

## TITLE 15

### Building Code

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## CHAPTER 1

### Building and Mechanical Code

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#### SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Waukesha" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Authority.** These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.
- (d) **Scope.** This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, agricultural buildings and residential accessory buildings. Not included are children's play structures.

**SEC. 15-1-2 BUILDING PERMITS AND INSPECTION.****(a) Permit Required.**

- (1) General Permit Requirements. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit from the municipal building inspector.
  - a. New buildings.
  - b. Additions that increase the physical dimensions of a building including decks.
  - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
  - d. Replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
  - e. Any electrical wiring for new construction or remodeling.
  - f. Any HVAC for new construction or remodeling.
  - g. Any plumbing for new construction or remodeling.
  - h. Agricultural buildings.
  - i. Exempt are normal repairs performed in Subsection (a)(1)e-g.
  - j. Exempted are re-roofing, re-siding and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
- (2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:
  - a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition 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 Chapter applicable to such occupancy and use and given type of construction.
  - b. 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 exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. 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 a 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.
  - d. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- (c) **Dedicated Street 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. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board or per the Developer's Agreement.
- (d) **Utilities Required.**
  - (1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and gravel are installed in the streets necessary to service the property for which the permit is required.
  - (2) Occupancy. No person shall occupy any building until sewer, water, grading and gravel are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (e) **Submission of Plans.** Two (2) sets of building plans shall be submitted to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. A third set of commercial plans is required for the Fire Inspector.
- (f) **Waiver of Plans; Minor Repairs.**
  - (1) Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).
- (g) **Approval of Plans; Permit Issuance.**
  - (1) Culvert Installation. Prior to a building permit being issued for any new principal structure as defined by Title 13, Town zoning code, on a vacant lot, the Town will install a culvert at the property owner's expense. The property owner shall file a cash deposit and pay the culvert fees per Title 16-1-3 at the time of building permit application. Actual cost will be applied to the building permit at the time of issuance if over or under the deposit amount.
  - (2) Permit Issuance. If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. The Inspector shall issue the requested permit after all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. 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 or the occupants, except with the written consent of the Building Inspector.
  - (3) Partial Authorization. In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(h) **Inspections.**

(1) The following inspections shall be requested forty-eight (48) hours in advance or per Wisconsin Administrative Code by the applicant/contractor or property owner as applicable:

- a. Footing
- b. Foundation.
- c. Rough carpentry, HVAC, electric and plumbing.
- d. Draitile/basement floor.
- e. Underfloor plumbing
- f. Electric service.
- g. Insulation.
- h. Final carpentry, HVAC, electric and plumbing.
- i. Erosion control.

(2) Failure to Request Inspection. Failure to request any inspection will be the responsibility of the contractor and/or property owner.

(i) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within two (2) years from the date of issuance thereof.

(j) **Revocation of Permits.**

(1) The Building Inspector or the Town Board may revoke any building, HVAC, plumbing or electrical 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 the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
- 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 all new materials, equipment, methods or construction devices or appliances.

(2) The notice revoking a building, HVAC, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her 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. However, such work as the Building Inspector may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (k) **Report of Violations.** Town officials shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (l) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- (m) **Permit Issuance Questions.** If the Building Inspector has any questions regarding the issuance of a building permit to any applicant, the same shall be referred by the Building Inspector to the Plan Commission for their review and determination. The Building Inspector shall follow the recommendations of the Plan Commission in granting or refusing to issue such building permit.
- (n) **Permit Fees.** Permit fees shall be paid prior to permit issuance according to Section 16-1-3.

