehicle service station.
 - (2) "Abandoned service station" shall mean any service station or any use converted from a service station which has not taken down, dismantled and removed from the site, all pumps, pump islands, signs, insignias, trademarks, their supporting structures, mounts and foundations and all other above-ground improvements which are uniquely associated with service station operation which has not been open for business for at least one (1) year as a service station.
- (b) **PURPOSE.** It is hereby determined that abandoned service stations warrant special consideration and regulation to promote the health, safety and general welfare of the residents of the City for the following reasons:
 - (1) They represent a degree of danger to life and property due to the use and storage of flammable and combustible liquids or the hazardous accumulation of vapors in underground tanks and other containers after such liquids are removed.
 - (2) By their very nature, they are traditionally located at prominent locations at major intersections and, therefore, are uniquely conspicuous and subject to vandalism when abandoned.
 - (3) They have distinctive physical appearances which often cannot be easily or inexpensively adapted to other uses.
 - (4) Abandoned service stations, the underground storage tanks of which have been safeguarded or removed, often are not thereafter used as service stations due to the cost of replacing such tanks or restoring them to a serviceable condition.
 - (5) The unenclosed characteristic of service stations invite vandalism, arson and other fire hazards.
- (c) **PUBLIC NUISANCE.** Any abandoned service station is hereby declared a public nuisance which shall be abated pursuant to the procedure herein provided.
- (d) **ABATEMENT OF NUISANCE.**
 - (1) Initiation, Service and Posting. Upon discovery of conditions indicating that a service station may have been abandoned, the Building Inspector shall

cause a notice to be served personally or by certified mail on the owner of the real property on which the service station is located at his address as disclosed on the last equalized assessment roll on file in the Assessor's office or as known to the Building Inspector and on the person, if any, occupying or otherwise in real or apparent charge and control of the service station. The Building Inspector also shall cause the notice to be posted on the service station.

- (2) Additional Service. The Building Inspector also shall cause the notice to be served on each of the following persons: the holder of any mortgage or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or interest of record in or to the service station or the real property on which such service station is located. The failure of the Building Inspector to make or attempt service on any person who is required to be served pursuant to the provisions of this Subsection shall not invalidate any proceedings hereunder as to any other person duly served.
- (3) Time of Service and Posting. The Building Inspector shall cause the notice to be served and posted pursuant to the provisions of this Section at least thirty (30) days before the date of any hearing as set in such notice.
- (4) Proof of Service and Posting. Proof of service or posting of the notice shall be documented at the time of service or posting by a declaration under penalty of perjury executed by the person effecting service or posting, declaring the time, place and manner in which service or posting was made.
- (5) Contents of Notice. The notice shall contain the following:
 - a. The street address and a legal description sufficient for identification of the premises on which the service station is located.
 - b. A statement that the Building Inspector has discovered conditions and a description of such conditions, indicating that the service station may have been abandoned.
 - c. A statement of the date, time and place of a hearing before the Board of Public Works at which any interested person may appear to offer any relevant evidence and at the conclusion of which the Committee shall decide whether or not the service station has been abandoned.
 - d. A statement advising that, if the Board of Public Works decides that the service station is abandoned, the Board shall order that the public nuisance be abated within a period of time not less than ninety (90) days commencing upon service of the Committee's written order on the persons identified in Subsection (d)(1) above. The public nuisance shall be abated by any of the following means:
 1. Reoccupation and reinstatement of a service station use pursuant to all applicable provisions of this Chapter; or
 2. Conversion to another use pursuant to all applicable provisions of this Chapter; or
 3. Removal of all buildings or structures, safeguarding or removing any flammable or combustible liquid storage tanks

and cleaning of the site, all pursuant to applicable provisions of this Chapter; or,

4. A statement advising that, if the service station is deemed a nuisance and if such nuisance is not abated within the time stipulated, it will be abated by the City and the cost of abatement will be assessed on the land from which such nuisance is removed and will constitute a lien on such land until paid.
- (e) **DUTIES OF CITY ATTORNEY.** Nothing in this Section shall prohibit the City Attorney from commencing an action in the Circuit Courts of Winnebago County to enjoin the nuisance.
 - (f) **APPEALS.** Appeals from the orders of the Board of Public Works shall be to the Common Council upon timely notice filed pursuant to law.
 - (g) **POLICE POWERS.** It is further found and determined that the exercise of the City police powers for the abatement of such conditions is reasonable encompassed within the authorization of Chapter 62 of the Wisconsin Statutes.
 - (h) **REQUIREMENTS AFTER REMOVAL.** Upon removal of the tanks, structures and apparatus specified, the converted service station shall be resurfaced and landscaped in a manner appropriate to the proposed commercial or industrial use.

