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## **SUBCHAPTER I. – GENERAL**

### **SECTION 14.00 -- SCOPE**

The provisions of this Chapter shall govern the design, construction, alteration, demolition and moving of all buildings and structures in the City of Pewaukee.

### **SECTION 14.01 -- TITLE**

These regulations shall be known and cited as “City of Pewaukee Building and Mechanical Code” and shall be construed to secure the expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

### **SECTION 14.02 – ADOPTION OF ADMINISTRATIVE CODES (Rep & Rec 12-14)**

The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are hereby made a part of this document by reference and adopted for enforcement by the Building Inspector, who shall be certified as a Commercial Building Inspector by the State of Wisconsin Department of Safety and Professional Services:

- Chs. SPS 320-325 Uniform Dwelling Code
- Chs. SPS 360-366 Wisconsin Commercial Building Code
- Chs. SPS 375-379 Existing Buildings Code

### **SECTION 14.03– ZONING LAWS**

No provision of this chapter shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.

## **SUBCHAPTER II. – DEPARTMENT OF BUILDING SERVICES**

### **SECTION 14.04 -- PERSONNEL**

The department of building services shall include building, plumbing and electrical inspectors and such employees as the Common Council may provide to supervise the construction of buildings and permanent equipment of buildings.

### **SECTION 14.05 – DIRECTOR/BUILDING INSPECTORS (Rep & Rec 16-12)**

(1) APPOINTMENT - The Director of building services shall be appointed by the Common Council. All inspectors shall be hired by the Director and/or City Administrator and must be state certified.

(2) COMPENSATION - Building Inspectors shall receive compensation as approved by the Common Council.

(3) Repealed 16-12

(4) RIGHT OF ACCESS - Building Inspectors or authorized agent(s) may at all reasonable hours, for any proper purpose, enter upon any public or private premises and make inspection, and may require the production of the permit for any building, plumbing, electrical, or heating work being done, or the required license. No person shall interfere with or refuse to permit access to any such premises to the representatives of the City while in the performance of their duties.

(5) ENFORCEMENT - Building Inspectors and/or clerical staff shall receive applications required by this chapter, issue permits and furnish the prescribed certificates. Building Inspectors shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction proceeds safely. Building Inspectors shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures except as may be otherwise provided

for. For the purpose of enforcing compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in existing buildings and structures, Building Inspectors shall issue such notices or orders as may be necessary. Building Inspectors shall have, except where otherwise provided, shall enforce all state laws, city ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment.

(6) RECORDS - There shall be kept in the Department of Building Services a record of all applications for building permits for such purpose, and each permit shall be regularly numbered 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 buildings in the various classes shall be kept. There shall be kept in the Department of Building Services a record of all inspections made, and of all removal and condemnation of buildings, and a record of all fees collected showing the date of their receipt.

(7) TERMINATION - The Director and Administrator may in their discretion terminate employment of the Building Inspectors in the event the inspector fails to meet the qualifications required here or by the State; has obtained certification through fraud or deceit; demonstrates negligence, incompetence or misconduct in fulfilling the responsibilities of this position; is arrested or convicted for a crime substantially related to the State certification; or violates state, federal or local laws or regulations relating to the conduct of this position.

### **SUBCHAPTER III. - PERMITS AND BONDS**

#### **SECTION 14.06 – BUILDING PERMITS**

(1) PERMITS REQUIRED -- No building or structure, or any part thereof, shall hereafter be built, enlarged, altered or demolished within the City of Pewaukee or moved into, within or out of the municipality except as hereinafter provided, unless a permit therefore shall first be obtained by the owner or his agent from the Building Services Department.

Permits required are as follows:

- (a) Building Permit
- (b) Air conditioning
- (c) Wrecking or razing
- (d) Heating
- (e) Moving of buildings
- (f) Occupancy
- (g) Reroofing and residing
- (h) Any other permits as required by City regulations

(2) APPLICATION FOR PERMITS (Rep & Rec 16-12 & 16-14) -- 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 3 complete sets of plans, structural details and 3 copies of a survey.

(a) Survey -- The survey shall be prepared and certified by a surveyor registered by the State of Wisconsin; shall be made no more than 1 year prior to the issuance of a building permit; and shall bear the date of the survey. The certified survey shall also show the following:

- Location and dimensions of all buildings on the lot, both existing and proposed.
- Dimensions of the lot.

- Dimensions showing all setbacks to all buildings on the lot.
  - Proposed grade of proposed structure, to City datum.
  - Grade of lot and of road opposite lot.
  - Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of the road.
  - Yard or first floor grade of the building.
  - Type of monuments at each corner of lot.
  - Water courses, floodplains, wetlands or existing drainage ditches.
  - Seal and signature of surveyor.
- (b) 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. Plans may be required to be submitted electronically. A complete set of plans for residential construction shall consist of:
- All elevations.
  - All floor plans.
  - Complete construction details.
  - Fireplace details (3/4 inch per foot) showing cross section of fireplace and flues.
  - 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 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.