**SEC. 15-1-3 STATE CODES ADOPTED.**

- (a) **Adoption of Codes.** The Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Ch. COMM 2.31	Plan Review Fee Schedule
Ch. COMM 5	Credentials
Ch. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 61-65	Commercial Building Code
Ch. COMM 70	Historic Building Code
Chs. COMM 75-79	Existing Building Code
Chs. COMM 81-87	Uniform Plumbing Code

- (b) **Scope of Uniform Dwelling Code Expanded.**

For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

- (1) Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
- (2) Detached accessory buildings greater than 200 sq. ft. serving one and two family dwellings.
  - a. Frost Protection for Footings and Foundations

1. Grade-beam slabs are required for structures with a continuous floating slab of reinforced concrete. Slab 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 wire mesh or by using 1.5 pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. 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.
  2. Structures not constructed with a floating slab shall have footings and foundations placed below frost penetration level, but in no case less than forty-eight (48) inches below grade per COMM 21.
- (3) Detached accessory buildings less than 200 square feet in size, concrete slabs, frost-free footings and the like are not required, but if they are installed they shall follow (2) above and/or COMM 21. Wood bearing beams, walls or members in contact with the ground shall be pressure treated or decay resistant type wood per COMM 21.10.
- (c) **Method of Enforcement.**
- (1) Certified Inspector to Enforce. The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 26.06, Wis. Adm. Code.
  - (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.
  - (3) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
  - (4) Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
  - (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

#### **SEC. 15-1-4 CERTIFIED MUNICIPALITY STATUS.**

- (a) **Certified Municipality.** The Town has adopted the Certified Municipality Status as described in COMM 61.70 of the Wisconsin Administrative Code.
- (1) Responsibilities. The Town shall assume the following responsibilities for the Department of Commerce (Department):
    - a. Provide inspection of commercial buildings with certified commercial building inspectors.
    - b. Provide plan examination of commercial buildings with certified commercial building inspectors.
  - (2) Plan Examination. Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed

within the limits of the municipality shall be submitted, if the plans are for any of the following:

- a. A new building or structure containing less than 50,000 cubic feet of total volume.
  - b. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
  - c. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
  - d. An alteration of a space involving less than 100,000 cubic feet of total volume.
  - e. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
  - f. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- (3) Plan Submission Procedures. All commercial buildings, structures and alterations require plan submission as follows:
- a. Building permit application
  - b. Application for review – SBD-118
    1. Fees per Table 2.31-2 and COMM 2.31
    2. Fees apply to all commercial projects
  - c. 4 sets of plans
    1. Signed and sealed per COMM 61.31
    2. (1) set of specifications
    3. Component and system plans
    4. Calculations showing code compliance

**SEC. 15-1-5 UNSAFE BUILDINGS.**

Whenever the Building Inspector or Town Board find any building or part thereof within the Town of Waukesha to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be 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.

**SEC. 15-1-6 ABANDONMENT OF WELLS.**

- (a) The purpose of this Section is to require abandonment of all unused wells in accordance with the provisions of Chs. NR 111 and NR 112, Wis. Adm. Code.
- (b) All obsolete, unused, unsafe or improperly constructed wells or drill holes shall be abandoned by the owner of the premises on which the well or drill hole is located. Within thirty (30) days after the well or drill hole has been abandoned, the owner of the premises shall promptly fill the well or drill hole in accordance with the requirements of Ch. NR 111.26 and NR 112.21, Wis. Adm. Code.
- (c) In the event an owner fails to comply with the provisions of Chs. NR 111.26 and NR 112.21, Wis. Adm. Code, within thirty (30) days after receiving notice in writing by the Town, the Town may thereafter complete or cause to be completed any work necessary to bring the property in compliance with this provision and the provisions of the Wisconsin Administrative Code, and charge the cost thereof to the owner of the premises as a special assessment against the property.

**SEC. 15-1-7 CROSS CONNECTIONS.**

- (a) Every person owning or occupying any premises receiving a municipal water supply, including but not limited to water supplied by the City of Waukesha Water Utility, shall maintain such municipal water supply free from any connections, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance in which water or a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping system of the municipal water system. All private fire protection systems having cross connections with private supplies shall maintain the double check and gauge valves, installed by order of the Wisconsin Department of Commerce, free from leakage or defect of any nature.
- (b) The regulations of the City of Waukesha Water Utility, with respect to those premises receiving municipal water supply from that utility, are hereby adopted by reference and incorporated in this Code of Ordinances as if set forth in full.



