

CHAPTER 15 BUILDING CODE

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15.01 SEWUBC ADOPTED

The Southeastern Wisconsin Uniform Building Code, current edition, with the indicated revisions by the Village Board, a copy of which is on file with the Village Clerk, is hereby adopted.

15.02 CONSTRUCTION SITE EROSION CONTROL

The intent of these regulations is to require control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbing activities. These regulations apply to all land disturbing construction activities in the Village and within its extraterritorial review powers of Ch. 236, Wis. Stats. These regulations set forth different procedures for different activities depending upon the size, type and location of the activities.

- (1) **AUTHORITY.** This section is adopted under §61.354, Wis. Stats.
- (2) **FINDINGS AND PURPOSE.**
 - (a) **Findings.** The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and Village.
 - (b) **Purpose.** It is the purpose of this section to preserve the natural resources; protect the quality of water of the State and Village and protect and promote the health, safety and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to Geneva Lake and other waters and wetlands of the Village and State.
- (3) **APPLICABILITY.** This section applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village and the public and private lands subject to

extraterritorial review under Ch. 236, Wis. Stats. All State funded or conducted construction is exempt from these regulations.

(4) DEFINITIONS. The following terms shall have the meanings indicated:

Agricultural Land Use. Use of land for planting, growing, cultivation and harvesting crops for human or livestock consumption and pasturing or yarding of livestock.

Commercial Land Use. Use of land for retail or wholesale sale of goods or services.

Construction Site Control Measure. A control measure used to meet the requirements of this section.

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

Control Plan. A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this section submitted by the applicant for review and approval by the Building Inspector.

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

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

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

Landowner. Any person holding title to or having an interest in land.

Land User. Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his land.

Permittee. Landowner, land user, designated agent or applicant for permit.

Run-off. The rainfall, snow melt or irrigation water flowing over the ground surface.

Site. The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

Vegetation Removal. Elimination of living vegetation or cutting or injuring vegetation so the vegetation dies.

Wisconsin Construction Site Best Management Practice Handbook. The most recent published version with appropriate updates, prepared by the Wisconsin Department of Natural Resources Non-point and Land Management Section, a copy of which is filed in the Village Clerk's office.

(5) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES. All control measures required to comply with this section shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook.

(6) MAINTENANCE OF CONTROL MEASURES. All sedimentation basin and other control measures necessary to meet the requirements of these regulations shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

(7) CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

(a) Applicability. Any land disturbing or developing activity shall be subject to the erosion and sediment control provisions of this section if:

1. Any buildings or additions thereto are proposed to be constructed on platted subdivision lots or lots created by certified survey maps.
2. An area of 1,000 sq. ft. or greater will be disturbed by excavation, grading, filling or other earth moving activities, resulting in a loss or removal of protective ground cover or vegetation.
3. Excavation, fill or any combination thereof will exceed 50 cubic yards. Excavation and filling of less than 50 cu. yards, at the discretion of the Building Inspector, may require control of erosion and pollutants, if judged necessary.
4. Any watercourse is to be changed, altered, enlarged or materials are removed from a stream or lakebed.
5. Any utility work in which underground conduits, piping, wiring, waterlines, sanitary sewers, storm sewers or similar structures will be laid, repaired, replaced or enlarged if such work involves more than 300 linear feet of earth disturbance. Construction of municipal utility projects supervised by the Village Engineer shall not be required to obtain a separate permit under this section.
6. Any disturbed area where the slope is equal to or greater than 12%.
7. In those cases where land disturbing construction or vegetation removal activities are located within 500' of the ordinary high watermark of Geneva Lake or within 200' of the ordinary high watermark of any navigable stream.

(b) Erosion and Other Pollutant Control Requirements. The following requirements shall be met on all sites described in par. (a) above and shall be done in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook or this section.

1. Discharge Water. Discharge water shall be handled in a manner consistent with all current statutory and regulatory requirements and may not be discharged in a manner that causes erosion of the site or receiving channels.
2. Waste and Material Disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic material or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving lake, stream channel or storm sewer system.
3. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of the workday.
4. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.
5. Vegetation Removal. All vegetation removal will be kept to a minimum as needed to allow for construction of buildings, patios, decks or the installation of utilities throughout parcels as determined by the Building Inspector.

6. Site Erosion Control. Only if runoff leaves any land development site or site of land disturbance will the following criteria apply:

a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise the channel shall be protected as described below in subpar. c. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

b. All activities on the site shall be conducted in a logical sequence to minimize the area of any soil exposed at any one time. This shall include the planting of vegetative cover within 7 days of land disturbance.

c. Runoff from the entire disturbed area on the site shall be controlled by meeting either the first and second paragraphs below or all 3 paragraphs below:

*All disturbed ground left inactive for 7 or more days or 7 days after final grading shall be stabilized by seeding or sodding or by mulching or covering.

**Filter fences as specified in the Wisconsin Construction Site Best Management Practice Handbook, or equivalent control measures shall be placed along all side slope and down slope areas of the site. If straw bales or hay bales are used as control measures, they shall be replaced not less frequently than every 90 days or more frequently if determined to be noneffective by the Building Inspector. No visqueen or similar plastic filtering material shall be used. Appropriate control measures shall be maintained until adequate vegetative ground cover has been established on the site.

***For sites with 5 acres or more disturbed at one time or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

(8) PERMIT APPLICATION, CONTROL PLAN AND PERMIT ISSUANCE. No landowner or land user may commence a land disturbance or land development activity subject to these regulations without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner and land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to these regulations shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for the review of the control plan. All appropriate measures are to be installed prior to the issuance of a building permit or commencement of construction.

(a) Content of Erosion Control Statement for Land Disturbing Activities That Do Not Exceed 20,000 Square Feet in Area. An erosion control plan statement with a simple map shall be submitted to briefly describe the site and erosion controls, including the site development schedule that will be used to meet the requirements of this section.

(b) Content of the Erosion Control Plan for Land Disturbing Activities Where Such Activities Exceed 20,000 Square Feet in Area.

1. Existing Site Map. A map of existing site conditions, including structures, on a scale of at least 1" equals 100' showing the site and immediately adjacent areas within 50' of the property boundary.

a. Site boundaries and adjacent lands which accurately identify site location.

- b. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
 - c. One hundred year floodplains.
 - d. Location of the predominant soil types.
 - e. Vegetative cover.
 - f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site.
 - g. Locations and dimensions of utilities, structures, roads, highways and paving.
 - h. Site topography at a contour interval not to exceed 5'.
2. Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
3. Site Construction Plan. A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities.
 - b. Locations and dimensions of all temporary soil or dirt stockpiles.
 - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of these regulations.
 - d. Schedule of anticipated starting and completion dates of each land disturbing or land developing activity, including the installation of construction site control measures needed to meet the requirements of these regulations.
 - e. Provisions for maintenance of the construction site control measures during construction.
 - f. Identification of all trees in excess of 5" at 4' above grade that will be removed.

(c) Review of Control Plan or Statement. Within 30 days of receipt of the application, control plan or control plan statement and fee, the Building Inspector shall review the application and control plan or control statement to determine if the requirements of these regulations are met. The Building Inspector may request comments from other departments, agencies or the Village Engineer. If the requirements of these regulations are met, the Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 10 days of receipt of needed information, the Building Inspector shall again determine if the plan or statement meet the requirements of these regulations. If the plan or statement is disapproved, the Building Inspector shall inform the applicant in writing of the reasons for the disapproval.

(d) Permits.

- 1. Duration. Permits shall be valid for a period of 180 days or the length of time of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to a maximum of an additional 180 days. The Building Inspector may

require additional control measures as a condition of the extension if they are necessary to meet the requirements of these regulations.

