CHAPTER 5: BUILDING CODE

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CHAPTER 5: BUILDING CODE

5.1 PURPOSE.

It is hereby determined that the public safety, health, welfare, and morals will be protected, promoted, and conserved by the adoption of a building code for the Village.

5.2 DEFINITIONS.

For the purpose of this Chapter, certain terms and words are defined as follows:

(1) RECREATIONAL FACILITIES. Anything which: (i) exceeds one hundred (100) square feet, (ii) is constructed or erected and requires permanent location on or in the ground; and (iii) is primarily used for recreational purposes; including, without limitation, swimming pools and ball courts.

(2) STRUCTURE. Anything permanently placed on or in the ground for any use whatsoever; including but not limited to, any new or existing building, fence, pillar, gated entrance requiring a permit under Section 5.19 and recreational facility. Private driveways shall not be considered to be structures.

(3) BUILDING. A structure having a roof.

(4) PRIVATE DRIVEWAY. Any way serving not more than six (6) lots which is used primarily for ingress to and egress from such lots by motor vehicles and which is established by private easement for multiple lots. Provided; however, that existing private driveways may be expanded to serve up to ten (10) lots with the approval of the Village Board by Resolution.

5.3 BUILDING INSPECTOR.

(1) AUTHORITY. There is hereby created the position of Building Inspector of the Village. The Building Inspector shall be appointed by the Village President and the appointment confirmed by the Village Board. The Building Inspector shall have the authority and duty to administer the building code of the Village set forth in this Chapter. The Village Board may appoint one (1) or more deputy building inspectors and provide for specific powers and duties. The Building Inspector shall have the right at all reasonable times to enter structures and lots in carrying out the administration of the building code. No person shall interfere with the Building Inspector or any deputy building inspector while in the performance of the duties of the position of Building Inspector or deputy building inspector.

(2) ELECTRICAL, PLUMBING, HEAT VENTILATION AND AIR CONDITIONING INSPECTORS. The offices of electrical, plumbing, heat ventilation and air conditioning inspector of the Village are hereby created. Said offices may be held by the Building Inspector.

5.4 BUILDING PERMITS AND LAND DISTURBANCE PERMITS.

(1) PERMIT REQUIRED.

(a) General. Except as provided in Section 5.4(1)(b), no structure or any part thereof may hereafter be erected, constructed, enlarged, altered, repaired, remodeled, moved, or demolished within the Village, nor shall any ground be broken for the same, until a building permit therefore shall first have been obtained by the owner, or the owner's authorized agent.

(b) Exception. No permit shall be required under this Section if the estimated cost of construction or repair is less than Two Thousand Dollars ($2,000).

(c) Grading Permit. A grading permit shall be required regardless of whether or not a structure is affected when there is land disturbance if there is a grade change of twelve (12) inches or greater or if excavation, grading, filling or other land altering or earthmoving activities are reasonably likely to cause erosion.

(2) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Village Clerk-Treasurer and shall state the name and address of the owner of the land, the legal description of the land upon which the structure is to be located and shall contain such other information as the Building Inspector and Zoning Administrator may require. Each application shall be accompanied by required plans, fees and deposits. Any application which does not contain all necessary information may be deemed incomplete and returned to the applicant.

(3) PLANS.

(a) PRELIMINARY PLANS.

(i) With the filing of the application the applicant shall provide:

a. Three (3) sets of preliminary plans which identify the conceptual design for the structure and include a depiction of all exterior elevations;

b. An estimate of the total area of all new structures in square feet;

c. A description of the materials to be used for all new structures;

d. The surface area of exterior walls in square feet;

e. A survey identifying the location of all new structures on the lot and all existing structures, a landscape plan, driveway location, exterior materials products and color samples; and

f. For lakefront property, an elevation, as viewed from the lake, identifying all trees that will be in the construction site or affected by the proposal.

(ii) The preliminary plans shall not be less than one-eighth (1/8) scale and shall be reviewed by the Building Inspector and the Zoning Administrator to determine whether the preliminary plans satisfy the requirements of this Code. Additionally, the Zoning Administrator shall determine whether the materials to be used for all new structures are substantially similar to the materials of the existing structures on the property and whether the appearance of the proposed structure is substantially similar to or consistent with existing structures on the property.

(iii) If the Building Inspector and Zoning Administrator determine that the preliminary plans meet with the requirements of this Code, the materials for the proposed structure are substantially similar to the materials of the existing structures on the property and the appearance of the proposed structure is substantially similar to or consistent with existing structures on the property, the preliminary plans shall be submitted to the Plan Commission for review and comment pursuant to the standards set forth in this Section.

(iv) In the event the proposed structure is an accessory structure, is the sole proposed structure on the lot and there are no existing structures on the property, the Building Inspector and Zoning Administrator shall consider whether the appearance of the materials being used for the proposed structure are substantially similar in appearance to or consistent with the appearance of and materials used on existing structures on neighboring properties.