(3) **WAIVER OF 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.

(4) **DRAINAGE - GRADING OF LOTS** – The 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 the grading. If the lot lies within a planned subdivision, grading needs to conform to the master grading plan. 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 of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.

**(5) INSPECTOR MAY REVOKE PERMITS**

- (a) The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- Whenever there is a violation of any regulation of this code or of any other ordinance, law, lawful orders, Wisconsin Statute or Wisconsin Administrative Code relating to the same subject matter;
  - Whenever the continuance of any construction becomes dangerous to life or property;
  - Whenever there is any violation of any condition or provision of the application for permit or of the permit;
  - Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site;
  - 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;
  - 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.
- (b) The notice to remove 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.
- (c) A revocation placard shall also be posted upon the building structure, equipment or premises in question by the Building Inspector.
- (d) 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 code, shall be procured and fees paid therefore and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this code.

(6) FEES – All applications for a building permit must be accompanied by the proper fee. Permit fees shall be set from time to time by resolution of the Common Council.

(7) POSTING PERMIT CARD (Rep & Rec 16-12) - A 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 code.

**(8) EXPIRATION OF PERMIT**

- (a) Existing buildings, alterations or additions, accessory buildings and accessory structures: The building permit shall become void unless operations are commenced within six (6) months from the date the permit is issued or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of more than sixty (60) days.

The building permit shall expire twelve (12) months from the date the permit is issued. Time periods referenced herein may be extended by the Building Inspector if the delay was due to conditions beyond the control of the applicant. No additional permits for the same work will be issued unless a timetable of completion is agreed upon by the Building Inspector.

- (b) New dwellings: The building permit shall expire twenty-four (24) months after issuance if the dwelling exterior has not been completed.
- (c) New commercial buildings: The building permit shall become void unless operations are commenced within six (6) months from the date the permit is issued or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of more than sixty (60) days. The building permit shall expire twenty four (24) months from the date the permit is issued. Time periods referenced herein may be extended by the Building Inspector if the delay was due to conditions beyond the control of the applicant. No additional permits for the same work will be issued unless a timetable of completion is agreed upon by the Building Inspector.
- (d) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued and all fees paid.

(9) FAILURE TO APPLY (Created 16-12) - Failure to apply for and obtain a permit as required by this Chapter prior to commencement of work shall constitute a violation of this Chapter. Permits applied for after-the-fact must be accompanied by double the permit fee amount.

#### SECTION 14.07 – INSPECTIONS

(1) COORDINATED INSPECTIONS -- All provisions of the laws and regulations of the municipality 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 gases 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 code, or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.

#### (2) CERTIFIED REPORTS

- (a) The Building Inspector may require a certified report of all required inspections as regulated by this Code from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state, in detail, that all construction work has been executed in accordance with all of the regulations of this code, approved plans, specifications, terms of the permit and, further, that such construction work was executed in accordance with accepted architectural and engineering standard procedures.
- (b) In addition to any certified report required by the Building Inspector in (2)(a) of this section, any time a foundation is to be constructed as part of an approved building, a foundation certification must be provided to the Building Inspector after the foundation is formed but before the concrete is poured. Certification shall be made as noted in (2)(a) of this section. In certain instances, the Building Inspector, at his discretion, may waive this requirement or require certification of the footing instead of a foundation certification.

(3) APPEALS – Any person aggrieved by any order or ruling of the Building Inspector may appeal such ruling to the Zoning Board of Appeals within 30 days after a written decision by the Inspector is made as provided in § 17.1005 of the City of Pewaukee Zoning Code and § 62.23, Wis. Stats. Notice must be filed with the officer from whom the appeal is taken and the secretary of the Zoning Board of Appeals.

**SECTION 14.08 -- STOP WORK ORDER**

Whenever the provisions of this Code or of the plans approved hereunder 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.

**SECTION 14.09 -- CERTIFICATE OF OCCUPANCY & OCCUPANCY BOND**

(1) OCCUPANCY CERTIFICATE REQUIRED. No building, nor part thereof, shall be occupied until after the final inspection and the occupancy certificate is issued.

(2) BOND REQUIRED. Upon application for a building permit, the Building Inspector shall collect an occupancy bond to be held until after the occupancy certificate has been issued and all final inspections for code compliance have been completed, including inspections by other City Departments. The bond amount shall be in an amount set from time to time by resolution of the Common Council. Occupation of the building prior to the final inspection and issuance of the occupancy certificate shall cause the occupancy bond to be forfeited.

(3) OCCUPANCY INSPECTION. The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If construction meets the requirements of this or any other City ordinance and no violations exist, the Building Inspector may issue a certificate of occupancy, stating the purpose for which the building is to be used. On or about the final inspection by the Building Inspector, the City Sewer and Water Department shall inspect the water shut-off valve at the curb stop for damage.