2. Letter of Credit. As a condition of approval and issuance of the permit for land disturbing construction activities exceeding 20,000 square feet, the Building Inspector shall require the applicant to deposit an irrevocable letter of credit issued by an approved lending institution to guarantee a good faith execution of the approved control plan and any permit conditions. The line of credit will be in the amount of the estimated cost as determined by the Building Inspector to implement the approved control plan and any permit conditions and shall be maintained in such amount until the project is complete with vegetative cover fully established.

3. Permit Conditions. All permits shall require the permittee to:

a. Obtain permission in writing from the Building Inspector prior to modifying the control plan or control statement.

b. Install all control measures as identified in the approved control plan or control statement prior to commencing work.

c. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan or control statement.

d. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.

e. Inspect the construction control measures after each rain of 0.5" or more and at least once each week and make needed repairs.

f. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or control statement or for performing any work necessary to bring the site into compliance with the control plan or control statement.

4. Charge for permits. The following schedule of activities shall require the advance payment of fees for each activity listed in accordance with the schedule of fees approved by resolution by the Village Board and placed permanently on file in the office of the Village Clerk:

a. Erosion control statement fee, see current fee schedule.

b. Erosion control plan fee, see current fee schedule.

c. Actual engineering or other expenses incurred by the Village in connection with the erosion control plan submitted will be billed to the permittee.

d. Additions to existing structures of less than 500 sq. ft., see current fee schedule.

e. All other construction activity under 20,000 sq. ft., see current fee schedule.

f. Projects involving land disturbing construction activity of 20,000 sq. ft. or more, see current fee schedule.

(9) INSPECTION. The Building Inspector shall inspect construction sites at times appropriate to states of construction. If land disturbing or land development activities are being carried out without a permit, the Building Inspector may enter the land pursuant to the provisions or §66.0119.

(10) ENFORCEMENT.

(a) The Building Inspector may post a stop work order if:

1. Any land disturbing or land developing activity regulated under this section is being undertaken without a permit.
2. The control plan or control statement is not being implemented.
3. The conditions of the permit are not being met.

(b) Any permittee violating any provision of this section shall, within 24 hours of notification by the Building Inspector, cease all such unlawful activities and comply with the control plan, control statement or permit conditions or the Building Inspector may revoke such permit. In such case the Village shall enter and remedy the site at the expense of the permittee or bank issuing the letter of credit required by this section.

(c) In those cases where any person not holding the required permit violates any of the provisions of this section, such person shall, within 5 days of notification by the Building Inspector, cease all unlawful activities or the Building Inspector may seek a court order requiring compliance with these regulations.

(d) The Building Inspector or the Board of Appeals may retract the stop work order or the revocation of permit.

(e) If the provisions of pars. (b) or (c) above are not complied with within the specified time, the Building Inspector may within 24 hours of such time issue a written notice of intent to the permittee, landowner or land user of the Village's intent to perform work necessary to comply with these regulations. The Building Inspector may go on the land and commence the work after 24 hours from issuing the notice of intent. The costs of the work performed by the Village may be withdrawn from the line of credit. Any costs, plus interest at the rate authorized by the Village Board, incurred by the Village to bring the site into compliance with these regulations yet not covered due to a shortfall in the account used to secure the line of credit will be billed to the permittee or landowner. If a permittee or landowner fails to pay the amount due, the Village Board shall impose a special charge against the property under Section 66.0627, Wis. Stats. If the amount is not paid, the special charge will become a lien against the property under Section 66.0627, Wis. Stats.

(f) Except as otherwise provided, any person found to be in violation of this section shall be subject to those penalties and enforcement remedies provided in Ch. 18, the Zoning Code of the Village, and the standard penalty provision of this Municipal Code.

15.03 OUTDOOR LIGHTING AND ADVERTISING SIGNS

(1) STATEMENT OF PURPOSE. The purpose of the light ordinance is to regulate outdoor night lighting fixtures to preserve and enhance the area's dark sky while promoting safety, conserving energy and preserving the environment for astronomy. Whereas, Yerkes Observatory does much research and study by observing and taking pictures of the heavens through telescopes and for that purpose requires a clear atmosphere and as little as possible interference for ground lighting, and whereas, the Village appreciates that the Observatory is located within its boundaries and is willing to do everything reasonably possible to aid it in its research and study, therefore, this section is enacted in furtherance of such public purpose.

(2) DEFINITIONS.

(a) Outdoor lighting fixture means an outdoor artificial illuminating device, whether permanent or portable used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.

(b) Shielded means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least fifteen degrees below a horizontal plane running through the lowest point on the fixture where light is emitted.

(3) SHIELDED OF OUTDOORS LIGHT FIXTURES

All outdoor lighting fixtures shall be shielded, except incandescent fixtures 150 Watts or less and other sources of 70 Watts or less.

(4) ILLUMINATION LEVELS

All outdoor lighting shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES). ***(A copy is available from the Building Inspector at Village Hall)***

(5) FILTERING

Metal Halide fixtures shall be filtered. Filtering means any outdoor light fixture which has a glass or acrylic enclosure. Quartz glass does not meet this requirement.

(6) NONCONFORMING LIGHT FIXTURES

a) Existing light fixtures which do not conform with sections 3,4 and 5 of this ordinance are allowed, but extinguishing of such lights by 11:00 p.m. is encouraged.

b) No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, school ballfield, outdoor amphitheater, arena or similar facility.

c) Search Lights. Advertising search lights are prohibited.

d) Advertising signs in which light is produced by glass tubing filled with neon, argon, and/or krypton.

e) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within.

f) Recreational lighting which requires upward illumination and architectural illumination of public buildings or aesthetic reasons are excluded provided the illumination is turned off at midnight.

(7) DISPLAY LOT LIGHTING

Display lot lighting shall be turned off within thirty minutes after closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.

(8) ARCHITECTURAL LIGHTING

All architectural lighting shall be of 150 Watts or less (incandescent) or 70 Watts or less (other types), and be extinguished no later than 11:00 p.m. Lights shall have at least 90% of their light falling on the illuminated structure.

(9) USE OF MERCURY VAPOR LIGHTING FIXTURES

No new mercury vapor outdoor lighting fixtures shall be sold or installed after June 1, 1999. No replacement equipment or bulbs for mercury vapor lighting fixtures shall be sold or installed in the Village of Williams Bay after January 1, 2001.

(10) EXEMPTIONS

a) The following are exempt from the requirements of the ordinance:

Outdoor lighting fixtures existing and legally installed prior to the effective date of this ordinance, however any replacement of said lighting fixtures must comply with this ordinance as set forth above.

(11) VIOLATIONS AND PENALTY

Any person, firm, entity or corporation violating the provisions of this ordinance shall be required to pay a forfeiture of not more than \$500.00 for each day the violation continues after being issued a citation.

15.04 MULTIPLE FAMILY CONSTRUCTION OF TWO STORIES OR LESS

The following regulations shall apply to all multiple family buildings of 2 stories or less of unprotected frame construction:

- (1) All partitions between dwelling units and dwelling units and main public corridors and stairs shall have full, thick Batt insulation between studs and 2 layers of 5/8" thick U.L. approved gypsum board on each side.
- (2) Solid wood doors 1-3/4" thick in openings leading to main corridors or equivalent.
- (3) Full thick fire resistant foil backed insulation in all exterior walls.
- (4) Concealed draft openings in columns, walls and partitions shall be fire stopped with noncombustible material at each floor level.
- (5) Corridor door clearances maximum 1/8" on sides and top, 3/4" at bottom between sill or floor.
- (6) Smoke and heat detector alarms in all apartments and all common stairwells and halls.
- (7) Sound barriers between units and main public corridors and stairs.
- (8) Only one outside aerial tower per building. No window or deck aerals permitted.
- (9) Specifications not covered shall meet the Wisconsin Enrolled Commercial Building Code (Volume 1 & 2), National Electric Code (current edition), Wisconsin Administrative Code, COMM 16 Electrical.
- (10) Occupancy separations shall be of absolute 4 hour fire resistive construction.
- (11) Lighted exit signs shall be installed at front and rear exit doors and at each end of a second floor hallway.
- (12) All requirements of §30.05(5) of the Wisconsin Uniform Building Code, pertaining to grade and drainage, shall be complied with.