(v) The purpose of the preliminary plans is to allow the Plan Commission and the public to review and comment on the application prior to the applicant's submission of final plans. Nothing in the preliminary plan review shall be considered binding with respect to the applicant or the Plan Commission.

(vi) An applicant, in the applicant's own discretion, may submit final plans (as defined below) at the same time the applicant submits the preliminary plans but the Plan Commission shall be under no obligation to act on the final plans at the meeting where the preliminary plans are presented for review and comment.

(b) FINAL PLANS.

(i) After preliminary plans are submitted and reviewed by the Plan Commission, final plans shall be submitted which shall include:

a. Three (3) complete sets of plans and specifications;

b. A landscaping plan;

c. A lighting plan; and

d. A current certified survey of the property, including a plot plan showing the location of the proposed and existing structures with respect to adjoining roadways, lot lines, structures and exterior elevations of proposed structures.

One (1) set of the plans and specifications shall be returned after approval as hereinafter provided; the other sets shall remain on file in the office of the Village Clerk-Treasurer. All plans and specifications shall be signed by the maker. Plans for structures required to comply with the State Building Code shall bear a stamp of approval from the applicable authority.

(ii) All plans shall be not less than one-eighth (1/8) scale and all distances shall be accurately figured.

(iii) All plans shall demonstrate the exterior architectural appearance and functional plan of any proposed structure and its location on the lot.

(iv) With respect to sites containing frontage on any lake, the plans shall include a view of the site from the lake (with existing and proposed structures including the height and exterior elevations visible from the lake) and the proposed landscaping demonstrating that such structures will: (a) be architecturally and aesthetically in keeping with the neighboring properties on the lake; and (b) will not result in a substantial depreciation of values of other property with frontage on the lake.

(4) FEES AND DEPOSITS.

(a) Building Permit Fee. The fee for a building permit shall be established from time to time by resolution of the Village Board. Such fee shall be paid to the Village Clerk-Treasurer and shall accompany the application for a building permit.

(b) Construction Deposit. The construction deposit shall be established from time to time by resolution of the Village Board. Such construction deposit shall be paid to the Village Clerk-Treasurer and shall accompany the application for a building permit.

(5) REVIEW OF APPLICATION BY BUILDING INSPECTOR. After the completion of a review of the preliminary plans and upon the filing of a complete application and the payment of all fees and deposits, the Building Inspector shall review the application and determine whether the proposed structure complies with this Chapter. If the Building Inspector determines the proposed structure will so comply, the application shall be referred to the Plan Commission and Village Board unless the Building Inspector determines that the application describes only interior remodeling and/or minor exterior remodeling, in which event no review by the Plan Commission or Village Board shall be necessary. After being approved by the Building Inspector, the plans and specifications shall not be altered in any respect which involves the requirements of this Chapter, except with the written consent of the Building Inspector. If the

Building Inspector determines the proposed structure will not comply, the Building Inspector shall provide written notice of such determination with a return of the building permit application to the applicant.

(6) PLAN COMMISSION RECOMMENDATION AND VILLAGE BOARD REVIEW.

(a) Procedure. Meetings of the Plan Commission shall be held at the call of the Chair or the Village Clerk-Treasurer upon referral of an application for a structure permit from the Building Inspector. If deemed necessary, the Plan Commission shall view the site for the proposed structure during the meeting. The Plan Commission shall hold a hearing to hear the applicant, the owner of the lot on which it is proposed to erect the structure and any other person with relevant information desiring to be heard. Such hearing may be adjourned from time to time.

(b) Standard. The Plan Commission shall make a recommendation to the Village Board as to whether the exterior architectural appeal and functional plan of the proposed structure and its location will, when erected, not be so at variance with, nor so similar to, the exterior architectural appeal and functional plan and location of the structures already constructed or in the course of construction in the immediate neighborhood as to cause a substantial depreciation in the property values of said neighborhood. The Plan Commission shall also make a recommendation with respect to the lighting plan required to be included in the final plan. In addition, with respect to sites containing frontage on any lake, the Plan Commission shall make a recommendation to the Village Board as to whether, considering a view of the site from the lake (with the proposed structure, including the height, and exterior elevations visible from the lake, and the proposed landscaping, taken as a whole), such structure will (i) be architecturally and aesthetically in keeping with the neighboring properties on the lake, and (ii) will not result in a substantial depreciation of values of other property with frontage on the lake.

(c) Recommendation. The recommendation of the Plan Commission shall be in writing or maintained in the minutes of the meeting.

(d) Village Board Review. Upon receiving a recommendation from the Plan Commission with respect to an applicant who has submitted Final Plans and a request that the Village Board consider the application, the Village Board shall make a final determination as to whether or not to approve the application for the building permit. The Village Board shall apply the standards as set forth in this Section in making its determination. The Village Board shall consider the application within forty (40) days of receiving the Plan Commission's recommendation. The applicant and any interested party shall be allowed to comment on the application.