(4) USE DISCONTINUED OR CHANGED, STRUCTURE DAMAGED.

- (a) No building may be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this code, the Building Inspector shall order such use or occupancy discontinued and the building, or portion thereof, vacated by notice served on any person(s) using or causing such use or occupancy to be continued and such person(s) shall vacate the building or portion thereof within ten (10) days after receipt of the notice or make the building, or portion thereof, comply with the requirements of this code.
- (b) 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 therefore.
- (c) 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.

(5) TEMPORARY HARDSHIP OCCUPANCY CERTIFICATE. The Building Inspector shall have the authority to permit occupancy of any building or structure in the City, prior to issuance of an occupancy certificate, in cases of hardship, as in his judgment and discretion, warrant occupancy before final stage of completion as set forth in this Code. 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 and the temporary permit shall reflect that time. In no case can an authorized hardship occupancy permit occur for more than 120 days.

**SECTION 14.10 – EROSION/GRADING BOND**

(1) DEFINITIONS.

Control Measure. A practice or combination of practices to control erosion and attendant pollution.

Erosion. The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

Land Developing Activity. The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

Land Disturbing Construction Activity. Any man-made change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses, such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, harvesting of trees and landscaping modifications.

(2) This provision applies to all property owners and/or their contractor(s) constructing new buildings or structures, constructing external additions to existing buildings or structures, replacing or removing existing buildings or structures, preparing a site for construction, or grading and landscaping a site following or during construction. Property owners should also be aware of erosion control provisions found in §18.0905 and Ch. 19 of the City of Pewaukee Code which may also be applicable.

(3) The property owner or entity in control of land or parcel shall, when engaging in land developing activity or land disturbing construction activity, employ appropriate erosion control measures to control and abate erosion on, through and from the construction site. Compliance with the "Wisconsin Construction Site Best Management Practice Handbook," published by the Wisconsin Department of Natural Resources' Bureau of Water Resource Management Non-Point Source and Land Management Property Section should ensure that the standards in this code section are met.

(4) (Rep & Rec 16-12 & 16-14)

(a) Prior to land developing activity or land disturbing construction activity an erosion permit shall be obtained and an erosion/grading bond deposited with the Building Inspector's office. The permit fee and the erosion/grading bond shall be in amounts set from time to time by resolution of the Common Council. The erosion bond amount shall meet the amount established by resolution at all times.

(b) Should the erosion/grading bond be forfeited in whole or in part as provided in this section, the original bond amount shall be immediately replenished by the permit holder, property owner, builder or developer upon written notice from the Building Inspector. If the bond is not replenished upon request, the Building Inspector shall issue a stop work order, refuse to issue an occupancy permit or take other action as authorized including the issuance of citations, commencing action in the circuit court, or billing the owner or placing the amount on the tax roll as a special charge on the property pursuant to Section 66.0627 Wisconsin Statutes.

(c) The bond shall be held until both steps of the following process are completed and inspected:

(1) An inspection is completed and approved at the fine grading stage PRIOR to having seed or sod placed. If the fine grading is found to not comply with the approved plan, the homeowner will have to correct the issue before placing seed or sod. If an inspection is not scheduled prior to sod/seed and the lot is found to not comply with the approved grading plan, the homeowner will have 6 months to correct the issue or the bond will be forfeited

(2) All hard surfaces, such as driveways and curbs are completed and a final erosion inspection by the Building Inspector after landscaping is done and grass is fully rooted and growing is completed. If at the final inspection the property is in an erosion and dust-free condition, the erosion/grading bond shall be returned. This inspection must be completed and passed within 18 months of receiving occupancy otherwise the bond is forfeited; bond holder will receive a notice if after 1 year the inspection was not scheduled stating they have six months left to schedule the inspection.

(5) (a) Any erosion of earthen materials reaching public or private roads or neighboring parcels shall

be cleaned up before the end of each workday. Flushing the sediments with water or other liquid is prohibited.

- (b) Any construction materials, solid waste, construction related liquids or chemicals, or other debris transmitted to the surface of adjacent private or public properties is prohibited and shall be cleaned up before the end of each workday.
- (c) Any construction materials, earth materials, solid waste, construction related liquids or chemicals, or site debris transmitted into catch basins, storm sewers, sanitary sewers, culverts, detention or retention ponds, drainage ways, streams and lakes is prohibited and shall be removed as soon as possible.
- (d) In the event that the property owner/entity in control does not comply with the deadlines set forth herein, the City shall issue a written notice giving 24 hours to clean up. If it is not done within the 24 hours, the City will have the area cleaned and the bond may be forfeited, in whole or part. Written notice of the forfeiture shall be provided by the City to the bond issuer stating the amount forfeited for clean-up. In extreme circumstances as determined by the Building Inspector or his designee, the bond may be utilized by the City without notice to the owner for purposes set forth herein.