15.05 INSTALLATION AND OPERATION OF HEATING UNITS ADJUNCT TO WARM AIR FURNACES

(1) APPLICATION. This section shall apply to all supplemental heating units installed. No person may install or cause to be installed a supplemental heating unit which fails to meet the requirements of this section.

(2) DEFINITIONS.

(a) Supplemental Heating Units includes all devices described as energy converters, stoves or supplemental heating devices using wood, coal or other solids as fuel and attached to the existing warm air furnace and using the furnace ducts for distribution of heat.

(b) Horizontal Slide Damper is a horizontal piece of sheet metal used to divide the warm air plenum of the existing furnace into 2 approximately equal air-tight parts.

(3) PERMIT. No permit may install or cause to be installed a supplemental heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following recommended information:

(a) The wood burned in the units should be dry wood, preferably dry hardwoods;

(b) The chimney flue should be checked periodically to be sure the flue is open; and

(c) The chimney flue should be cleaned at least once a year.

(4) PERMIT FEE. A permit fee shall be paid by the applicant for each unit installed to the Village, see current fee schedule.

(5) PLAN AND DATA APPROVAL. Plans and data for each supplemental heating unit shall be submitted to the Building Inspection Division for approval before a permit may be issued. The following data is required to be submitted with each application:

(a) The manufacturer's installation and maintenance/operations instructions;

(b) Proposed chimney flue and/or new chimney flue sizes; and

(c) The number and size of existing vent connectors to the chimney flue.

(6) INSPECTIONS. No person may operate or permit the operation of supplemental heating devices without first calling for an inspection and receiving final approval from the Building Inspection Division.

(7) **INSTALLATION CLEARANCE.** The clearances from combustibles for the installation of all supplemental heating units shall conform to the following requirements:

(a) Table A.

TABLE A
Required Clearances in Inches From
Combustibles for Supplemental Heating Units

From Front of Unit	From Top, Sides & Rear	Chimney or Vent Connector
48"	36"	18"

(b) Table B.

TABLE B
Required Minimum Clearances, in Inches, From
Combustibles With Specified Forms of Protection

Types of Protection	Where the Required Clearance With No Protection Is:		
	36 In. Above	36 In. Sides & Rear	18 In. Chimney or Vent Connector
Applied to the combustible material unless otherwise specified and covering all surfaces with the distance specified as the required clearance with no protection. Thicknesses are minimum.			
1. 1/4 in. asbestos millboard spaced out 1 in. (Note 2)	30	18	12
2. 0.013 in. (28 gauge) sheet metal or 1/4 in. asbestos millboard.	24	18	12
3. 0.013 in. (28 gauge) sheet metal spaced out 1 in. (Note 2)	18	12	9

4. 0.013 in. (28 gauge) sheet metal on 1/8 in. asbestos millboard spaced out 1 in. (Note 2)	18	12	9
5. 1-1/2 in. asbestos cement covering on heating appliance.	18	12	18
6. 1/4 in. asbestos millboard on 1 in. mineral fiber bats reinforced with wire mesh or equivalent.	18	12	6
7. 0.027 in. (22 gauge) sheet metal on 1 in. mineral fiber bats reinforced with wire or equivalent.	18	12	3
8. 1/4 in. asbestos millboard.	36	36	18
9. 1/4 in. cellular asbestos.	36	36	18

Note 1: Except for the protection described in 5., all clearances should be measured from the outer surface of the supplemental heating unit to the combustible material disregarding any intervening protection applied to the combustible material.

Note 2: Spacers shall be of incombustible material.

Note 3: Asbestos millboard referred to above is a different material from asbestos cement board. It is not intended that asbestos cement board be used in complying with these requirements when asbestos millboard is specified.

(8) MOUNTING OF UNIT.

(a) On Incombustible Floors all units shall be mounted on a firm, level base of brick, cement, concrete or other incombustible material.

(b) On Combustible Floors all units shall be mounted on a 4 inch thick concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches around the perimeter of the unit.

(c) Units With Legs on Combustible Floors. All units which have 18 inches or more of open space under the base of the unit may be mounted on combustible floors provided that the floor under the unit is protected with not less than 1/4 inch of asbestos millboard and covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches around the perimeter of the unit. If there is less than 18 inches of open space under the base of the unit, the unit shall be mounted on 2 inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches around the perimeter of the unit.

(9) TYPE AND SIZE OF CHIMNEY. An approved all-fuel chimney shall be used for solid fuel burning equipment. The chimney shall be sized so that the cross-sectional area of this chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it.

No other equipment shall be connected to the flue serving the solid fuel burning equipment. All masonry chimneys constructed according to the requirements of §30.39 of the Wisconsin Uniform Building Code and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters Laboratories will be considered as approved.

(10) CHIMNEY CONNECTOR. The chimney connector shall conform to §30.39 of the Wisconsin Uniform Building Code.

(11) DAMPER. The chimney connector shall have a cast iron damper to control the draft.

(12) WARM AIR SUPPLY DUCT.

(a) Size and Material. The area of the warm air supply duct shall not be less than the area of the collar or plenum opening of the unit to which it is connected. The warm air supply duct and horizontal slide damper shall be constructed entirely of incombustible material equivalent in structural strength and durability to the following table:

TABLE C
Ducts

Width or Diameter Inches	Minimum Thickness Galv. Iron U.S. Gauge	Minimum Thickness Aluminum B & S Gauge
0 through 12	26	24
Over 12	24	22

(b) Connection to Furnace Without Horizontal Slide Damper. The connection of the warm air supply duct from the unit to the furnace should be centered on the front, rear or sides of the plenum of the furnace. A back draft damper shall be installed in the warm air duct as close to the furnace plenum as possible. Full airflow shall be maintained. (See Figure 1 or Figure 2.)

(c) Connections to Furnace with Horizontal Slide Damper. The connection of the warm air supply duct from the unit to the furnace plenum should be centered both horizontally and vertically above the horizontal slide damper. Full airflow shall be maintained. (See Figure 3.)

(13) THE RETURN AIR DUCT.

(a) Supplemental Heating Unit Without Horizontal Slide Damper.

1. Connection to Furnace. When the return air or the unit is taken from the furnace return air, the connection shall be made on the filtered air side of the filter and connected to the blower intake of the unit. (See Figure 1 in §15.05(12)(b)1.) When the return air for the unit is taken from the outside, it shall be taken from a weatherproof louver with a 1/4 inch wire mesh hardware cloth and connected to the blower air intake of the unit. (See Figure 2 in §15.05(12)(b)2.) Dampers shall not be installed in the return air duct regardless of which method is used. Full air flow shall be maintained regardless of which method is used.

2. Size and Material. The area of the return air duct shall not be less than the area of the warm air supply duct. The return air duct shall be of the same material as specified in Table C in §15.05(12)(a) above.

(b) Supplemental Heating Unit With Horizontal Slide Damper.

1. Connection to Furnace. The connection of the return air duct to the furnace should be centered both horizontally and vertically below the horizontal slide damper. Full air flow shall be maintained. (See Figure 3 in §15.05(12)(c).)

2. Size and Material. The area of the return air duct shall not be less than the area of the collar or plenum opening of the unit to which it is connected. The material shall conform to Table C in §15.05(12)(a) above.