(e) Findings. The determination of the Village Board shall be in writing or maintained in the minutes of the meeting and shall be filed in the office of the Village Clerk-Treasurer, who shall send a copy of it to the Building Inspector. If the Village Board makes an affirmative finding that the standards described in this Section are met, the application shall be

submitted to the Zoning Administrator for issuance of a permit. If the Village Board does not make such an affirmative finding, the building permit shall not be approved.

(7) BUILDING PERMIT ISSUE. A building permit shall be issued by the Village upon approval by the Building Inspector and Village Board as provided herein and upon the filing of a zoning certificate issued by the Zoning Administrator with the Building Inspector. All building permits shall be publicly displayed at the site of the proposed structure during the period of construction.

(8) PERMIT EXTENSION AND LAPSE.

(a) Lapse. A building permit shall lapse and be void, unless construction is commenced within six (6) months from the date of issuance thereof and is completed within two (2) years of said date or at such other time as specified by the permit.

(b) Extension. A building permit may be extended by the Plan Commission upon such terms it deems reasonable and appropriate after consideration of an application by the permit holder describing the efforts made to comply with the terms of the original permit and the reasons necessary for an extension.

(9) APPEAL.

(a) Procedure. Any person aggrieved by a decision of the Building Inspector, the Plan Commission or the Zoning Administrator may appeal to the Board of Appeals. Such appeal shall be commenced by filing a written notice of appeal with the Village Clerk-Treasurer, which notice shall specify the grounds for the appeal, and which shall be filed within thirty (30) days of the date of the order or ruling appealed from. The appeal shall be heard by the Board of Appeals in accordance with the provisions of Section 1.4 of this Code.

(b) Presumption. The appellant shall have the burden of proof on any appeal. The decision of the Building Inspector, the Plan Commission or the Zoning Administrator appealed from shall be presumed to be correct and supported by sufficient facts.

(c) Decision. The Board of Appeals may affirm or reverse, in whole or in part or may modify said order or ruling as may be just and proper in the premises.

(10) RECORDS.

(a) Building Permits. The Village Clerk-Treasurer shall keep a record of all applications for building permits in a book for such purpose, regularly number such permits in order of their issue, and maintain a record of all fees collected.

(b) Inspections, Construction. The Building Inspector shall keep a record of all inspections made and of all removals and condemnations of structures. The Building Inspector shall also keep a record showing the number, description and size of all structures erected, indicating the kind of materials used, the cost of each structure the aggregate cost of all

structures on a lot and shall keep a record of all permits, fees and inspections and shall make an annual report thereon to the Village Board.

(c) Occupancy. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector in the Village Hall and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the structure affected.

5.5 INSPECTION OF WORK AND ISSUANCE OF CERTIFICATE OF OCCUPANCY.

(1) INSPECTION OF WORK. The owner shall notify the Building Inspector and the Building Inspector shall inspect the footing forms before concrete is laid and again upon completion of the foundation prior to back filling. Inspection is also required prior to pouring a basement floor, at completion of rough carpentry, plumbing, electrical and heating as well as after any insulation which will be concealed is installed. After completion, the Building Inspector shall make a final inspection of all new structures and alterations, and shall issue a certificate that all new structures are located on the lot as approved by the Plan Commission and/or a certificate of occupancy.

(2) CERTIFICATE OF OCCUPANCY. No premises shall be occupied or used and no structure now or hereafter erected or altered, shall be changed in use until a certificate of occupancy shall have been issued by the Building Inspector. The certificate of occupancy shall state that the structure or proposed use of a structure or premises complies with this Chapter. Such certificate shall be issued within ten (10) days after the erection or alteration of such structure has been completed in conformity with this Chapter.

(3) CONSTRUCTION DEPOSIT PROCEDURE.

(a) Refund. The construction deposit shall be returned to the owner, subject to the adjustments set forth in Section 5.5(3)(b), upon the occurrence of any of the following: (i) after completion of the work to which the deposit refers and after issuance of a certificate of occupancy by the Building Inspector; (ii) rejection of the plans submitted; (iii) in the event of lapse of a building permit; or (iv) in the event of revocation of a building permit.

(b) Adjustments and Forfeitures. Any refund of the construction deposit shall be subject to any adjustments which may be made by reason of the owner's failure to pay inspection or re-inspection fees (including building, electrical, and plumbing inspections and re-inspections), or by reason of the owner's failure to pay any penalty which may be imposed for commencement of work prior to issuance of required permits. The construction bond shall be forfeited if occupancy occurs before final inspection or extends after temporary occupancy permits expire. Failure to complete the project in compliance with all applicable State Codes and this Code prior to the expiration of the permit shall also be grounds for forfeiture of the construction deposit.

5.6 ENFORCEMENT AND PENALTY.

(1) REPORT OF VIOLATIONS. It shall be the duty of all police officers to report at once any building work which is being carried on without a permit as required under this Code.

(2) ENFORCEMENT.