**SEC. 15-1-8 DISCLAIMER ON INSPECTIONS.**

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

**SEC. 15-1-9 REGULATION AND PERMIT FOR RAZING BUILDINGS.**

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Town of Waukesha shall apply for and obtain a demolition permit from the building inspector prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
  - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
  - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
  - (3) The date upon which demolition is to commence;
  - (4) The date by which demolition shall be complete (maximum 6 months)
  - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by the Wisconsin Administrative Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
  - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
  - (7) A description of the method of demolition to be used; and
  - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
  - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment. This permit shall be valid for only 6 months.

- (d) **Clearing and Leveling the Site.**
  - (1) Foundations from demolished buildings shall be removed to a depth of 3 feet below grade and the basement floor is to be broken up into 10 ft. x 10 ft. size pieces or smaller to allow water to move freely. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before any filling of excavation. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
  - (2) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted.
  - (3) Within (6) months from issuance of the razing permit:
    - a. The site of any demolition shall be properly cleared of debris, rubbish and pavement.
    - b. The area shall be graded to conform with the adjoining grade of the neighboring property.
    - c. The area shall be seeded and mulched, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand.
    - d. The Building Inspector shall be notified for the final inspection.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

**SEC. 15-1-10 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 there 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 opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months 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 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 make 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 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 Town Board 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. 15-1-11 ILLICIT DISCHARGES AND CONNECTIONS.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Illicit Connection:** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge, including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency prior to the adoption of this ordinance.
  - (2) **Person:** Means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or owner's agent.
  - (3) **Storm Drain System:** Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (b) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Town to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (c) **Discharges Prohibited.** No person shall discharge, spill, or dump substances or materials which are not entirely composed of storm water into receiving bodies of water or onto driveways, sidewalks, parking lots, or other areas that drain into the storm drainage system.
 

No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer or any other property. Discharge water pipe needs to terminate a minimum of 15 feet from any lot line so as not to flood neighboring property.
- (d) **Connections Prohibited.** The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law, or practice applicable or prevailing at the time of connection.
- (e) **Exemptions.** The following activities are exempt from the provisions of this section unless found to have an adverse impact on the storm water:
  - (1) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
  - (2) Discharges resulting from firefighting activities.
  - (3) Discharges from uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing, and swimming pools if the water has been dechlorinated.
- (f) **Enforcement.** Whenever the Building Inspector finds that a person has violated a prohibition or failed to meet a requirement of this section, the Building Inspector may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
  - (1) The elimination of illicit connections or discharges;
  - (2) That violating discharges, practices, or operations shall cease and desist;

- (3) The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;
- (4) In the event any person fails to eliminate the illicit connections or discharges, fails to cease and desist in discharge, practices or operates in violation of this Section, or fails to abate or remediate the storm water pollution or contamination hazards, such person may be subject to a forfeiture pursuant to Section 1-1-6, General Penalties.

**SEC. 15-1-12 DUPLEX SERVICE CONNECTIONS.**

Each unit of a duplex shall have a separate water and sewer services.

**SEC 15-1-13 REGULATIONS FOR MOVING BUILDINGS.**

(a) **General Requirements.**

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Town 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.
- (2) A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Town Clerk prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.

(b) **Moving Damaged Buildings.** No building shall be repaired, altered, or moved within, or into, the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation, garage, and service connections in case of moved buildings) forty percent (40%) or more of its fair market value, and no permit shall be granted to repair, alter, or move such building within, or into, the Town. Furthermore, in the event the fair market value of the building proposed to be moved within, or into, the Town will not, after the building has been moved and improvements completed, equal or exceed the fair market value of those properties immediately adjoining and contiguous to the property on which the building has been moved, and no permit shall be granted to move the building within, or into, the Town.