(14) BLOWER ON FURNACE WHEN USED WITH HORIZONTAL SLIDE DAMPER IN PLENUM. The blower on the furnace shall be adequate to maintain the manufacturer's specifications for CFM and static pressure when measured above the horizontal slide damper when the damper is closed.

(15) FRESH AIR INTAKE CONNECTED TO FURNACE RETURN AIR SYSTEM. The size of the fresh air intake where used shall not be less than the cross-sectional area of the area of a 4 inch (12.6 sq. in.) round duct. The material shall conform to Table C in §15.05(12)(a) above. The fresh air intake shall be connected to the return plenum of the furnace. A volume damper of the locking type shall be placed in the duct for the fresh air intake.

(16) COMBUSTION AIR. If the Heating Inspector, after examination of the supplemental heating unit and the furnace, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the flue collar size of the supplemental heating unit.

(17) ELECTRICAL CONNECTIONS AND CONTROLS.

(a) For Units Without Horizontal Slide Dampers. All electrical connections, controls and wiring shall conform to the Wisconsin State Electrical Code.

b) For Units With Horizontal Slide Dampers. The electrical connections shall conform with the Wisconsin State Electrical Code. A fan control shall be installed in the plenum of the solid fuel burning unit and wired in parallel to the existing fan control on the furnace. The fan control in the plenum of the solid fuel burning unit shall activate the furnace blower motor at a temperature of 100^o F. to 120^o F.

(18) THERMOSTAT CONTROL. The thermostat control where used on the supplemental heating unit shall activate the blower motor at a temperature of 100 F.

(19) PENALTY. Any person who fails to comply with the provisions of this section shall be subject to the penalty provisions of § 30.49, Wisconsin Uniform Building Code.

15.06 INSTALLATION AND OPERATION OF ROOM HEATERS, STOVES AND FREE STANDING FIREPLACES

(1) APPLICATION.

(a) This section shall apply to all radiant heating units installed. No person may install a radiant heating unit which fails to comply with the requirements of this section.

(b) All units installed shall comply with § 30.40(1)(b) of the Wisconsin Uniform Building Code.

(2) DEFINITIONS.

Radiant Heating Unit is a room heater, stove or free standing fireplace not intended for duct connections used to heat a room(s) using the combustion of a solid fuel such as wood or coal as a source of heat.

(3) PERMIT. No person may install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following information, It is recommended that:

- (a) The wood burned in the units should be dry wood, preferably dry hardwoods;
- (b) The chimney flue should be checked periodically to be sure the flue is open; and
- (c) The chimney flue should be cleaned at least once a year.

(4) PERMIT FEE. A permit fee shall be paid by the applicant for each unit installed to the Village, see current fee schedule.

(5) PLAN AND DATA APPROVAL. Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:

- (a) The manufacturer's installation and maintenance/operations instructions;
- (b) Proposed chimney flue and/or new chimney flue sizes; and
- (c) The number and size of existing vent connectors to the chimney flue.

(6) INSPECTION. No person may operate or permit the operation of a radiant heating unit without first calling for an inspection and receiving final approval from the Building Inspector.

(7) INSTALLATION CLEARANCE. The clearances from combustibles for the radiant heating units shall conform to Table A in §15.05(7)(a) and Table B in §15.05(7)(b).

(8) MOUNTING OF THE UNIT.

(a) On Incombustible Floors the units shall be mounted on a firm, level base of brick, cement, concrete or other incombustible material.

(b) On Combustible Floors the units shall be mounted on a 4 inch concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches beyond the perimeter of the unit.

(c) Units With Legs of Combustible Floors. Units which have 18 inches or more of open space under the base of the unit may be mounted on combustible floors provided that the floor under the unit is protected with not less than 1/4 inch of asbestos millboard and covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches beyond the perimeter of the unit. If there is less than 18 inches of open space under the base of the unit, the unit shall be mounted on 2 inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches beyond the perimeter of the unit.

(9) SIZE AND TYPE OF CHIMNEY. An approved all fuel chimney shall be used for solid fuel burning equipment. The chimney shall be used for solid fuel burning equipment. The chimney shall be sized so that the cross-sectional area of the chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the flue serving the solid fuel burning equipment. Masonry chimneys constructed according to the requirements of Ch. 30.39 of the Wisconsin Uniform Building Code and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters Laboratories will be considered as approved.

- (10) CHIMNEY CONNECTOR. The chimney connector shall conform to §30.36 of the Wisconsin Uniform Building Code.
- (11) DAMPER. The chimney connector shall have a cast iron damper to control the draft.
- (12) COMBUSTION AIR. If the Heating Inspector, after examination of the radiant heating unit and the furnace deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the flue collar size of the unit.
- (13) BLOWER. A blower where used shall have adequate protection such as a screen or other material to prevent material to be inserted in the blower assembly.
- (14) ELECTRICAL CONNECTIONS. The electrical connections, controls and wiring where used shall conform to the Wisconsin State Electrical Code, COMM 16 and the National Electric Code (current edition).
- (15) THERMOSTAT CONTROL. The thermostat control where used shall activate the blower motor at a temperature of 100^o F. to 120^o F.
- (16) PENALTY. Any person who fails to comply with the provisions of this section shall be subject to the penalty provisions of §30.49, Wisconsin Uniform Building Code.

15.07 ONE- AND TWO-FAMILY DWELLING CODE

- (1) PURPOSE. The purpose and intent of this section is to:
- (a) Exercise jurisdiction over the construction and inspection of all new one and two-family dwellings and additions to all existing one-and 2-family dwellings, including dwellings built before June 1, 1980.
 - (b) Provide plan review and on site inspections of one-and 2-family dwellings by inspectors certified by the Department of Commerce.
 - (c) Establish and collect fees to defray administrative and enforcement costs.
 - (d) Establish remedies and penalties for violations.
 - (e) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Commerce.
- (2) STATE UNIFORM DWELLING CODE ADOPTED. The Administrative Code provisions describing and defining regulations with respect to one-and 2-family dwellings in Chs. comm 20-25, Wis. Admin. Code are hereby adopted and by reference made a part of this Section as if fully set forth herein.
- Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein including renumbering or renaming, are intended to be made a part of this Section to secure uniform statewide regulation of one and 2-family dwellings in the Village. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk's office.
- (3) DEFINITIONS.
- (a) Addition. New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (b) Alteration. A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (c) Department. The Department of Commerce.

(d) Dwelling. Any building, the initial construction of which is commenced on or after the effective date of this section, which contains one or 2 dwelling units or an existing structure, or that part of an existing structure which is used or intended to be used as a one- or 2-family dwelling.

(e) Minor Repair. Repair performed for maintenance or replacement purposes on any existing one-or 2-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

(f) One- or Two-Family Dwelling. A building or structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by 2 or more individuals maintaining a common household to the exclusion of all others.

(g) Person. An individual, partnership, firm or corporation.

(h) Uniform Dwelling Code. Those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

COMM 16 –Electrical Code

COMM 20--Administration and Enforcement

COMM 21--Construction Standards

COMM 22--Energy Conservation Standards

COMM 23--Heating, Ventilating and Air Conditioning Standards

COMM 24--Electrical Standards

COMM 25--Plumbing and Potable Water Standards

NEC – National Electric Code

(4) **METHOD OF ENFORCEMENT**. For the purpose of administering and enforcing the provisions of this section and the Uniform Dwelling code, the Village shall establish the office of Building Inspector which shall be filled by that method prescribed under (5).

(5) **BUILDING INSPECTOR**.

(a) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village President, subject to confirmation by the Village Board. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under COMM 5.02, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing.