(a) Notice. The Village Administrator, upon finding that any provision of this Code or any plans and specifications of a project for which a building permit has been issued are not being complied with, shall issue a written warning or instruction to the holder of a building permit requiring compliance and any specific terms of compliance.

(b) Failure to Comply; Revocation. If the holder of the permit fails or refuses to comply with the written warning or instruction within the time required, the Village Administrator shall revoke the building permit by written notice addressed to the permit holder and posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder unless the permit is reissued, excepting such work as the Village Administrator may order to be done as a condition precedent to the reissuance of the permit, or for the preservation of human life or safety.

(3) PENALTY. The provisions of Section 1.1(9) of this Code shall apply to all violations of this Chapter.

5.7 CONSTRUCTION STANDARDS.

PORTIONS OF STATE CODE ADOPTED. Chapters SPS 320 through SPS 325 (Uniform Dwelling Code) and SPS 327 (Camping Units) of the Wisconsin Administrative Code and updates to said chapters as they may be enacted from time to time, are hereby adopted and made a part of this Chapter.

5.8 AREA OF SINGLE-FAMILY STRUCTURES.

No building permit shall be issued for the construction or alteration of a single-family structure in the Village unless the proposed single-family structure complies with the living area requirements of Chapter 6.

5.9 CODES TO BE FILED.

The Village Clerk-Treasurer shall procure and keep on file and make available for public inspection at least one copy of the Wisconsin state building code described in Section 5.7.

5.10 NEW METHODS AND MATERIALS.

All materials, methods of construction and devices designed for use in structures covered by this Code and not specifically mentioned in or permitted by this Chapter shall not be so used until approved in writing by the Wisconsin Department of Commerce or

other authorized state agency for use in structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the state plumbing code issued by the State Board of Health. Such materials, methods or construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Department of Commerce. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Department of Safety and Professional Services.

5.11 UNSAFE AND BLIGHTED BUILDINGS AND PREMISES.

(a) Whenever the Building Inspector finds or is made aware of any premises or structure within the Village which in the Building Inspector's judgment is blighted, dilapidated, unsafe or so out of repair to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy or use, the Building Inspector, subject to the approval of the Zoning Administrator, shall order the property owner to raze, remove or repair such structure or part thereof. If the structure can be made safe by repairs, the option of repairing or removing would be that of the property owner so long as repairs are to the satisfaction of the Village through the Building Inspector.

(b) The Building Inspector, subject to the approval of the Zoning Administrator, has the authority to order a property owner to remove any accumulation of junk, unsightly debris, inoperable vehicles, construction materials, accumulated rubbage, dirt piles and equipment or materials which are stored outdoors.

(c) The Building Inspector, subject to the approval of the Zoning Administrator, has the authority to ensure that the exteriors of all structures are maintained in appearance so as not to (i) depreciate property values within the Village or (ii) constitute a detriment to the health, safety or welfare of the residents of the Village.

(d) Any such orders of the Building Inspector, as approved by the Zoning Administrator, and proceedings resulting therefrom shall be in accordance with Section 66.0413 Wisconsin Statutes.

(e) Any person who fails to fully comply with an order of the Building Inspector, issued pursuant to this Chapter, shall be subject to the penalties set forth in Section 1.1(9), including a forfeiture for each day the violation or condition exists.

5.12 ELECTRICAL WORK.

(1) PERMIT REQUIRED. No electrical wiring, installation, alteration, or repair shall be commenced until a permit therefor shall first have been obtained by the owner or such owner's authorized agent.

(2) APPLICATION. Application for an electrical permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the structure and shall contain such other information as the Building Inspector may require.

(3) EXCEPTIONS. No permits shall be required for:

(a) Minor repair work, such as repairing or replacing cords, switches, fuses or lamp sockets.

(b) The extension or alteration of an existing circuit. No circuit, together with extensions, shall exceed one thousand five hundred (1,500) watts, nor shall the circuit exceed twelve (12) outlets.

(4) STATE CODE APPLIES. Chapter SPS 316 Electrical of the Wisconsin Administrative Code and all amendments and revisions thereto is adopted and incorporated in this Code by reference. A copy of such code shall be kept on file in the office of the Village Clerk-Treasurer.

(5) INSPECTION OF WORK. Upon completion of any electrical work, the Building Inspector shall be notified by the person doing the work and the Building Inspector shall inspect the finished work. No person shall use or permit to be used any such wiring or equipment until it has been inspected and approved by the Building Inspector.

(6) FEES. The fees for electrical permits shall be established from time to time by resolution of the Village Board. Such fees shall be paid by the applicant to the Village Clerk-Treasurer.

5.13 PLUMBING WORK.

(1) PERMIT REQUIRED. No construction, reconstruction, installation or alteration of plumbing, drainage or plumbing ventilation shall be commenced until a permit therefor shall first have been obtained by the owner, or such owner's authorized agent.