(c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All 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. Lights 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, inspect the streets, highways and curbs and gutters 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 as 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 Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town 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/she 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 so comply with said Building Code. In the event a building is to be moved from the Town 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 public way in the Town, the party applying therefor shall give a cash bond to the Town of Waukesha in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), to be approved by the Town Board or designated agent conditioned upon, among other things, the indemnification to the Town 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 Town in connection therewith arising out of the removal of the building for which the permit is issued.
  - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) 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.
- (g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Million Dollars (\$1,000,000.00) and for one (1) accident, aggregate not less than Five Million Dollars (\$5,000,000.00), together with property damage insurance in a sum not less than One Million Dollars (\$1,000,000.00), or such other coverage as deemed necessary.

(h) **Town Board Approval.**

- (1) No such permit shall be issued unless it has been found as a fact by the Town Board 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 Town or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of 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/she shall submit, with his/her 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 Town Board, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Town Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Town. 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/she shall request a meeting of the Town Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Town. The Town Board 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, give 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 Town Board shall, in writing, make or refuse to make the finding required by Subsection (8) hereof and file it in the office of Town Clerk, who shall send a copy of it to the Building Inspector.

**SEC. 15-1-14 SWIMMING POOLS.**

- (a) **Private Swimming Pools.** No person shall construct, install, or enlarge a swimming pool not enclosed in a permanent building in the town except in accordance with the regulations of this chapter.
- (b) **Definitions.** The term “private swimming pool” is defined as a receptacle for water, or an artificial pool of water, having at any point of more than 30 inches, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, for 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 260 square feet in area and four feet in depth which are dismantled and removed for the winter are excluded from this chapter.

- (c) **Permit.** No person shall construct, install, enlarge or alter any private swimming pool unless permits have first been obtained from the Building Inspector. The pool permit fee shall be per Title 16 Fees. Application shall be on forms provided by the Building Inspector, and shall be accompanied by plans drawn to scale showing pool dimensions and volume of water in gallons; location and type of water waste disposal system; location of pool on lot and distance from lot lines; and fencing and landscaping plan or a combination thereof.
- (d) **Construction of Pool.** A private swimming pool shall be constructed in accordance with the following requirements:
- (1) The pool must be contained within setback and offset lines. The area of the pool shall not exceed 5 percent of the area of the lot.
  - (2) The pool shall not be nearer than 10 feet to any residence or to an overhead electrical wire.
  - (3) The pool must be completely fenced before filling, by a fence or wall not less than 3 1/2 feet in height, constructed of a minimum number 9 gauge woven wire mesh, corrosion-resistant material, or enclosed wooden fence approved by the Building Inspector. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. A pool erected on top of the ground before filling shall have the pool construction completely and adequately screened from the view of abutting properties by means of a solid fence of redwood, basket-weave, landscaping, or a combination thereof, or other material approved as equivalent by the Building Inspector.
  - (4) 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 a minimum required height and design as heretofore specified. Permanent access from grade to above ground pools having stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates as are provided the pool proper.
  - (5) No direct connection shall be made to the sanitary sewer or septic system.
  - (6) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
  - (7) There shall be an unobstructed concrete areaway around the entire pool of at least 3 feet on in-ground pools.
  - (8) There shall be an unobstructed areaway around the entire pool of at least 3 feet on above-ground pools.
  - (9) Heating units, pumps, and filter equipment shall in no case be less than 20 feet from any property line and shall be adequately housed and muffled. Requirements for heating units shall be equal to those required for residential installation.

**SEC. 15-1-15 OCCUPANCY PERMIT.**

If no non-compliances are found by the Building Inspector, then the Inspector shall issue an occupancy permit. If minor non-compliances, other than health or safety items are in existence, the Inspector may issue a temporary occupancy permit for a specified term. Occupancy may not be taken until an occupancy permit is issued.

