

## CHAPTER 30

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**30.01 (1) WISCONSIN UNIFORM DWELLING CODE ADOPTED FOR ONE AND TWO FAMILY DWELLINGS.** (a) Chapters ILHR 20 Administrative and Enforcement, ILHR 21 Construction Standards, ILHR 22 Energy Conservation, ILHR 23 Heating, Ventilating and Air Conditioning Standards, ILHR 24 Electrical Standards and ILHR 25 Plumbing and Potable Water Standards of the Wisconsin Administrative Code, adopted and effective June 1, 1980, and all amendments thereto, are adopted and incorporated in this Code by reference.

(b) The Building Inspector, as certified by the Department of Industry, Labor and Human Relations, is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code.

(c) The Wisconsin Uniform Dwelling Code as adopted and amended shall apply to all alterations and remodeling to one and two family dwellings as well as to new construction.

(2) No person shall build, cause to be built, remodel, or alter any one or two family dwelling without first obtaining a State Uniform Building Permit for such dwelling. Such building permit shall be furnished by the Village. A copy of such permit issued shall be filed with the Village Building Inspector.

(3) The permit fees shall be established from time to time by resolution of the Village Board.

**30.02 WISCONSIN UNIFORM BUILDING CODE ADOPTED FOR DETACHED GARAGES AND OTHER THAN ORIGINAL CONSTRUCTION OF ONE AND TWO FAMILY DWELLINGS AS PREPARED BY THE BUILDING INSPECTORS' ASSOCIATION.** (1) The following sections of the Wisconsin Uniform Building Code prepared by the Building Inspectors Association of the State of Wisconsin or as amended are hereby adopted by reference and apply to detached garages and other than original construction on one and two family dwellings:

- (a) Section 30.07 - Regulations for Moving Buildings.
- (b) Section 30.08 - Razing of Buildings.
- (c) Section 30.37 - Underground Tanks, Abandoned, Out of Service, Removal.
- (d) Section 30.43 - Garages.

(2) The permit fees shall be established from time to time by resolution of the Village Board.

**30.03 WISCONSIN ADMINISTRATIVE CODE, BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE ADOPTED.** The Wisconsin Administrative Code, Building and Heating, ventilating and air conditioning Code, Chaps. ILHR 50 through 64, 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 Village Clerk.

**30.04 OCCUPANCY BOND.** (a) Bond Required. Every person, corporation or organization requesting a building permit in the Village of Sussex for a structure which is subject to the occupancy permit requirements shall, before a building permit is issued, deposit with the Village an amount as listed in (c) below to ensure and guarantee to the Village that the building for which the building permit is requested shall not be occupied before an occupancy permit for the building has been obtained.

(b) Definitions:

1. "Occupy." A building shall be considered to be occupied for the purposes of this ordinance, if it appears to the satisfaction of the Village of Sussex Building Inspector that any personal property, other than that absolutely necessary for construction of the building, has been moved into the building, or that any person, at any time, has used the building in the manner in which it is intended to be used upon completion.

2. "Occupancy Permit." Occupancy Permit shall mean an Occupancy Permit issued by the Village of Sussex.

(c) Bond. A deposit in the amount of \$300.00 for a single family unit, \$500.00 for a duplex unit, \$200.00 for each unit in a building of three or more units, and \$1,000.00 for each 10,000 square feet or fraction thereof of commercial or manufacturing space, up to the maximum of \$3,000.00 is required prior to issuance of any building permit. This bond shall be held until all state and local codes are complied with prior to any person(s) occupying the property. This bond shall be returned upon issuance of an occupancy permit less any costs, fees and penalties. Failure to obtain an occupancy permit or to occupy the property prior to receipt of an occupancy permit shall result in forfeiture of said deposit, in addition to any fine(s), costs, fees or penalties assessed as a result of the violation of Village Code Section 17.0207. The Building Inspector may waive said deposit if in his/her opinion the builder/contractor has proven compliance with Section 17.0207, of the Village Code in his/her past performance.

**30.05 DRAINAGE.** (1) Grading Lots. 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 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 to provide continuous drainage. The Building Inspector may require the property owner to submit a fee as he determines to the Village in advance to cover the Village's installation of a culvert in accordance with specifications determined by the Village Engineer if the Building Inspector shall determine that installation of such a culvert is necessary to provide for continuous drainage. If the cost of installation of such culvert is more than the fee submitted to the Village in advance, the property owner shall be responsible for payment of such cost; if the cost of installation is less than the fee paid to the Village, the remainder shall be returned to such property owners.

(2) Storm Water Drains. No dwelling shall be erected nor shall existing provisions for conveyance of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling in such a manner that such water will not, directly or indirectly, pass into the sanitary sewer system. 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.

(3) Inspections as to Drainage. The building inspection officers of the Village are hereby authorized to make such inspections as necessary to determine if (1) or (2) are being violated. If consent to enter upon the property to be inspected is denied, such inspection officers are authorized to obtain special inspection warrants under provisions of SS 66.122 and 66.123, Wis. Stats.

**30.06 PRIVATE SWIMMING POOLS.**

(1) Definitions.

(a) Private Swimming Pool - means any constructed or assembled pool above or below ground

that is not publicly owned which is more than 24 inches in depth and has a surface area of more than 150 square feet and which is used or intended to be used as a swimming pool.