(2) APPLICATION. Application for a plumbing permit shall be made in writing upon a form furnished by the Building Inspector, shall state the name and address of the structure and shall contain such other information as the Building Inspector may require.

(3) EXCEPTIONS. No permits shall be required for:

(a) Repairs to or replacements of faucets, valves, pipes, appliances or other components of a domestic water supply or drainage system.

(b) Installation of, repairs to or replacements of exterior water supply pipes, sprinkling systems and drain tile systems not used as outlets for sanitary sewerage.

(c) Removal of stoppages in water or drainage pipes.

(4) STATE CODE APPLIES. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wisconsin Administrative Code, Chapters SPS 381 through 386 (State Plumbing Code), together with all amendments and revisions thereto, which are hereby made by reference a part of this Code, except that no part of a seepage pit or drainage field shall be located within five (5) feet of any lot line, or within twenty-five (25) feet of any dwelling or cistern, or within one hundred (100) feet of any water well, lake, stream or other water course unless the same at peak loads will not create any danger to health, will not pollute or contaminate such water course and will be free from odor, and except that no sewage tanks shall be located within two (2) feet of any lot line, ten (10) feet of any cistern or seventy-five (75) feet from any well or other source of water supply used for domestic purposes. A copy of such code shall be kept on file in the office of the Village Clerk-Treasurer.

(5) LICENSED PLUMBER REQUIRED. All plumbing work shall be done only by a master plumber licensed by the State of Wisconsin; except that a property owner may make repairs to or installations in or upon, such property owner's lot and structures thereon; provided that the work is done in compliance with the provisions of this Chapter.

(6) INSPECTION OF WORK. Upon completion of the plumbing work for which a permit is required the person doing such work shall notify the Building Inspector before such work is covered up and the Building Inspector shall inspect the finished work. No person shall use or permit to be used any such plumbing or drainage until it has been inspected and approved by the Building Inspector.

(7) FEES. The fees for plumbing permits shall be established from time to time by resolution of the Village Board. Such fees shall be paid by the applicant to the Village Clerk-Treasurer.

5.14 NON-LIABILITY.

This Chapter shall not be construed as creating any liability on the part of the Village for damages or injuries to any person or property caused by any defect in any structure or equipment or in any plumbing or electric wiring or equipment. Any inspection performed pursuant to this Chapter by the Village is performed for the convenience of the Village only, in order to determine compliance with this Code. Such inspection is not intended to be relied upon by the owner and the Village assumes no responsibility or liability with respect to any such inspection.

5.15 ENERGY CONSERVATION.

(1) WHEN STATE ENERGY CONSERVATION CODE APPLIES. Chapter SPS 322, Wisconsin Administrative Code, Energy Conservation, and all amendments thereto, is adopted and incorporated in this Code by reference. Chapter SPS 322 shall apply to the initial construction of all one and two family dwellings in the Village, with respect to which a building permit is issued on December 1, 1978 or thereafter. Chapter SPS 322 shall also apply to additions to or remodeling of all one and two family dwellings if, with respect to the initial construction of such a dwelling, a building

permit is issued on December 1, 1978, or thereafter. A copy of such Chapter SPS 322 shall be kept on file in the office of the Village Clerk-Treasurer.

(2) WHEN STATE ENERGY CONSERVATION CODE DOES NOT APPLY. Chapter SPS 322 shall not apply to additions to or remodeling of dwellings which were constructed before December 1, 1978 or with respect to the initial construction of which, a building permit was issued before December 1, 1978.

(3) INSPECTION OF WORK. Upon completion of any work to which Chapter SPS 322 applies, the person for whom the work is being done shall notify the Village Clerk-Treasurer and the dwelling will be inspected by a building inspector certified by the Department of Commerce. Such certified building inspectors, and their designated representatives, are hereby authorized and directed to administer and enforce all of the provisions of Chapter SPS 322.

(4) FEES. The fees for the above inspection of single-family and two-family dwellings shall be established from time to time by resolution of the Village Board. Such fees shall be paid by the person for whom the work is being done to the Village Clerk-Treasurer.

(5) INTERPRETATION. With respect to any inconsistencies between provisions in, or requirements of Chapter SPS 322 and other provisions of this Chapter, the provisions and requirements of Chapter SPS 322 shall have precedence and shall govern.

5.16 DWELLING CODE PURSUANT TO SECTION 101.65 WISCONSIN STATUTES.

(1) WHEN WISCONSIN UNIFORM DWELLING CODE APPLIES.

(a) CHAPTER SPS 322. Chapter SPS 322, Wisconsin Administrative Code, Energy Conservation, and all amendments thereto, as adopted under this Chapter and incorporated by reference therein, shall apply to the initial construction of all dwellings in the Village, with respect to which a building permit is issued on December 1, 1978 or thereafter. Chapter SPS 322 shall also apply to additions to or remodeling of all dwellings if, with respect to the initial construction of such dwelling, a building permit is issued on December 1, 1978 or thereafter.