**SEC. 15-1-16 DITCH AND OCCUPANCY BOND.**

**Deposit Required.** No building permit shall be issued by the Building Inspector for construction of a building on any vacant land adjacent to a public street until a deposit in the amount of \$1,000.00 has been made by the applicant for such building permit. The deposit shall be made to the Building Inspector at the time an application is made for issuance of the building permit.

The sums deposited shall be retained by the Town Clerk until after permanent landscaping of the street yard, the driveway approach is hard surfaced per Section 6-4-2 and any drainage ditch has been completed. In the event any damage is done to the drainage system or road servicing the property as a result of the construction activities, the deposit shall be used to defray the Town's expense to repair any such damage. The balance of the deposit, after deducting such expenses incurred by the Town to repair the damage, shall be returned to the property owner after the landscaping has been completed. The deposit is also subject to the project being completed with no non-compliances found by the Inspector, including the address permanently installed per Sec. 6-3-13, the driveway approach being hard surfaced per Section 6-4-2 and all other fees are paid. It may be forfeited if occupancy occurs before final inspection or occupancy extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within two (2) years of permit issuance. In the event application for reimbursement of a ditch bond is not made within two (2) years of issuance of the final occupancy permit, or in the event application is made but refused because of the failure of the applicant to comply with the ordinances of the Town of Waukesha, such bond shall be forfeited, and the money shall be placed in the general fund of the Town of Waukesha.

The Building Inspector shall receive a fee per section 16-1-3 from the deposit, or such other sum as may be approved by the Town Board from time to time, to defer the cost of inspecting the premises to ensure compliance with this ordinance, as well as other applicable regulations and ordinances of the Town of Waukesha.

**SEC. 15-1-17 SEVERABILITY.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

**SEC. 15-1-18 PENALTIES AND VIOLATIONS.**

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



- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
- (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Town Board. Those procedures customarily used to effectuate an appeal to the Board shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Waukesha charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

**SEC. 15-1-19 EXTERIOR FINISH REQUIRED.**

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable.

**SEC. 15-1-20 MAINTENANCE OF YARDS.**

Yards shall be kept free of noxious weeds, construction debris, trash and open storage.

**SEC. 15-1-21 ELECTRICAL CONTRACTOR'S LICENSE.**

- (a) **Required.** No person shall install, alter, repair, remove, connect or disconnect any electrical wiring, fixtures, or apparatus for any purpose whatsoever in the Town of Waukesha without first having procured a license therefor as hereinafter provided in this Section, except any person who is performing such work as a bona fide employee of and for the holder of a license.