(2) Permit Required, Application and Plans. It shall be required that a permit be issued for the construction, placement or alteration of a private swimming pool. The permit shall be obtained from the Building Inspector prior to the construction or placement of a private swimming pool. An application on forms provided by the Building Inspector shall be submitted by the owner or his agent. The application shall be accompanied by a duplicate set of plans drawn to scale. The plans shall include the following information:

(a) The accurate location of the proposed pool on the property including distances to existing lot lines, buildings and fences, proposed structures or fences, and the location of all underground and overhead electric or telephone lines.

(b) The dimensions of the pool and the volume of water in gallons to be held in the pool.

(c) The location proposed to be used for the disposal of waste water from the pool. No direct connection shall be made to the sanitary sewer or septic system.

(d) The location and type of fencing to be installed to comply with the requirements of this chapter.

(e) The location and type of landscaping proposed for the area immediately surrounding the pool.

(3) Fees. The building permit fee and the electrical permit fee for installation of said pool shall be established from time to time by resolution of the Village Board.

(4) Setback Requirements. A private swimming pool shall be considered a detached accessory structure under the Zoning Code. A private swimming pool shall not be located less than 10 feet from any principal building or lot line. No swimming pool shall be located under any overhead utility lines or over any underground utility lines.

(5) Enclosure Required. Every private swimming pool before filling shall be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type not readily climbable by small children. All gates shall be self-closing and self-latching. The main building, or any accessory structure, on the site may form part of the enclosure. Any main building or accessory structure that forms a part of the enclosure shall have self-closing and self-latching doors on any door that leads directly to the pool area unless a fence as required in this section is provided between the door and the pool.

The sides of above ground pools are acceptable as enclosures, provided, that the sides extend not less than four (4) feet above the outside ground at all points, and provided further, that access steps or ladders are capable of being rendered inaccessible by being removed or raised more than four (4) feet above the outside grade.

(6) Retroactivity. The lack of a minimum enclosure as herein described, on any existing pool, is hereby deemed to be a serious public safety hazard. The owner of the property, upon which such a pool is located, shall comply with the enclosure requirements of Section 30.06(5) of this Chapter within thirty (30) days after date of notification to comply.

(7) Conformance with Codes. All building, plumbing, electrical and other codes as adopted by the Village Board shall be adhered to in the construction, assembly or operation of a private swimming pool. The electrical work shall be inspected before the Building Inspector issues a "use" (occupancy) permit.

**30.07 LANDSCAPING AND EROSION CONTROL BOND.**

(1) PROPERTY OWNER RESPONSIBLE FOR INSTALLATION OF LANDSCAPING AND MAINTAINING EROSION CONTROL UNTIL LAWN IS ESTABLISHED. All property owners constructing new homes, remodeling, constructing any type of building, whether residential, commercial or industrial, or performing any type of grading, landscaping or digging on their property, shall be responsible for the installation of landscaping and for maintaining proper erosion control measures until such time as the lawn and landscaping are established.

(2) CASH BOND REQUIRED. Any person making application for construction of a new home or building, expansion/alteration of an existing building, or construction of, or remodeling of any commercial or industrial building, or any property owner performing any grading, landscaping or digging on their property shall, before commencing any such project, post with the Village Treasurer a refundable cash bond in the sum of \$600.00 in the case of residential projects and the sum of \$1,200.00 in the case of commercial or industrial projects, to ensure that landscaping is installed and that property erosion control measures are maintained until such times as the lawn and landscaping are established.

(3) FORFEITURE OF BOND. If, at any time, it appears to the Village of Sussex Building Inspector that landscaping has not been installed, or required erosion control measures have not been maintained, and if after notice within 24 hours, said installation or maintenance has not been completed in a satisfactory manner, the entire cash bond shall be forfeited and another cash bond of an equal amount shall be provided to the Village before the project shall continue.

(4) DURATION OF BOND. Said cash bond shall remain with the Village Treasurer until the Building Inspector, or his deputy, or the Village Administrator shall inspect the premises upon which the project is being performed and shall determine whether the project is completed to a stage that no further need for the bond is required. If the Building Inspector or Village Administrator find that the Village has no further need for the cash bond, he or she may then authorize the Village Treasurer to return the balance remaining of said cash bond. Interest, if any, earned upon said cash bond shall belong to the Village to defray the cost to the Village of administering this section.

(5) BOND TO BE USED FOR STATED PURPOSE. The cash bond described herein may be used directly by the Village without notice to the property owner, for cleaning or repair of any erosion control sediment, or to landscape the said project.

(6) UNPAID BALANCE TO BE PLACED ON TAX ROLL. In the event that the amount of the cash bond is insufficient to cover all cleanup and/or repair costs of the Village, the said property owner shall be billed for the balance owed and if said bill remains unpaid after thirty (30) days, the charge will be placed on the tax roll as a special charge pursuant to Section 66.60(16) Wisconsin Statutes.

**30.08 PENALTIES.** Any person violating any of the provisions of this chapter shall be subject to the penalties as set forth in Chapter 25 of the Municipal Code of the Village of Sussex. In addition to any penalties as described herein the Building Inspector of the Village shall have the power to enforce compliance with the terms of this chapter by proper legal court procedure. Each day of violation of this

ordinance shall constitute a separate and distinct offense punishable as such.

**30.09 ELEVATORS.** In any new construction of commercial, business, industrial and multi-family buildings requiring an elevator or elevators, each shall be a minimum size so as to accommodate an 84 inch by 24 inch ambulance stretcher in a full reclining position. This is not applicable to existing buildings being remodeled to comply with ADA requirements.

**30.10 SPIRAL STAIRWAYS.** A spiral stairway may not serve as the only exit from any floor within any occupancy.