(b) CHAPTERS SPS 320, 321, 323, 324, AND 325. Chapters SPS 320 (Administration and Enforcement), 321 (Construction Standards), 323 (Heating, Ventilating and Air Conditioning Standards), 324 (Electrical Standards), and 325 (Plumbing), and all amendments thereto, are adopted and incorporated in this Code by reference. Chapters SPS 320, 321, 323, 324, and 325 shall apply to the initial construction of all dwellings in the Village, with respect to which a building permit is issued on June 1, 1980 or thereafter. Chapters SPS 320, 321, 323, 324, and 325 shall also apply to additions to, or remodeling of, all one and two family dwellings constructed prior to January 1, 1980.

(2) WHEN WISCONSIN UNIFORM DWELLING CODE DOES NOT APPLY. CHAPTER SPS 322. Chapter SPS 322 shall not apply to additions to or remodeling of dwellings which were constructed before December 1, 1978 or, with respect to the initial construction of which, a building permit was issued before December 1, 1978.

(3) INSPECTION OF WORK. Upon completion of any work to which Chapters SPS 320, 321, 322, 323, 324 and 325 apply, the person for whom the work is being done shall notify the Village Clerk-Treasurer, and the dwelling will be inspected by a building inspector certified by the Department of Safety and Professional Services. Such certified building inspectors, and their designated representatives, are hereby authorized and directed to administer and enforce all of the provisions of Chapters SPS 320, 321, 322, 323, 324, and 325.

(4) FEES. The fees for the above inspection of dwellings shall be established from time to time by resolution of the Village Board. Such fees shall be paid to the Village Clerk-Treasurer by the person for whom the work is being performed.

(5) INTERPRETATION. With respect to any inconsistencies between provisions in, or requirements of, Chapters SPS 320, 321, 322, 323, 324, and 325 and other provisions of this Chapter, the provisions and requirements of Chapters SPS 320, 321, 322, 323, 324, and 325 shall have precedence and shall govern.

(6) SEVERABILITY. If any section, clause, provision or portion of this Chapter or Wisconsin Administrative Code Chapters SPS 320, 321, 322, 323, 324, and 325 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

5.17 EROSION CONTROL PLAN APPROVAL.

(1) APPROVAL REQUIRED. Unless specifically exempted by the provisions of this Code, no land owner or land user may undertake land disturbing activities as defined in Section 5.18, without receiving approval of an erosion control plan from the Building Inspector prior to commencing the proposed land disturbing activities.

(2) APPLICATION. Applications for approval of erosion control plans shall be made in writing upon a form furnished by the Village Clerk-Treasurer. Applications shall be made prior to or at the same time as the application for a building permit (if required) and shall be prepared in duplicate and include for the purpose of proper enforcement of this Chapter the following data:

(a) A plan to control surface water drainage and storm water runoff; and

(b) A plan to control erosion and runoff resulting from land disturbing activities during and after development. The erosion control plan shall contain a map with the existing site and adjacent lands, a plan of final site conditions after completion of land disturbing activities and a description and schedule of planned land disturbing activities and corrective measures, all of which shall contain specific information as set forth in a document entitled

"contents of erosion control plans" which shall be prepared and from time to time updated by the Building Inspector. Copies may be obtained from the Village Clerk-Treasurer.

(3) SOIL CONSERVATION SERVICE APPROVAL. The Building Inspector may require approval of the erosion control plan by the Waukesha County Soil Conservation Service.

5.18 LAND DISTURBANCE.

(1) LAND DISTURBING ACTIVITIES SUBJECT TO EROSION CONTROL. Land disturbing activities are subject to the erosion control provisions of this Code when an area of five thousand (5,000) square feet or greater will be disturbed by removal of vegetation, excavation, grading, filling or other earth moving activities resulting in a temporary or permanent absence of protective ground cover or vegetation. It is acknowledged that even though land disturbing activities may come within the provisions of these standards; by reason of topography or other factors there may be no danger of erosion. In such a case, the Building Inspector may waive the requirement for plan approval. The Building Inspector may enforce the erosion control provisions of this Code in the case of land disturbing activities involving an area of five thousand (5,000) square feet or less if there is danger of erosion.

(2) GENERAL DESIGN PRINCIPLES. Erosion control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of land disturbing activities. The following principles shall apply to soil erosion and sediment control:

(a) Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion;

(b) No site shall be cleared of top soil, trees or other natural features before the commencement of construction. Whenever feasible, natural vegetation shall be retained and protected. Only those areas approved for the placement of physical improvements may be cleared. The extent of the disturbed area and the duration of its exposure shall be kept as minimal as reasonably practicable;

(c) Temporary seeding, mulching or other stabilization measures which substantially eliminate erosion and which are approved by the Building Inspector shall be used to protect exposed areas during construction or other land disturbing activities;

(d) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions, during and after construction or land disturbing activities. Such provisions shall be in addition to all existing Code requirements.