(6) As set forth in §17.0207, the Plan Commission upon approval of a landscaping plan may require the property owner to provide to the Treasurer a cash bond or letter of credit in an amount equal to 100% of the value of the landscaping which is to be done on the site based on the approved plan in order to ensure timely performance in completing their project or specific portions thereof. The bond shall be returned or the letter of credit shall be released once the property has been inspected under §14.09 above, and all non-vegetative landscaping has been completed.

#### SECTION 14.11 – LANDSCAPE BOND (Rep & Rec 16-12)

As set forth in §17.0207, the Plan Commission upon approval of a landscaping plan may require the property owner to provide to the Treasurer a cash bond or letter of credit in an amount equal to 100% of the value of the landscaping which is to be done on the site based on the approved plan in order to ensure timely performance in completing their project or specific portions thereof. The bond shall be returned or the letter of cred shall be released once the property has been inspected under §14.09 above, and all non-vegetative landscaping has been completed.

#### SECTION 14.12 -- RAZING OF BUILDINGS

(1) The Building Inspector is hereby authorized to act for the municipality under the provisions of Section 66.0413 of the Wisconsin Statutes, relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The municipal treasurer is authorized to place the assessment and collect the special tax as therein provided.

(2) Before a building can be demolished or removed, the owner or agent, shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

#### SECTION 14.13 – REGULATIONS FOR MOVING BUILDINGS

(1) GENERAL. No person shall move any building or structure upon any of the public right-of-ways of the City of Pewaukee without first obtaining a permit therefore from the Building Inspector and upon the

payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. In addition to obtaining a permit the person shall also post a street repair bond and obtain insurance in amounts set forth herein.

(2) MOVING DAMAGED BUILDINGS -- No building shall be repaired, altered or moved within or into the City of Pewaukee that has deteriorated or has been damaged by any cause in an amount equal to fifty (50) percent or more of its equalized value (including such moving and separation from its foundation and service connections in case of moved buildings). No permit shall be granted to repair, alter or move such building within or into the City of Pewaukee.

(3) 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.

(4) STREET REPAIR (Rep & Rec 16-12) -- Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the City of Pewaukee Public Works Director or his designee, 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 City of Pewaukee, the City of Pewaukee 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.

(5) CONFORMANCE WITH CODE -- No permit shall be issued to move a building within or into the City of Pewaukee 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 and Mechanical 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, who 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 and Mechanical Code and that when same are completed, the building, as such, will so comply with said Building and Mechanical Code. In the event a building is to be moved from the City of Pewaukee to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

(6) BOND

- (a) Before a permit is issued to move any building over any public way in this municipality, the party applying therefore shall give a bond to the municipality in a sum to be set from time to time by resolution of the Common Council. Said bond is to be executed by a corporate surety or two 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 or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.
- (b) 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 falling into such excavation by 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.

(7) INSURANCE -- In addition to the bond required in subsection (1), the permit applicant shall also provide public liability insurance for injury to one person and for one accident, together with property damage insurance or such other coverage as deemed necessary and in the amounts determined by the Common Council as set forth by resolution from time to time. In addition to said bond above indicated, the permittee shall furnish to the Building Inspection Department proof of public liability insurance covering injury to one person, for one accident, property damage insurance or such other coverage as deemed necessary in amounts set from time to time by resolution of the Common Council.

**(8) PLAN COMMISSION**

- (a) No such permit shall be issued unless it has been found as a fact by the Plan 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 in 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 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. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
- (b) 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 (8) hereof and file it in the office of the Clerk, who shall send a copy of it to the Building Inspector.

**SUBCHAPTER IV. -- GARAGES AND ACCESSORY BUILDINGS**

**SECTION 14.20 -- GENERAL REQUIREMENTS**

(1) FOUNDATIONS AND FOOTINGS (Rep & Rec 16-12) -- Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall be not less than four (4) inches in thickness. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Minimum requirements are as follows: Reinforcement shall be a minimum of number 10 six by six (6" X 6") inch 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 the slab. The thickened edge shall have two (2) #4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two (2) inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six (6) inches above the bottom of the thickened edge. Exterior wall curbs shall be not less than four (4) inches above the finished ground grade adjacent to the garage. Anchor bolts one-half (1/2) inch in diameter with nuts and washers attached, ten (10) inches long, shall be embedded seven (7) inches in the concrete curb of detached garages, six (6) feet on centers. Floating footings and slab may also be engineered.

(2) 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.

(3) CONSTRUCTION -- Private garages shall be constructed as follows: (Rep & Rec 12-14)

- (a) Unless designed through structural analysis, load bearing foundation walls and partitions shall be constructed as per Chapter SPS 321, or subsequent revisions.
- (b) Detached private garages of wood frame construction shall be constructed with the following requirements:
  - Studs may have a maximum spacing of twenty-four (24) inches on centers.
  - Diagonal corner bracing shall be installed on both walls at each corner.
  - Diagonal corner bracing may be applied on the inside surface of studs.
  - 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.
  - Collar beams at the top plate and collar ties in the upper one third of the roof shall be installed with a maximum spacing of forty-eight (48) inches on center. Collar beams may be two by six (2 x 6) inch. Collar ties shall be at least two by four (2 x 4) inch for roof slopes less than four (4) inches per foot. A one by six (1 x 6) inch collar tie may be used for roof slopes four (4) inches per foot or greater.
  - Detached garage roofs shall be framed in accordance with the applicable requirements of Chapter SPS 321.