(b) Subordinates. The Building Inspector may, subject to confirmation by the Village Board, appoint subordinates as necessary. Any subordinate hired to inspect buildings shall be certified under COMM 5, Wis. Adm. Code. by the Department.

(c) Duties. The Building Inspector shall administer and enforce all provisions of this section and the Uniform Dwelling Code.

(d) 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 agent while in the performance of his duties.

(e) Records. The Building Inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one-and 2-family dwellings shall be kept. The Building Inspector shall make a written annual report to the Village Board relative to these matters.

(6) BUILDING PERMITS.

(a) Building Permits Required. No 1- or 2-family dwelling shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Building Inspector

(b) Repairs and Additions Requiring Permit. No addition, alteration or repair to an existing one-or 2-family dwelling not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner or his agent from the Inspector.

(c) Submission of Plans. The applicant shall submit 2 sets of plans for all new dwellings or repairs or additions to existing one-and 2-family dwellings at the time that the building permit application is filed.

(d) Issuance of Permit. If the Building Inspector finds that the proposed building, repair or addition complies with all Village ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

(7) FEES FOR BUILDING PERMITS AND INSPECTIONS

(a) At the time the application or a building permit is filed, the applicant shall pay the advance payment of fees for each activity listed in accordance with the schedule of fees approved by resolution by the Village Board and placed permanently on file in the office of the Village Clerk.

	Type of Permit	Fee/Rate
1.	Permit Minimum \$2,000 valuation	See Current Fee Schedule
2.	Residence (1 and 2 family), accessory buildings and garages	See Current Fee Schedule
3.	Residences-apartments, 3-family and over, row housing, multiple family dwellings, institutional	See Current Fee Schedule
4.	Residences-additions	See Current Fee Schedule

5.	Local business, office buildings or additions thereto	See Current Fee Schedule
6.	Manufacturing or industrial (offices are included above)	See Current Fee Schedule
7.	Permit to start construction of footings and foundations:	
	Multi-family, industrial, commercial 1&2 family	See Current Fee Schedule
8.	Agricultural buildings	See Current Fee Schedule
9.	All other buildings, structures, alterations, residing, re-roofing and other repairs	See Current Fee Schedule
10.	Heating and incinerator units (up to 150,000 BTU's)	See Current Fee Schedule
11.	Commercial/industrial exhaust hoods and systems	See Current Fee Schedule
12.	Heating and air conditioning systems	See Current Fee Schedule
13.	Air conditioning other than wall units	See Current Fee Schedule
14.	Permanently installed wall units	See Current Fee Schedule
15.	Wrecking or razing (BI may waive this if building is condemned)	See Current Fee Schedule
16.	Moving buildings over public ways	See Current Fee Schedule
17.	Fuel tanks	See Current Fee Schedule
18.	Reinspections	See Current Fee Schedule
19.	Plan examination	See Current Fee Schedule
	1--2 family residence	
	Apartments, 3-family residence, row housing,	
	Multi-family dwellings	
	Heating plans, separate	

	Commercial/industrial and additions	
	Additions or alterations to 1 and 2 family dwellings	
	Accessory building (240 sq. ft. or more)	
20.	Special inspections	See Current Fee Schedule
21.	Uniform building permit seal	See Current Fee Schedule
22.	Erosion control	See Current Fee Schedule
23.	Occupancy permit	See Current Fee Schedule
	Residential, Commercial, Industrial	
24.	Pools (in ground, above ground, spas)	See Current Fee Schedule
25.	Decks	See Current Fee Schedule

(b) Permits may be obtained individually or on one form in the categories of construction, heating, ventilation and air conditioning, electrical or plumbing.

(c) An additional fee for plan review may be assessed at the time of application for renewal of the permit.

(d) Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be double the fees charged.

(e) In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

(8) VIOLATION AND PENALTIES.

(a) No person shall erect, use, occupy or maintain any one or 2 family dwelling in violation of any provision of this section or the Uniform Dwelling Code or cause or permit any such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$10 nor more than \$500, together with the costs of prosecution, and in default of payment, shall be imprisoned for a period of not less than one day nor more than 6 months or until such forfeiture and costs are paid.

(b) If an inspection reveals a noncompliance with this section 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 30 days after written notification unless an extension of time is granted under COMM 20.10(1)(c), Wis. Adm. Code.

(c) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his 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.

(d) Each day a violation continues after the 30 day written notice period has run shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this section or the Uniform Dwelling Code.

(e) If any construction or work governed by the provisions of this section or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

(9) **APPEAL TO BOARD OF APPEALS.** Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(10) **LIABILITY FOR DAMAGES.** This Section shall not be construed as an assumption of liability by the Village for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

15.08 ROOFS, SLOPE AND COVERING

(1) **PERMIT REQUIRED.** A Building Permit is required for all roofing and re-roofing projects in the Village.

15.09 NEW DEVELOPMENT STORM WATER MANAGEMENT

PREAMBLE. The intent of this Ordinance is to authorize the Village Engineer to require storm water management practices which will reduce the amount of sediment, other pollutants, and peak flow of runoff from lands undergoing development. This Ordinance shall apply to all land disturbance activities occurring after adoption of this Ordinance.

(1) **AUTHORITY.** This ordinance is adopted by the Village of Williams Bay under the authority granted by sec. 61.354 Wis. Stats. to fulfill the objectives of Section 281.33, Wis. Stats.

(2) **FINDINGS AND PURPOSE.**

(a) **FINDINGS.** The Village of Williams Bay finds that uncontrolled stormwater runoff from land development activity has a significant impact upon Geneva Lake, its watershed and other water resources; and the health, safety, and general welfare of the surrounding communities. Specifically, uncontrolled stormwater runoff can:

(i) Diminish the capacity of Geneva Lake and streams within its watershed to support fish, aquatic life, recreational, and water supply uses by increasing loadings of nutrients and other urban pollutants;

(ii) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, and diminishing stream base flows;

(iii) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;

(iv) Reduce the quality of groundwater by increasing pollutant loads;

- (v) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways and other minor drainage facilities;
 - (vi) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;
 - (vii) Undermine floodplain management efforts by increasing the incidence and levels of flooding; and
 - (viii) Diminish the public enjoyment of natural resources.
- (b) PURPOSE. It is the purpose of this Stormwater Management Ordinance to preserve the natural resources; to protect the quality of the waters; and to protect and promote the health, safety and welfare of the people, to the extent practicable.
- (3) APPLICABILITY OF ORDINANCE. This Ordinance applies to land developing and land disturbing activities on lands situated within the corporate limits of the Village of Williams Bay.
- (4) DEFINITIONS.
- (a) "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
 - (b) "Applicant" means the landowner or one of the landowners and/or land user or users of a site subject to this Ordinance.
 - (c) "Clean Fill" means uncontaminated rock, stone, sand, soil, brick, building stone, concrete, reinforced concrete, broken pavement, and unpainted or untreated wood.
 - (d) "Channel" means a natural or artificial water course constructed, with a definite bed and banks to confine and conduct the normal flow of water.
 - (e) "Control Measure" means a practice or combination of practices to control erosion, storm water and attendant pollution.
 - (f) "Department" means the Wisconsin Department of Natural Resources.
 - (g) "Detention Basin" means a type of storm water basin which has a direct outlet and serves to reduce water velocities and peak flows by outletting at designed flow rates (to temporarily detain water flows). A detention basin is considered wet if they are greater than three feet deep from the permanent water level to the bottom of the basin.
 - (h) "Design Storm" means a hypothetical discrete rainstorm characterized by specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
 - (i) "Disturbed Area" means a site which, due to land developing or disturbing activities, has or will experience disturbance or destruction of the existing land surface and/or vegetative cover.
 - (j) "Erosion" means the detachment and movement of soil, sediment or rock fragments by means of water, ice or gravity.
 - (k) "Impervious Surface" means a surface through which rainfall does not infiltrate. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surfaces.
 - (l) "Land Developing Activity" means the construction or erection of buildings, roads, parking lots, paved storage areas and other structures.