(e) Water runoff shall be minimized and retained on site whenever possible to facilitate ground water recharge;

(f) Sediment shall be retained on site; and

(g) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.

(3) MAINTENANCE. All necessary soil erosion and sediment control measures installed under this Code shall be adequately maintained until such measures are permanently stabilized, as determined by the Building Inspector. The Building Inspector shall give the applicant upon request a certificate indicating the date on which the measures called for in the approved plans were completed.

(4) EXEMPTION. The use of land for gardening for home consumption is specifically exempt from this Section.

5.19 PORTIONS OF STATE CODE ADOPTED.

Chapters SPS 364 of the Wisconsin Administrative Code (Heating, Ventilating and Air Conditioning) and all amendments and revisions thereto are adopted and incorporated in this Code by reference. A copy of such code shall be kept on file in the office of the Village Clerk-Treasurer and made available for inspection.

5.20 FENCES REGULATED.

Fences shall not be constructed in the Village except as hereinafter provided and shall be expressly required in connection with swimming pools as provided in Section 5.21 below.

(1) PERMIT REQUIRED. Except as provided in subsections (2) and (3) below, no person shall erect, construct, alter or enlarge a fence without obtaining a permit. Every application for a fence permit shall be accompanied by a dimensional drawing showing the proposed location and construction. All permit applications shall be referred to the Plan Commission and shall be considered as to appearance, materials, design, location, height and harmony of the proposed fence with the principal structure on the lot and structures on neighboring lots so as not to adversely affect property values in the neighborhood.

(2) EXCEPTIONS. No permit shall be required for the construction of a fence which is not located within a setback area where such fence is less than four (4) feet in height or surrounds a dog run or garden.

(3) SETBACK AREAS. Fences are prohibited in lake setback areas and the shoreline buffer zone; provided, however that temporary metal wire fences to be used as goose barriers and which are no higher than three (3) feet shall be allowed within a setback area from a lake from April 1 through November 30. No permit shall be required for such temporary goose barrier fences.

(4) HEIGHT RESTRICTION. No fence shall be erected or constructed which exceeds a height of eight (8) feet. All fences shall be located at least two (2) feet from the lot line.

(5) NO BARBED WIRE OR CHAINED LINK FENCES. No barbed wire or chained link fences shall be permitted; provided, however, that chained link fencing may be used around a tennis court or a dog run.

(6) GATED ENTRANCES. All gated entrances shall require a permit hereunder and in addition to the criteria for obtaining a permit under subsection (1) above, the issuance of a permit therefor shall be subject to the approval of the Building Inspector with advice from the Police Chief and Fire Chief with respect to access in case of an emergency.

(7) MAINTENANCE. Fences shall be kept and maintained in good, sound and presentable condition at all times. Fences not so maintained that become dilapidated or otherwise adversely affect property values in the neighborhood, shall be removed upon order of the Building Inspector.

5.21 SWIMMING POOL REGULATIONS.

No person shall construct, install or maintain a swimming pool which is not enclosed in a permanent structure; except in accordance with the following:

(1) DEFINITIONS. For purposes of this Chapter the following terms and words are hereby defined as follows:

(a) Swimming Pool: An outdoor recreational facility capable of containing water in an artificial receptacle or other container having a capacity for water exceeding twenty-four (24) inches in depth at any point and which is used primarily for bathing or swimming.

(b) Above-ground Swimming Pool: A swimming pool which is installed wholly or partly above-ground.

(c) Spas and hot tubs are not included in the definition of a swimming pool or above-ground swimming pool and are not subject to these regulations.

(2) SWIMMING POOL LOCATION. In addition to all the requirements of Chapters 5 and 6 regarding the placement of structures and recreational facilities, all swimming pool construction shall be done in accordance with the following:

(a) Swimming pools, required protective fencing, and all pump and equipment housing shall be fully screened with natural landscape material to limit their visibility from lakes and from neighboring properties;

(b) Swimming pools and swimming pool equipment shall be so located and so buffered with natural landscape material to minimize noise and light trespass to any lake or any neighboring properties;

(c) Pumps and other swimming pool equipment shall be housed in enclosures equipped for sound deadening;

(d) In addition to compliance with the setback requirements for recreational facilities set forth in Chapter 6, swimming pools on any lot abutting any lake which are located between the lake frontage and a single-family structure or closer to the lake frontage than a single-family structure, including any required protective fencing and any decking and/or paving surrounding such swimming pool, shall be physically connected to the footprint of and not separated from such single-family structure; and

(e) Above-ground swimming pools are prohibited on lots with lake frontage.

(3) SWIMMING POOL PROTECTION. No swimming pool shall be constructed, installed or constructed which is not be protected by erecting and maintaining an enclosure around it consisting of a fence, wall, structure or any combination thereof. The fence, wall, structure or combination shall be not less than three (3) feet five (5) inches in height and shall not exceed eight (8) feet in height. There shall be no gaps or openings in the enclosure in excess of four (4) inches. A residential or accessory structure may be used as a part of such enclosure. Every gate or door in the enclosure shall be self-closing and shall be kept securely closed and fastened at all times, except when in use. Any decking and/or paving surrounding a swimming pool shall be considered an integral part of the swimming pool and shall comply with all applicable setback dimensions and placement restrictions.