## **SUBCHAPTER V. -- SWIMMING POOLS/SPAS**

### **SECTION 14.30 -- REGULATION OF SWIMMING POOLS (Rep & Rec 16-12)**

(1) PUBLIC SWIMMING POOLS. All public pools shall be constructed and maintained in accordance with the provisions of the Wisconsin Administrative Code.

(2) PRIVATE SWIMMING POOLS.

- (a) Definition. The term "private swimming pool" is defined as a receptacle for water, or an artificial pool of water, having a depth at any point of more than 36 inches or more than 15 feet in diameter, whether above or below the ground, located in a residential zoning district, used or intended to be used by the owner, family and invited friends, for sun-bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 200 square feet in area and less than 36 inches in water depth, and/or 15 feet in diameter which are dismantled and removed for the winter are not included in this Ordinance. This definition includes self-contained spa, spas or hot tubs.

Self-contained spa or hot tub and spa or hot-tub means a factory fabricated unit or a hydromassage pool, or a tub for recreation or therapeutic use designed for immersion of users and usually having a filter, heater and motor-driven blower, generally not designed or intended to have its contents drained or discharged after each use.

- (b) No person shall construct, install, or reconstruct a private swimming pool or hot tub/spa which is not enclosed in a permanent building in the City except in accordance with the regulations of this Ordinance.
- (c) Swimming pools or hot tub/spa that are completely enclosed within a permanent building, shall comply with all other applicable Ordinances, building codes, regulations and statutes but where a conflict occurs between regulations for a pool in a permanent building and the terms of this Section, this Section does not apply.
- (d) Permit. No person shall construct, install, enlarge, or alter any private swimming pool or hot tub/spa unless permits have been obtained from the Building, Electrical and Plumbing Inspectors. The pool or hot tub/spa permit fees shall be set from time to time by resolution of the Common Council. Applications shall be on forms provided by the Building Inspector. Applications shall be accompanied by the following:
  - Survey or accurate drawing of the property, in duplicate, showing all dimensions for existing structures and lot lines as well as all the proposed improvements, including, but not limited to the swimming pool or spa location, fencing, overhead or underground electrical wiring, water lines, decking, water disposal system or septic system, and heating, pumps and filtration systems.
  - Two (2) copies of brochure which shows the type, style, etc. of the pool or spa to be installed.
- (e) The Building Inspector may refer an application for a private swimming pool to the Plan Commission when it is apparent that due to the configuration of the lot, the pool may become a visual or audible nuisance for a determination as to whether the private swimming pool requires screening by use of dense vegetation, aesthetic fencing, structural barriers or a combination thereof based on the scale plan submitted with the application. The Commission shall have the authority to approve, deny, or impose appropriate changes or safeguards. Its decision shall be based upon the avoidance of a substantial adverse effect upon property values in the neighborhood.
- (f) Location of pool. A private swimming pool shall be constructed in accordance with the following requirements: (Rep & Rec 12-14)
  - Distance required: All private swimming pools or hot tubs/spas shall be constructed and all equipment and utilities must be located not less than the minimum setback and offset requirement for buildings located within the zoning district where such swimming pool is located.
  - A private swimming pool shall be at least 10 feet from the residence, except for a portion that is 4 feet in depth or less and used for ingress or egress to the pool, such as a stair well area, which portion only can be reduced to 8 feet. A private swimming pool shall not be less than 4 feet from any wall or fence.
  - No private swimming pool or spa may be located in a front yard unless specifically authorized in the City Zoning Code.

- Private swimming pools shall be located from the required distances from wells and septic systems as required by Chapter SPS 383, Wis. Adm. Code.

(g) Fences. The fencing requirement shall be applicable to all private swimming pools, including those constructed before enactment of this Ordinance.

1. Every private swimming pool shall be completely surrounded by a fence or wall not less than 4 feet in height from yard grade, but not to exceed 6 feet in height, be of sufficient strength to prevent accidental access, and shall be constructed so as not to have openings, holes or gaps larger than 4" in any one dimension, which would allow ease of access by unauthorized persons, except for doors or gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors shall be equipped with an inside self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
2. A temporary fence (snow fence, etc.) can be used while said pool is under construction. A permanent fence must be constructed before water is in the pool.
3. Above-ground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of minimum required height and design as heretofore specified. All access from grade to above ground pools having ladders, stairs, or ramps shall not have less than equal safeguard protection provided the pool proper.
4. The requirement of a fence may be waived by the Building Inspector of the City of Pewaukee if the pool is an above-ground pool and if the deck of said pool is at least 4 feet above grade and the Building Inspector determines from an on-site inspection that, except for ladders or other access devices, the outside pool wall or decking is at least 4 feet above grade and provides no direct access to the pool.