- (m) "Land Disturbing Activity" means any manmade construction upon or change of the land surface including removal of vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens; harvesting of trees.
- (n) "Landowner" means any person holding title to or having an interest in a parcel of land which includes a site subject to this Ordinance.
- (o) "Land user" means any person operating upon, leasing, or renting land, or having made any other arrangements with the landowner by which the land user engages in uses of land which are sites subject to this Ordinance.
- (p) "Off-site" means located outside the property boundary described in the permit application for land development activity.
- (q) "Performance security" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village of Williams Bay by the permit holder to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (r) "Pre-development land use condition" means land which has runoff characteristics equivalent to runoff Curve Numbers (CNs) of: 30, 58, 71, and 78 for Hydrologic Soil Groups A, B, C, and D, respectively. This term is used for the purpose of matching of pre and post development stormwater peak flows and volumes as required by this ordinance.
- (s) "Runoff" means the rainfall, snow melt, or irrigation water flowing over the ground surface.
- (t) "Sedimentation Basin" means an artificially-created holding pond or other catchment for the purpose of capturing and retaining any sedimentation flowing off of sites as a result of land developing or land disturbing activities.
- (u) "Site" means that parcel or other division of land set forth in the legal description contained in the application on which the land disturbing or land development activity is proposed to take place.
- (v) "Sheet flow Runoff" means water, usually storm runoff, flowing in a thin layer of the ground surface; also called overland flow. (by convention this distance does not exceed 300 feet)
- (w) "Storm water" means precipitation runoff, snow melt runoff, surface runoff and drainage.
- (x) "Storm Water Basin" means artificially created holding pond or other catchment for the purposes of retaining or detaining storm water.
- (y) "Storm Water Control Plan" means a plat of survey setting forth a written description of the number, locations, sizes, and other pertinent data as to control measures designed to meet the requirements of this Ordinance submitted by the applicant for review and approval by the Village of Williams Bay.
- (z) "Time of Concentration" means the time for surface runoff to travel from the farthest point in a watershed to the outlet point of the watershed. For purposes of calculations used to meet the requirements of this ordinance; the following roughness coefficients shall be used:

Flow Regime	Pre-Development	Post-Development
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Overland flow (length 300')	n = 0.35	n 0.25
Shallow Concentrated Flow (Velocity = k * slope 0.5)*	k 2.5	k 15
Flow in Vegetated Channels	n = 0.10	n 0.04

* Velocity in feet/second; Slope in feet/foot

(aa) "Retention Basin" means a type of storm water basin which has no direct outlet and empties by infiltration to the natural soil surface and by evaporation (to retain all water)

(bb) "Arterial Roadway" means any federal, state, or county trunk highway or any other street or roadway, as determined by the Village Engineer, that provides an important transportation link.

(5) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR STORM WATER CONTROL MEASURES. All control measures required to comply with this Ordinance shall meet with the design criteria, standards and specifications for the control measures as set forth in *"Natural Resources Conservation Service Standards and Specifications"* manual; criteria established by this ordinance, or criteria identified by the Village of Williams Bay.

(6) DESIGN, CONSTRUCTION AND MAINTENANCE OF STORM WATER CONTROL MEASURES. All sedimentation basins and other control measures necessary to meet the requirements of the Ordinance shall be designed, constructed and maintained by the applicant and his or her successors during the pendency of the period of land disturbance and development of the site in a satisfactory manner so as to ensure adequate performance and to prevent the occurrence of nuisances. All storm water basins shall remain permanent and be maintained on site to the extent necessary to meet the storm water standards set forth by this land use Ordinance. Standards for design, construction and maintenance of control measures shall be set forth in the *'Natural Resources Conservation Service Technical Guide'*, criteria established by this ordinance, or criteria identified by the Village of Williams Bay. The developer shall provide an easement to the Village of Williams Bay for adequate access to structural management measures.

(7) CONTROL OF STORM WATER AND POLLUTANTS FROM DEVELOPED LAND AFTER CONSTRUCTION.

(a) APPLICABILITY. This section applies to the following types of land disturbing or land developing activities for storm water control purposes.

(i) Those involving the implementation of a residential development with a gross aggregate impervious area of 1.5 acres or greater

(ii) Those involving the development plan other than residential development with a gross aggregate area of 1.5 acres or more; or any nonresidential land development which creates an impervious area of 0.5 acres or more.

(iii) Those developments which in the opinion of the Village of Williams Bay are likely to result in storm water runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which cause undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter or which endangers down stream property.

(iv) This ordinance does not apply to state, federal, or municipal highway, street, or road construction.

(b) REQUIREMENTS. The following requirements shall be met on all sites described in sub-section (1):

- (i) Post-development release rates for the two, ten and 100 year 24 hour storm events must be no greater than the pre-development discharge from the site. Pre-development site conditions are defined in Section 04 of this ordinance. The Village of Williams Bay may impose more strict requirements in the case of inadequate downstream conveyance capacity.
- (ii) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of this ordinance shall be computed by procedures described in *Urban Hydrology for Small Watershed, TR-55* (Technical Release 55) published by the Engineering Division, United States Natural Resource Conservation Service (formally known as the Soil Conservation Service) United States Department of Agriculture, June 1992. Other calculations methods may be required by the Village of Williams Bay, or may be used by the applicant, upon approval by the Village of Williams Bay.
- (iii) Design rainfalls depths to be used in stormwater calculations must be from the point rainfall intensity-duration-frequency relationships for Milwaukee, Wisconsin according to Southeastern Wisconsin Regional Plan Commission report (Community Assistance Planning Report # 152).
- (iv) All naturally occurring contribution runoff entering the project site must be included in the design of the drainage system. Design must take into consideration any naturally occurring storm water storage which presently serves to reduce peak pre-development runoff rates.
- (v) Contribution runoff entering the project from off site may be excluded from detention calculations if the water is routed around disturbed areas by use of stable water course(s).
- (vi) All open channel stormwater conveyance systems shall provide safe conveyance for peak flow from a 25 year frequency, 24 hour rainfall event within the defined channel banks. All storm sewer systems shall provide safe conveyance for peak flow from a 10 year frequency rainfall without surcharging. All culverts for non-arterial roadways shall provide safe conveyance for peak flow from a 10 year frequency rainfall without overtopping.
- (vii) Conveyance for the peak flow runoff from a 100 year 24 hour event shall be provided such that no inundation of, or damage to built structures or arterial roadways shall occur.
- (viii) Where feasible, all permanent storm sewer inlets must be stenciled by the permit holder as part of the water quality strategy for protection of surface waters and drainage to Lake Geneva.
- (ix) Drainage systems may not result in transfer of drainage from one delineated natural drainage area to another if reasonable alternatives exist which would preserve natural drainage patterns. Drainage area delineations must be shown on the storm water plan.
- (x) All storm water basins shall be permanent, aesthetically pleasing, if practical, and safe. Subsurface bottoms of wet basins must provide a safety ledge consistent with required design criteria identified in Section 06.
- (xi) All calculations must be provided to the Village of Williams Bay to demonstrate that required stormwater criteria have been met. All calculations must be certified by a professional licensed engineer and be certified as complying with the technical standards and construction specifications of the Village of Williams Bay.

(xii) Storm water quality practices installed in compliance with this ordinance must remove of 80% of the suspended solids. This condition may be met by stormwater practices that are designed to store for a minimum of 24 hrs. the runoff volume resulting from 1.5 inches of rain over a four hour period. Other methods that accomplish the 80% removal of suspended solids can be used upon approval by the Village of Williams Bay.