- (b) **Exception-Owner's Work.** A property owner may personally install electrical wiring in his/her own single family residence owned by and occupied by provided that such owner shall:
  - (1) Apply for and secure a permit in accordance with succeeding sections.
  - (2) Pay required fees.
  - (3) Do the work himself or herself in accordance with this Chapter.
  - (4) Apply for inspections.
  - (5) Receive approval of the Electrical Inspector.
- (c) **License.** All such licenses shall be issued commencing on July 1 and expiring on June 30 of each year following their issuance, unless sooner revoked. If any license shall not be renewed on or before the first day of July of each year, such license shall be considered as having lapsed, and a new license application shall be filed (see Section 16-1-3 Fees).
- (d) **Application.**
  - (1) Application for an electrical contractor's license shall be made out to the Town of Waukesha on furnished forms. All applicants shall be required to possess a currently valid masters certification as issued by the State of Wisconsin.
  - (2) Applicants shall place on file with the Town Clerk a certificate of insurance with minimum coverage of Fifty Thousand Dollars (\$50,000.00) for injury to one person, One Hundred Thousand Dollars (\$100,000.00) for injury to more than one person in any accident and Ten Thousand Dollars (\$10,000.00) for damage to property.
- (e) **Suspension or Revocation of Electrical Contractor's License.** Any electrical contractor's license may be suspended or revoked by the Electrical Inspector. When the Electrical Inspector determines that the Electrical Contractor involved is not following the provisions of this Code with reference to any electrical installations in the Town; has violated the Wisconsin Administrative Code and any statutory provisions with reference to the installation of electrical equipment in the Town; has installed any electrical work in the Town in a careless and negligent manner so as to make the same dangerous to users thereof; or has not paid for permit fees; the Electrical Inspector shall give notice in writing of such suspension or revocation to the electrical contractor involved
- (f) **Enforcement.** In all cases where any action is taken to enforce the regulations of this Chapter, such action or act shall be considered as done in the name of and on behalf of the Town. The Town shall not be judged as liable for any damage that may accrue to any person or persons or property as a result of any such action or act committed in the discharge of its duties.
- (g) **Fees; Payment.** Fees for all licenses shall be paid to the Town, and no license shall be issued or held valid unless signed by the Electrical Inspector and stamped as paid by the Town in the amount required by such license (see Section 16-1-3 Fees).
- (h) **License Suspensions.** The Electrical Inspector shall notify the Town Board within thirty (30) days of the date of any suspension or revocation of an electrical contractor's license of such suspension or revocation.
- (i) **Right of Entry.** The Electrical Inspector shall have the authority to enter all buildings and premises in the discharge of his/her official duties.
- (j) **Sale of Illegal Equipment.** No person, firm or corporation shall keep or offer for sale or sell for use within the Town any apparatus, equipment or fixtures, designed or intended to be used for the production, transmission or utilization of electrical current or power, if said apparatus, equipment or fixtures when installed for use would be in violation of any of the provisions of this Chapter or would be unsafe or dangerous.

## CHAPTER 2

### Minimum Property Maintenance Code

15-2-1	Minimum Property Maintenance Standards
15-2-2	Definitions
15-2-3	Prohibition of Litter, Rubbish or Debris
15-2-4	Housing Appearance
15-2-5	Notice and Remedy
15-2-6	Other Methods Not Excluded
15-2-7	Cost of Abatement

#### SEC. 15-2-1 MINIMUM PROPERTY MAINTENANCE STANDARDS.

- (a) **Policy.** There exist in the Town of Waukesha, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Town of Waukesha.
- (b) **Purpose.** The purpose of this Chapter is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Chapter does not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. This Chapter is meant to be remedial and this Chapter shall be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.
- (c) **Scope.** These standards apply to all structures located in a residential zoned area and to all structures and sites used for residential purposes but zoned for other uses.
- (d) **Minimum Standards.** It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy for use any building, structure or premises which does not comply with the requirements of this Chapter.

#### SEC. 15-2-2 DEFINITIONS.

For purposes of this Chapter, the following definitions shall be applicable:

- (a) **Abandoned Dwelling.** A dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
- (b) **Accessory Structure.** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

- (c) **Blighted Area.** Any area in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (d) **Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- (e) **Deterioration.** The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (f) **Dilapidated.** Describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- (g) **Dwelling.** Any enclosed space which is wholly or partly used or intended to be used for having or sleeping by human occupants.
- (h) **Nuisance.** Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or the Town of Waukesha Code of Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
  - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public or
  - (2) In any other way render the public insecure in life or in the use of property;
- (i) **Occupant.** Any person living, sleeping or having actual possession of a building.
- (j) **Owner.** Any person who, alone or jointly or severally with others:
  - (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
  - (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (k) **Person.** Any natural individual, firm, trust, partnership, association or corporation.
- (l) **Premises.** A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
- (m) **Refuse.** All putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- (n) **Rubbish.** Nonputrescible solid wastes (excluding ashes) consisting of either:
  - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood or
  - (2) Noncombustible wastes such as tin cans, glass or crockery.