(h) Requirements. (Rep & Rec 12-14)

1. No pool shall be directly connected to the sanitary sewer or septic system.
2. Provisions shall be made for disinfecting all pool water. No gaseous chlorination shall be permitted.
3. Except for a properly installed diving board, access ladders or safety railings there shall be an unobstructed **concrete** areaway around the entire pool of at least three (3) feet on in-ground pools.
4. Except for a properly installed diving board, access ladders or safety railings there shall be an unobstructed areaway around the entire pool of at least 3 feet on above-ground pools.
5. Heating units, pumps, and filter equipment shall be located not less than the minimum setback or offset required in the zoning district where the property is located.
6. Any exterior hose bibs to be used in conjunction with the filling of any swimming pools shall have an anti-siphoning type valve.
7. No swimming pool may be drained onto the lands of neighboring or adjacent property.
8. Decks shall be constructed in accord with the provisions of Chapter SPS 321, Wis. Adm. Code, or subsequent revisions and shall be considered an integral part of the

swimming pool which shall comply with all applicable setbacks and offsets per the City Zoning Code.

- (i) Electrical regulations.
  - 1. All electrical installations provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the national, state, and local codes regulating electrical installations.
  - 2. Overhead flood or other artificial lights used to illuminate a pool shall be shielded or positioned to eliminate direct light and minimize reflected light onto adjoining properties and roadways.
- (j) Nuisances. No pool shall be so operated or maintained as to create a nuisance, any eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to the public health, safety and welfare.
- (k) Sanitation. A swimming pool and its appurtenant facilities shall be kept clean and in a sanitary condition.

## **SUBCHAPTER VI. -- FOUNDATION REPAIR AND DAMP-PROOFING**

### **SECTION 14.40 -- FOUNDATION REPAIRS AND DAMP-PROOFING.**

(1) Repairs to foundations and damp proofing require a permit from the Building Services Department. Application for permit shall include a statement of the existing defects, and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.

(2) Plans and/or specifications must be submitted for approval prior to issuance of a permit.

(3) Except as otherwise permitted by the Director of Building Services, foundation repair shall be performed in accordance to the Best Management Standards for Foundation Repair, March 2003.

(4) Permit fee for foundation repairs and damp-proofing shall be set from time to time by resolution of the Common Council.

## **SUBCHAPTER VII - PLUMBING CODE**

### **SECTION 14.50 - TITLE.**

This subchapter shall be known as the "Plumbing Systems Code."

### **SECTION 14.51 - PLUMBING DEFINED.**

As used in the Plumbing Systems Code, plumbing is defined as stated in Section 145.01, Wisconsin Statutes. Any future amendments, revisions or modifications thereto are made a part of this Code by reference in order to secure uniform statewide regulation.

### **SECTION 14.52 - STATE PLUMBING AND FIRE PROTECTION SYSTEMS CODE ADOPTED.**

(Rep & Rec 12-14)

The provisions and regulations of Chapter 145, Wisconsin Statutes, and Chapters SPS 381, 382, 383, 384, 385, Wisconsin Administration Code and any future amendments, revisions, or modifications thereto are made a part of this Code by reference in order to secure uniform statewide regulation of plumbing systems.

**SECTION 14.53 - PLUMBING INSPECTOR (Rep & Rec 16-12)**

**(1) APPOINTMENT**

There is hereby created the position of Plumbing Inspector in accordance with Section 145.05, Wisconsin Statutes, who shall be appointed by the Common Council. The Plumbing Inspector shall be a licensed master plumber. The Plumbing Inspector shall act as a building inspector when requested by the Director of Building Services Department to the extent the Inspector has proper State certification(s).

**(2) TERMINATION**

The Director and Administrator may at their discretion terminate employment of the Plumbing Inspector in the event the inspector fails to meet the qualifications required here or by the State; has obtained certification through fraud or deceit; or demonstrates negligence, incompetence or misconduct in fulfilling the responsibilities of this position.

**SECTION 14.54 - AUTHORITY AND RESPONSIBILITY OF PLUMBING INSPECTOR  
(Rep & Rec 16-12)**

**(1) ENFORCEMENT**

The Plumbing Inspector shall enforce all provisions of this Chapter as well as all other applicable provisions of the Wisconsin Statutes, Wisconsin Administrative Code, Occupational, Safety and Health Administration Regulations, and City of Pewaukee Municipal Code, pertaining to the installation and repair of plumbing systems.

**(2) APPROVALS**

The Plumbing Inspector is authorized to approve all applications required under this Chapter, issue permits as authorized by this Chapter and collect fees for services as outlined by this Chapter.