(xiii) Non-point source control measures other than wet basins may be applied to a site if:

a) the use of a wet detention basin meeting the criteria of this section is not feasible for the site under review and

b) the alternative BMP is approved by the Village of Williams Bay.

(xiv) Wetlands shall not be used for reduction of non-point source pollution in runoff water from the site.

(xv) Stormwater management facilities may also be subject to requirements as specified in State of Wisconsin Administrative Code NR 116 and NR 320 and Chapters 30 and 88 of Wis. Stats.

(8) PERMIT APPLICATION, STORM WATER CONTROL PLAN, AND PERMIT ISSUANCE

(a) No landowner or landowner's agent may commence a land disturbing or developing activity subject to this Ordinance without receiving prior approval of a storm water control plan for the site and receiving a permit from the Village of Williams Bay. The land owner, or landowner's agent controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Ordinance shall, in the capacity of Applicant, submit an application for a permit and storm water control plan and pay the required application fee to the Village of Williams Bay. By submitting an application, the Applicant is authorizing the Village of Williams Bay or designee to enter the site to obtain information required for the review of the control plan.

(b) Submission of an application by one of several land users or land owners of particular site shall constitute an affirmation by said applicant of authority to act on behalf of the other land users or land owners to so apply and, upon issuance of a permit, to engage in land developing or disturbing activities on the site. The Village of Williams Bay shall be under no obligation to ascertain the legal authority of the applicant to so act.

(c) Content of a Storm Water Control Plan for Land Developing and Disturbing Activities.

(i) Existing Site Conditions. The plan must show existing site conditions on a scale of at least one (1) inch equals 100 feet. Surrounding areas contributing runoff to the site shall be shown on a map of appropriate scale to support the required storm water runoff calculations. Maps shall depict accurately:

a) Site boundaries and adjacent lands which accurately identify site locations

b) Lakes, streams, wetlands, channels, ponds, ditches and other water courses on and immediately adjacent to the site;

c) One hundred year flood plains, flood fringes and floodways;

d) Location of the predominant soil types;

e) Vegetative cover;

- f) Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site,
- g) Locations and dimensions of utilities, structures, roads, highways, and paving; and
- h) Site topography at a contour interval not to exceed two feet when construction site has more than 5 acres of drainage or has a 10% slope or greater. Areas with less than 5 acres or less than 10% slope shall not require any topography map unless the site requires storm water review according to applicability of this land use Ordinance or a map is specifically requested by the review technician or designee. Both existing and proposed contours must be shown on the same plan to the same scale.

(ii) Final Site Conditions. Final site conditions on the same scale as the existing site map showing the site changes.

(iii) All factors used to calculate peak flows from pre and post-development conditions and storm water storage volume requirements. The Storm Water Control Plan must specify the factors for each hydrologic unit analyzed including: per cent impervious; Curve Number; Soil Hydrologic Group; Time of Concentration factors (slope, length, Manning's "n" for overland, shallow, and concentrated flow); and acres of each land use.

(d) Review of Control Plan. Within 45 days of receipt of the application, storm water control plan, and fee, the Village of Williams Bay or designee shall review the application and control plan to determine if the requirements of this Ordinance are met. The Village of Williams Bay or designee may request comments from other departments or agencies. If the requirements of this Ordinance are met, the Village of Williams Bay or designee shall approve the plan, and inform the applicant of intent to issue a permit. If the conditions are not met, the Village of Williams Bay shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Village of Williams Bay or designee shall again determine if the plan meets the requirements of this Ordinance. If the plan is disapproved, the Village of Williams Bay shall inform the applicant in writing of the reasons for the disapproval.

(e) Permits.

(i) Duration. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Planning Commission may extend the period for up to an additional 180 days.
The Planning Commission may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Ordinance.

(ii) Performance Security. As a condition of approval and issuance of the permit, the Village of Williams Bay may require the applicant to deposit a letter of credit or cash escrow in the amount of not less than the cost of constructing the storm water practices. The guarantee shall include all phases of the plan from the clearing and stockpiling operations to final grading and landscaping including a maintenance guarantee for a period of not less than two (2) years from the recording of the document or commencement of construction, whichever occurs first. An agreement will be a part of this guarantee which will give the Village of Williams Bay the authority to use the funds to complete the project if the developer defaults or does not properly implement the approved plan. This agreement shall be received by the Village of Williams Bay prior to issuance of any permits and shall be effective

for a sufficient time period to perform the activities required, make the appropriate inspections and approve the final installation. The Village of Williams Bay may extend the agreement beyond its original expiration date if necessary due to unexpected or unforeseen circumstances beyond the control of the developer. A performance bond shall be replaced with a maintenance guarantee for a stated period of time and in an amount equal to a percentage of the cost of the construction of the improvements and a cost overrun of fifteen percent (15%).

(iii) Permit Conditions. All permits shall require the permittee, land user or representative to:

- a) Notify the Village of Williams Bay within 72 hours of commencing any land developing or disturbing activity
- b) Notify the Village of Williams Bay of completion of any control measures within 14 days after their installation.
- c) Obtain permission in writing from the Village of Williams Bay prior to modifying the control plan.
- d) Install all control measures as identified in the approved control plan;
- e) Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan.
- f) Allow the Village of Williams Bay or designee to enter the site for the purpose of inspecting compliance with the storm water control plan or performing any work necessary to bring the site into compliance with the storm water control plan; and
- g) Keep a copy of the storm water control plan on the site.

(9) INSPECTION. The Village of Williams Bay or designee shall inspect storm water control practices upon completion to insure compliance with the Ordinance.

(10) ENFORCEMENT.

(a) The Village of Williams Bay may post a stop-work order, or issue a notice of intent to the permittee, landowner or landowner's agent, to perform work necessary to comply with this Ordinance. Ten (10) days after posting a stop-work order, the Village of Williams Bay may issue a notice of intent to the permittee or landowner or land user of the Village of Williams Bay's intent to perform work necessary to comply with the Ordinance. The Village of Williams Bay or designee may go on the land and commence the work after 24 hours from issuing the notice of intent. The costs of the work performed by the Village of Williams Bay or designee, plus interest at the rate authorized by the Village of Williams Bay shall be billed to the permittee or the landowner.

In the event a permittee or landowner fails to pay the amount due, the Village Board shall impose a special charge against the property pursuant to Section 66.0627, Wis. Stats.

(b) If the permittee does not cease the activity or comply with the permit conditions within 10 days, the Village of Williams Bay may revoke the permit.

(c) If the landowner or landowner's agent where no permit has been issued does not cease the activity within 10 days, the Village of Williams Bay may obtain a cease and desist order.

(d) The Village of Williams Bay may retract the stop-work order or the revocation.

(e) Any person who continues to conduct land disturbing activities on a project site after being given written notice by the Village of Williams Bay regarding need for permit review and approval prior to conducting land disturbance subject to this Ordinance shall be in violation of this Ordinance.

(f) Any person violating any of the provisions of this Ordinance shall be subject to a forfeiture in accordance with the Village of Williams Bay for each violation. Each day a violation exists shall constitute a separate offense.

(g) Compliance with the provisions of this Ordinance may also be enforced by injunction.

(11) **LONG TERM MAINTENANCE AND OWNERSHIP.** The recorded plat, certified survey, or land title for lands which shall have storm water controls must identify the permanent location of all proposed storm water facilities. Further the recorded plat, certified survey, or land title, in the absence of any other agreement with the Village of Williams Bay must state that the facilities shall be maintained by the property owner of record to assure its proper function as a non-point source control practice. An operation and maintenance plan shall be developed for all detention or retention basins.

At a minimum, the plan shall address sediment removal, inlet and outlet maintenance, and keeping embankments clear of woody vegetation. The plan may also need to address weed or algae growth and removal, insect and wildlife control and landscaping practices.