SEC. 15-1-11 GARAGES AND SHEDS; GENERAL REQUIREMENTS.

- (a) **DEFINITIONS.**
 - (1) An attached private garage shall mean a private garage attached directly to the principal building or attached by means of an enclosed or open breeze-way, porch, terrace or vestibule, or a detached private garage so constructed as to be within eight (8) feet of the principal building, built principally for the storage of automobiles.
 - (2) A detached private garage shall mean a private garage entirely separated from the principal building by eight (8) feet or more.
 - (3) A storage shed shall mean any storage building not principally used for the storage of automobiles.
- (b) **AREA.** All detached private garages and sheds shall be governed by the following unless otherwise provided for in appropriate zoning codes.
 - (1) Masonry-bearing wall, metal frame construction or wood frame construction: eight hundred (800) square feet, maximum.
 - (2) Storage Sheds: 200 square feet maximum.
- (c) **FOUNDATIONS AND FOOTINGS.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten by ten (10 x 10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of slab. Exterior wall curbs shall be provided not less than four (4) inches above the finished ground grade adjacent to the garage. Bolts three-eighths (3/8) inch in diameter with nuts and washers

attached, six (6) inches long, shall be embedded three (3) inches in the concrete curb of detached garages eight (8) feet on centers.

- (d) **FLOOR SURFACE.** The floor in all private garages shall be of concrete construction and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.
- (e) **CONSTRUCTION.** Private garages shall be constructed in accordance with ILHR 21 of the Uniform Dwelling Code with the following exceptions:
 - (1) Load-bearing foundation walls and partitions shall be constructed as herein regulated, except as stated above.
 - (2) Detached private garages of wood frame construction shall be constructed with the following requirements:
 - a. Studs may have a maximum spacing of twenty-four (24) inches on centers.
 - b. Diagonal corner bracing may be applied on the inside surface of studs.
 - c. Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
 - d. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
 - e. Garage headers:

SPAN FEET	SIZE
0' - 3'	2 - 2x4
3' - 6'	2 - 2x6
6' - 8'	2 - 2x8
8' - 12'	2 - 2x10
12' - 16'	2 - 2x12

NOTE: When headers are not on gable ends one (1) additional member shall be added for openings over eight (8) feet.

- (f) **GARAGE HEATING.** All open flame equipment shall be effectively separate by not less than one (1) hour fire-resistive wall, floor or ceiling; however, suspended furnaces or directly-fired units that are fired with a liquid fuel or gas may be used without an enclosure, provided that they are located at least seven (7) feet above the floor and at least six (6) inches from any combustible wall or ceiling. All units shall be supported by non-combustible brackets or hangers.

SEC. 15-1-12 BASEMENTS; EXCAVATIONS.

- (a) **BASEMENT SUBFLOORING.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **FENCING OF EXCAVATIONS.** The owner of any premises on which exists an opening or excavation which is located in close proximity to a public sidewalk or

street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such openings or excavation and the public right-of-way.

- (c) **CLOSING OF ABANDONED EXCAVATIONS.** Any excavation for building purposes, abandoned wells, open pits, old septic tanks or any uncovered foundation which shall remain open for more than sixty (60) days shall be deemed abandoned and a nuisance, and the Building Inspector shall order that unless the erection of the building or structure on the excavation, well, pit or foundation shall commence or continue forthwith, suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and by publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation, well, pit, septic tank or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

SEC. 15-1-13 DEFINITIONS.