**(3) Repealed 16-12**

**(4) POWER AND AUTHORITY TO ENTER UPON PREMISES.**

The Plumbing Inspector or authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter any public or private building, or premises in the discharge of official duties, or for the purpose of making any inspection or test of the plumbing system or appliances contained therein. The Inspector or agent shall be given prompt access to any premises upon notification to the owner or person in immediate charge of the premises. Any person, who shall willfully or knowingly resist or obstruct the Inspector or agent in the performance of their duties, shall be guilty of a violation of this Chapter.

**SECTION 14.55 - APPLICATIONS, PERMITS, AND PLUMBER'S LICENSES.**

**(1) REQUIREMENTS**

No plumbing systems, unless specifically exempted by this Chapter, shall be installed in the City of Pewaukee without first filing an application and receiving a permit. Each application must receive the approval of the Plumbing Inspector before the permit can be issued. All permits must specifically cover the work to be performed. Payment of permit fee must accompany permit applications before review and issuance of the permit can occur. Permit fees shall be set by resolution of the Common Council from time to time.

**(2) PLUMBING LICENSE REQUIRED**

No person may perform plumbing work unless they are licensed by the State of Wisconsin. A State plumbing license is not required for plumbing work performed by a property owner in a one-family building owned and occupied by the owner as their home or farm building.

**(3) EXPIRATION OF LICENSES AND PERMITS**

All permits shall automatically expire one (1) year after their issuance dates unless specifically authorized by the Plumbing Inspector.

**(4) FAILURE TO APPLY**

Failure to apply for and obtain a permit as required by this Chapter prior to commencement of work shall constitute a violation of this Chapter. Permits applied for after-the fact must be accompanied by double the permit fee amount.

**SECTION 14.56 - INSTALLATION INSPECTIONS (Rep & Rec 16-12)**

**(1) INSPECTIONS AND FEES**

Inspections for all Plumbing and Fire Protection installations shall be performed in accordance with the regulations as adopted herein. Fees for inspections shall be established from time to time by resolution of the Common Council upon recommendation of the Director of Building Services.

**(2) INSTALLATION OF BUILDING SEWER CONNECTION**

The installation of a building sewer connection to a public sewer must be made in the following manner:

The Inspector shall be notified twenty-four (24) hours before installation will be made. The Inspector may remain at the site until the connection has been made, sewer has been installed and properly bedded and tests of installation have been made.

**SECTION 14.57 - CLEAR WATER WASTES (Rep & Rec 12-14, 12-15, 16-12)**

**(1) DISCHARGE**

All clear water wastes as defined in Chapter SPS 381, Wis. Adm. Code, shall be discharged either by gravity flow or by mechanical means to a storm sewer, to the surface of the ground outside of the building or to other places of disposal as may be authorized by the Plumbing Inspector.

**(2) ADJOINING PROPERTY**

Clear water may not be directed to adjoining property except where natural drainage ways exist.

**(3) VIOLATIONS**

Any person responsible for permitting clear water to discharge to a sanitary sewer by any means whatsoever shall be subject to the penalties prescribed for violations of this Ordinance.

**SECTION 14.58 - UNDERGROUND WATER DISTRIBUTION PIPES**

Underground piping located in areas subject to freezing shall be buried a minimum depth, or provided with insulation, as required by the Wisconsin Administrative Codes and approved by the Plumbing Inspector.

**SECTION 14.59 - EXCAVATIONS FOR SEWER AND WATER INSTALLATIONS**

**(1) EXCAVATIONS**

All excavations are governed by the City of Pewaukee Municipal Code and Wisconsin Administrative Codes.

**(2) STRAIGHT LINE WATER LATERALS**

When a sewer and/or water lateral cannot be installed in a straight line between the connection at the main and the existing laterals at the lot line, permission for said installation is required and must be received from the Plumbing Inspector. If said approval is granted and said installation is completed, the installer shall provide the Plumbing Inspector with a drawing of the installations showing dimensioned locations of all piping.

**SECTION 14.60 – FEES (Rep & Rec 16-12)**

All fees including but not limited to permit and inspection fees authorized by these Chapters shall be set from time to time by resolution of the Common Council.

**SUBCHAPTER VIII - ELECTRICAL**

**SECTION 14.70 - TITLE.**

This subchapter shall be known as the “Electrical Code”.

**SECTION 14.71 - STATE AND NATIONAL ELECTRICAL CODE ADOPTED (Rep & Rec 12-14)**

The Common Council of the City of Pewaukee hereby adopts the Wisconsin State Electrical Code, Volume 1, Wis. Adm. Code Chap. PSC II4 and Volume 2, Wis. Admin. Code Chapter SPS 316, along with the National Electrical Code, and any future additions, amendments or modifications of the same, and makes them a part of this Code by reference. Said Codes shall govern the electrical installation, alteration or repair occurring in the City of Pewaukee. In the event that there is a conflict between the State and National Codes, the State Code shall control.