(12) **APPEALS.**

(a) **BOARD OF APPEALS** The Board of Appeals as created pursuant to Village Ordinance 1.05(5) functioning in accord with Sections 62.23(e) and 68.11, Wis. Stats..

(i) Shall hear and decide appeals where it is alleged that there is an error in any order, decision, or determination made by the Planning Commission in administering this Ordinance;

(ii) Upon appeal, may authorize variances from the provisions of this Ordinance which are not contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; and

(iii) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(b) **WHO MAY APPEAL.** Any applicant, permittee, landowner, or land user may appeal any order, decision or determination made by the Planning Commission in administering this Ordinance, relative to sites in which such person has an interest.

(13) **FEES.**

(a) The fees referred to in other sections of this Ordinance shall be established by the Village of Williams Bay in a fee schedule and may from time to time be modified by Village of Williams Bay. The processing fees shall be related to costs involved in processing permit applications, conditional use petitions, appeals to the Board of Adjustment and zoning amendments and changes.

(b) A double fee shall be charged by the Village of Williams Bay if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

15.10 COMMERCIAL BUILDING CODE ADOPTED

(1) The Administrative Code Provisions describing and defining regulations with respect to commercial buildings in Chapters COMM 60-66, Wis. Admin. Code and the International Code Council Accessibility Standards in 2003 ICC-ANSI A117.1 are hereby adopted by reference made a part of this section as if fully set forth herein.

(2) Any act required to be performed or prohibited by an Administrative Code Provision incorporated herein by reference is required or prohibited by this Section. Any further amendments, revisions or modifications of the Administrative Code provisions incorporated herein, including renumbering or renaming, are intended to be made a part of this Section to secure uniform State regulation of commercial buildings in the Village. A copy of these Administrative Code provisions and any further amendments shall be kept on file in the Village Clerk's office.

(3) DEFINITIONS.

(a) Commercial Building. All public buildings and places of employment (subject to the exclusions contained in Sec. COMM 61.02, Wis. Adm. Code), and an existing building that is converted to a community-based residential facility for 9 to 20 residents.

(b) Department. The State of Wisconsin Department of Commerce.

(c) Wisconsin Commercial Building Code. Those administrative provisions, and any further amendments, revisions or modifications thereto, contained in the following Chapters of the Wisconsin Administrative Code:

COMM 60- Erosion Control, Sediment Control and Storm Water Management

COMM 61-Administration and Enforcement

COMM 62-Buildings and Structures

COMM 63-Heat Energy Conservation

COMM 64-Heating, Ventilating and Air Conditioning

COMM 65-Fuel Gas Appliances

COMM 66-Existing Buildings

(d) Acceptability Standards. Those provisions, and any further amendments, revisions or modifications thereto, contained in the following section of the International Code Council Standards:

2003 ICC-ANSI A117.1

(4) **METHOD OF ENFORCEMENT**. For the purpose of administering and enforcing the provisions of this section and the Wisconsin Commercial Code, the Village shall establish the office of Building Inspector which shall be filled.

(5) BUILDING INSPECTOR.

(a) Creation and Appointment. It is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village President, subject to confirmation by the Village Board. The Building Inspector shall be certified for commercial building inspection purposes by the Department under COMM 5, Wis. Adm. Code.

(b) Subordinates. The Building Inspector, may, subject to confirmation by the Village Board, appoint subordinates as necessary. Any subordinate hired to inspect commercial buildings shall be certified under COMM 5, Wis. Adm. Code by the Department.

(c) Duties. The Building Inspector shall administer and enforce all provisions of this Section and the Wisconsin Commercial Building Code. In doing so, the Building Inspector shall use an inspection process that is based on the inspection process used by the Department.

(d) 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 commercial 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 agent while in the performance of his duties.

(e) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Wisconsin Commercial Building Code. In addition, the Inspector shall keep a record of all applications for Commercial Building Permits in a book for such purpose and shall regularly number each Permit in the order of its issue. Also, a record showing the number, description and size of all commercial buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of such buildings shall be kept. The Building Inspector shall make a written annual report to the Village Board relative to these matters.

(f) Information to Department. The Building Inspector shall forward to the Department any information requested by the Department relative to the inspection of commercial buildings.

(6) BUILDING PERMITS.

(a) Building Permits Required. No commercial buildings shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Commercial Building Permit Application, furnished by the Building Inspector.

(b) Repairs and Additions Requiring Permit. No addition, alteration or repair to an existing commercial building not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner or his agent from the inspector.

(c) Submission of Plans. The applicant shall submit at least two sets of complete building plans and one copy of specifications to the Department for all new commercial buildings or repairs or additions to existing commercial buildings at the time that the building permit application is filed, and one set of complete building plans and one copy of specifications shall be submitted to the Building Inspector.

(d) Issuance of Permit. If the Building Inspector finds that the proposed building, repair or addition complies with all Village Ordinances and the Commercial Building Code and the Department confirms that it complies with the Commercial Building Code, the inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

(7) FEES FOR BUILDING PERMITS AND INSPECTIONS

(a) At the time the application for a building permit is file, the applicant shall pay the advance payment of fees for each activity listed in accordance with the schedule of fees approved by resolution of the Village Board and placed permanently on file in the office of the Village Clerk.

	Type of Permit	Fee/Rate
1.	Local business, office buildings or additions thereto	See Current Fee Schedule
2.	Manufacturing or industrial buildings (offices are included above)	See Current Fee Schedule
7.	Permit to start construction of footings and foundations:	See Current Fee Schedule
	Multi-family, industrial and commercial buildings	
8.	Agricultural buildings	See Current Fee Schedule
9.	All other commercial buildings, alterations, reroofing or other repairs	See Current Fee Schedule
10.	Heating and incinerator units	See Current Fee Schedule
11.	Commercial/industrial exhaust hoods and systems	See Current Fee Schedule
12.	Commercial heating and air conditioning systems	See Current Fee Schedule
13.	Special inspections	See Current Fee Schedule
14.	Erosion control	See Current Fee Schedule
15.	Occupancy permit	See Current Fee Schedule

(b) Permits may be obtained individually or in one form in the categories of construction, heating, ventilation and air conditioning, electrical or plumbing.

(c) Upon failure to obtain a permit before work on a commercial building has been started, except in emergency cases, the total fee shall be double the fees charged.

(d) In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

(8) VIOLATION AND PENALTIES.

(a) No person shall erect, use, occupy or maintain any commercial building in violation of any provision of this section or the Wisconsin Commercial Building Code or cause or permit any of such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$10.00, nor more than \$500.00, together with the costs of prosecution, and in default of payment, shall be imprisoned for a period of not less than one day nor more than six months or until such forfeiture and costs are paid.

(b) If an inspection reveals noncompliance with this section or the Wisconsin Commercial Building Code, the Building Inspector shall notify the applicant and owner, in writing, of the violation to be corrected.

All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted.

(c) If, after written notification, the violation is not corrected within 30 days, a Stop Work Order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such a 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.

(d) Each day a violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining appropriate action to prevent or remove a violation of any provision of this section or the Wisconsin Commercial Building Code.

(e) If any construction or work governed by the provisions of this section or the Wisconsin Commercial Building Code is commenced prior to the issuance of a permit, double fees shall be charged.

(9) **APPEAL TO BOARD OF APPEALS.** Any person feeling aggrieved by the Order or a determination by the Building Inspector may appeal from such Order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(10) **LIABILITY FOR DAMAGES.** This section shall not be construed as an assumption of liability by the Village for damages because of injury sustained or property destroyed by any defect in any commercial building.

15.15 PENALTY.

Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §20.05 of this Municipal Code.