### SEC. 15-2-3 PROHIBITION OF LITTER, RUBBISH OR DEBRIS.

No owner or occupant shall, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties. Yards shall be kept substantially clear of debris and shall be provided with

adequate lawn or ground cover of vegetation, hedges or bushes. All areas not covered by any of the foregoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

#### **SEC. 15-2-4 HOUSING APPEARANCE.**

- (a) **Minimum Standards.** No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following Subsections.
- (b) **Foundations, Exterior Walls and Roofs.** No person shall be an owner or occupant of any premises which does not comply with the following requirements:
  - (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
  - (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application. Paint shall be uniform in color.
  - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
  - (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
  - (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
  - (6) The foundation shall be substantially watertight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points.
  - (7) Roof drainage shall be adequate to prevent rain water from causing dampness in the walls.
- (c) **Windows, Doors and Hatchways.** Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.
- (d) **Screens.** From June 1st to September 15th, screens shall be installed on doors or windows when they are required for ventilation. Screening shall be at least a fourteen (14) mesh and shall be attached to its frame in such manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frame so as not to allow the passage of insects or rodents. Screens shall be provided with positive attachment devices to insure that inserts will not fall from or be dislodged from the door or window frame. A self-closing device shall be provided for screen doors.

- (e) **Stairways and Porches.** Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.
- (f) **Grading and Drainage of Lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (g) **Accessory Structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- (h) **Abandoned Dwellings.** The owner of any abandoned dwelling shall:
  - (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
  - (2) Lock all exterior doors and windows of said dwelling;
  - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weather tight, waterproof, rodent proof, structurally sound, and in good repair such that they comply with Subsection (b); and
  - (4) Maintain the yard and accessory structures such that they comply with this Section.
- (i) **Nuisances.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.
- (j) **Infestation.** Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.
- (k) **Refuse, Garbage and Rubbish Storage Requirements.** Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxes, lumber, metal or other materials which may provide harborage for rodents or vermin.

#### **SEC. 15-2-5 NOTICE AND REMEDY.**

- (a) Upon determination by the Building Inspector of a violation of this Chapter, the Town shall notify the owner and, if different from the owner, the occupant of the premises of such violation. Complaints alleging a violation of this Chapter shall be commenced by service of written notice of noncompliance upon the property owner.
- (b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
- (c) The person so notified shall have the right to appeal the decision of the Building Inspector to the Board of Appeals within thirty (30) days of the date of notice.
- (d) If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Building Inspector may file an action in the name of the Town in the Circuit Court for Waukesha County, Wisconsin, in accordance with the provisions of Chapter 823, Wis. Stats., as amended from time to time.

**SEC. 15-2-6 OTHER METHODS NOT EXCLUDED.**

Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Town of Waukesha or its officials in accordance with the laws of the State of Wisconsin or Town ordinances.

**SEC. 15-2-7 COST OF ABATEMENT.**

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

## CHAPTER 3

### Commercial Property Exterior Maintenance Code

15-3-1	Title
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#### **SEC. 15-3-1 TITLE.**

This Chapter shall be known as the Town of Waukesha Commercial Property Exterior Maintenance Code.

#### **SEC. 15-3-2 INTENT AND PURPOSE.**

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Town of Waukesha and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

#### **SEC. 15-3-3 SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY.**

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Town and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
  - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
  - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefited property.
  - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.



- (4) Fences, Walks and Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
- (5) Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
- (7) General Requirements. Every foundation, exterior wall, and roof shall be reasonably weather tight, watertight, and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) Windows and Doors. Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight, and rodent proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) Outside Stairs and Porches. Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) Removal of Debris.
  - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Town, except at approved disposal sites.
  - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
  - c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

**SEC. 15-3-4 FIXING RESPONSIBILITY OWNERS, OPERATORS AND OCCUPANTS.**

Every owner, operator, or occupant of a commercial property, or part thereof shall maintain that portion of the exterior of the property controlled by him.

**SEC. 15-3-5 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.**

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Sections 15-2-5 through 15-2-7.