**SECTION 14.72 - ELECTRICAL PERMIT REQUIRED (Rep & Rec 16-12)**

No person, firm or corporation shall alter or install electrical wires and apparatus for any purpose whatsoever in the City of Pewaukee unless and until a permit is obtained from the City Electrical Inspector in compliance with the terms of this code. Payment of the permit fee must accompany permit applications before review and issuance of the permit can occur. Permit fees shall be set from time to time by resolution of the Common Council.

**(1) EXPIRATION OF LICENSES AND PERMITS**

All permits shall automatically expire one (1) year after their issuance dates unless specifically authorized by the Electrical Inspector.

**(2) FAILURE TO APPLY**

Failure to apply for and obtain a permit as required by this Chapter prior to commencement of work shall constitute a violation of this Chapter. Permits applied for after the fact must be accompanied by double the permit fee amount.

**SECTION 14.73 - ELECTRICAL INSPECTOR. (Rep & Rec 12-14, 12-15, 16-12)**

**(1) APPOINTMENT**

The Electrical Inspector or Commercial Electrical Inspector shall be appointed by the Common Council and must be State Certified as a Wisconsin Master Electrician, knowledgeable of electrical construction for safety of life and property, the statutes of the State of Wisconsin relating to electrical work, the rules and regulations issued by the Department of Safety and Professional Services of Wisconsin under authority of the Statutes, and the National Electrical Code as adopted by Wisconsin Administrative Code Chapter SPS 316.

**(2) DUTIES**

The Electrical Inspector shall supervise and inspect all electrical work occurring in the City of Pewaukee whether new installations or alterations. Additionally, the Electrical Inspector shall supervise and inspect building construction and HVAC work as a building inspector when requested by the Director of the Building Services Department in accordance with certification(s) held by the inspector.

The Electrical Inspector shall enforce the provisions of this Code and shall be responsible for recommending permit fees, preparing suitable forms and permits necessary for obtaining compliance with this Code.

**(3) TERMINATION**

The Director and Administrator may in their discretion terminate employment of the Electrical Inspector in the event the inspector fails to meet the qualifications required here or required by the State; has obtained certification through fraud or deceit; demonstrates negligence, incompetence or misconduct in fulfilling the responsibilities of this position; is arrested or convicted for a crime substantially related to the State certification; or violates state, federal or local laws or regulations relating to the conduct of this position.

**SECTION 14.74 - POWER AND AUTHORITY TO ENTER UPON PREMISES.**

The Electrical Inspector or authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter any public or private building, premises in the discharge of official duties, or for the purpose of making any inspection or test of the electrical wires or appliances contained therein. The Inspector or agent shall be given prompt access to any premises upon notification to the owner or person in immediate charge of the premises. Any person, who shall willfully or knowingly resist or obstruct the Inspector in the performance of their duties shall be guilty of a violation of this Chapter.

**SECTION 14.75 - NOTICE TO INSPECT.**

Upon completion of "roughed in" wiring, before covering from view, it shall be the duty of the person, persons, firm or corporation doing said electrical work in the City of Pewaukee to notify the Electrical Inspector at least 24 hours before inspection is required that the premises are ready to be inspected.

**SECTION 14.76 - APPLICATION AND PERMITS.**

No electrical wiring, whether in the nature of installation, alteration or repair shall be done without a permit. The Electrical Inspector may refuse to issue a permit if the application is not completely filled out in accordance with the terms of this Code or if the contractor is not a licensed electrician in the State of Wisconsin.

**SUBCHAPTER IX - RESERVED**

**SUBCHAPTER X. -- MISCELLANEOUS AND VIOLATIONS**

**SECTION 14.90 -- Repealed 16-12**

**SECTION 14.91 -- DAMAGE TO PUBLIC OR PRIVATE PROPERTY**

Damage to curbs, gutters, catch basins, sidewalks, culverts, street surface, shoulders, storm drainage ditches or sewers, man holes, monuments, fire hydrants and other utility fixtures, fences, fixed barriers, lights, signs or trees and shrubs located on contiguous private or public property shall be replaced or repaired at the discretion and supervision of the owner of such contiguous property.

**SECTION 14.92 -- BURNING CONSTRUCTION DEBRIS PROHIBITED**

The burning on or adjacent to the site of building materials, debris and solid or liquid waste will not be allowed, and if such activity occurs which results in a fire call and fire personnel and equipment responding, it will be considered a violation subject to payment of all costs related thereto.

**SECTION 14.93 – VIOLATIONS (Rep & Rec 16-12)**

It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Code, or to cause, permit or suffer any such violations to be committed of the City of Pewaukee Municipal Code. Any person violating any of the provisions of this Code shall be subject to the penalty provisions as set forth in Chapter 25. It shall be the responsibility of the offender to abate the violation as expeditiously as possible and each day that such violation is permitted to continue shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Inspector constitute a defense.