For the purpose of this Building Code, the following words and phrases shall have the meanings assigned to them in this Section. Words and phrases not herein otherwise defined shall have the meanings accepted by common usage:

- (a) **ACCESSORY BUILDING** - Accessory building means a detached building not used as a dwelling unit but which is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.
- (b) **ADDITION** - Any new construction whereby an existing building or structure, or building or structure in the course of construction, is increased in area or cubical content.
- (c) **ADJOINING LOT LINE** - The line between adjoining lots, plots of land or parcels of land of different or same ownership.
- (d) **ALLEY** - A municipal right-of-way which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.
- (e) **ALTERATION** - A substantial change or modification other than an addition or repair to a dwelling or to systems involved within a dwelling.
- (f) **APPROVED OR APPROVAL** - An approval of the Department or its authorized representative. (Approval is not to be construed as an assumption of any legal responsibility for the design or construction of the dwelling or building component.)

- (g) **AREA** - As applied to dimensions, means the maximum horizontal projected area of a building, structure, room, apartment or open space, not including overhang.
- (h) **BUILDING** - Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
- (i) **BUILDING EXISTING** - A building erected prior to adoption of this Chapter or one for which a legal building permit has been issued.
- (j) **BUILDING INSPECTOR** - The officer charged with the administration and enforcement of this Chapter or his/her regularly authorized deputy. Same for Building Official.
- (k) **CUBIC CONTENTS** - The actual cubic space enclosed within the outer surface of the outside or enclosed walls, outer surfaces of the roof and the finished surfaces of the lowest floors of a building or structure. Does not include the contents of courts which are open to the sky.
- (l) **DEPARTMENT** - The State of Wisconsin Department of Industry, Labor and Human Relations.
- (m) **DETACHED BUILDING** - Any building which is not physically connected to the dwelling, except for a garage which is considered detached only if it is located eight (8) feet or more from a dwelling unit.
- (n) **DWELLING** - A building which is designed or used or which is intended to be used as a residence or place of abode.
- (o) **FLOOR AREA** - The net area of any floor space enclosed by exterior walls, fire walls, or absolute fire separation, exclusive of open spaces.
- (p) **GARAGE** - A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile flammable liquid in its tank is stored, repaired or kept.
- (q) **GARAGE, PRIVATE** - A building or portion of a building in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.
- (r) **LOT** - A parcel of land in a single ownership, occupied or to be occupied by not more than one (1) principal or main building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this or other codes, and having its principal frontage upon a street.
- (s) **LOT LINE** - A line or lines dividing one (1) lot, plot of land or parcel of land from an adjoining lot, plot of land or parcel of land.
- (t) **NONCONFORMING BUILDINGS** - A lawfully existing building, premises, structure, use, materials or equipment which do not conform to the requirements of this Chapter.
- (u) **OCCUPANCY OR USE** - The purpose for which a building, structure, equipment, materials or premises or part thereof is used or intended to be used as regulated by this Chapter.
- (v) **OWNER** - Any person having a legal or equitable interest in the dwelling.
- (w) **PRINCIPAL BUILDING** - A single main building or structure on a lot for specific use or occupancies.
- (x) **REPAIR** - The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any change or construction.

- (y) **STRUCTURE** - As specifically regulated by this Chapter, anything which is constructed, erected and framed of component parts and which is fastened, anchored or rests on a permanent foundation or on the ground for any occupancy or use whatsoever, excluding fencing.
- (z) **SQUARE FOOTAGE OF BUILDING** - The actual area in square feet enclosed by the exterior perimeter of the building walls on each separate floor level.
- (aa) **UNUSUAL CONSTRUCTION** - Any construction methods or materials not covered in this Chapter.
- (bb) **WISCONSIN INSIGNIA** - A device or seal approved by the Department to certify compliance with this Chapter.

SEC. 15-1-14 INVALIDITY AND SEVERABILITY.

If any Section, Subsection, paragraph, cause or provision of this Building Code shall be adjudged invalid, such adjudication shall apply only to the provisions so adjudged, and the rest of this Chapter shall remain valid and effective.

SEC. 15-1-15 THROUGH SEC. 15-1-29 RESERVED FOR FUTURE USE.