(4) BUILDING PERMIT. A building permit shall be required in connection with the installation and/or construction of any swimming pool, required swimming pool protection and any pool equipment enclosures. The plans and specifications filed in connection with an application for a building permit for a swimming pool shall show the protection to be provided for the swimming pool. The protection required shall be erected and in place not later than when the swimming pool is first filled with water.

(5) SWIMMING POOL DRAINING. Swimming pools shall be drained only into holding tanks for removal from the property (without over land draining or direct draining into any lake) or later return of the water to the swimming pool.

(6) COMPLIANCE. No swimming pool shall be erected, placed, constructed, installed anywhere in the Village that does not comply with this Section.

5.22 SECURITY KEY BOX SYSTEM.

(1) KEY BOX REQUIRED. All public structures in the Village and all other structures having an automatic fire or burglar alarm system shall be equipped with a key box system. In addition, all driveway entrances with locking gates shall be equipped with a key box system. The key box system shall be of a type approved by the Village Police Department. The key box shall contain a key to permit access to the structure or driveway entrance by members of the Village Police or Village Fire Departments in an emergency. The key box shall be installed in a conspicuous location approved by the Village Police Department. Key boxes shall be obtained from the Village for a fee, as established from time to time.

(2) **LIABILITY.** The Village shall have no liability in connection with any key box system, including without limitation any liability for loss, damage or injury to property on which no system has been installed.

5.23 DRIVEWAY REGULATIONS.

The construction of new private driveways and relocation of existing private driveways shall be done in accordance with the following:

(1) Private driveways shall be constructed to insure ready access to all structures for the Lake Country Fire and Rescue Department Fire Department ("LCFR").

(2) Where appropriate, screening with natural landscape materials to limit headlight glare, noise and visual intrusion on neighboring properties shall be provided for all new or relocated private driveway construction.

(3) All private driveways and parking areas shall be constructed to minimize direct runoff of storm water to neighboring properties and any lake and minimize the resultant soil erosion on neighboring properties. Drainage easements may be required.

(4) All new and relocated private driveways shall meet the following design standards where practicable and where topography permits:

(a) Maximum grade of twelve (12) percent;

(b) Minimum width of twelve (12) feet at the main entrance, minimum culvert diameter of eighteen (18) inches;

(c) Minimum clearance of [two (2)] feet each side at the main entrance;

(d) Access clearance for a thirty-five (35) foot vehicle, including curves and bends throughout the length of the driveway; and

(e) Minimum height to overhanging foliage of [ten (10) feet], minimum clearance to foliage of [two (2)] feet each side of driveway.

If the above design standards cannot be practicably met, the landowner must acknowledge in writing in the building permit application that failure to comply with these requirements may hinder the provision of Village services or emergency access to the property and that the Village shall not be liable as a result thereof.

(5) All new and reconstructed private driveways shall require a building permit.

5.24 OUTDOOR LIGHTING.

(1) PURPOSE. The purpose of this Section is to perpetuate and preserve the rural character of the Village, limit light pollution, and improve the health, safety and general welfare of the Village by restricting Light Trespass and unnecessary Glare to adjacent properties.

(2) INTENT. The intent of this Section is to have Outdoor Lighting Fixtures designed, located and specified so that light emitted therefrom does not create Light Trespass to adjacent properties.

(3) APPLICABILITY. The provisions of this Section shall apply to all Outdoor Lighting Fixtures used, installed, replaced, altered, moved or repaired except as such applicability is specifically expanded or reduced herein.

(4) DEFINITIONS. For the purposes of this Section certain terms and words are hereby defined as follows:

(a) Foot-Candle: The illuminance of one (1) Lumen on a one- (1-) square foot surface with a uniform distribution.

(b) Glare: A light ray emanating directly from an Outdoor Lighting Fixture, reflector or lens such that it falls directly upon the eye of an observer.

(c) Holiday Lighting: Seasonal decorations in place from November 10 through January 30 that does not exceed, as applicable, sixty (60) watts in incandescent or the equivalent for other types of lighting, and, for string light sets: (i) seven (7) watts per bulb for incandescent C9 string light sets; or (ii) one (1) watt per bulb for all other types of string light sets.

(d) Landscape and Architectural Lighting: Lighting to accentuate and illuminate gardens, landscapes or certain building aesthetics.

(e) Light Shield: Any attachment which interrupts and blocks the path of light emitted from an Outdoor Lighting Fixture.

(f) Light Source: A light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from an Outdoor Lighting Fixture.

(g) Light Trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located

(h) Lumen: A unit of luminous flux derived by the International System of Units, which measures the total quantity of visible light emitted by a source per unit of time. For avoidance of doubt, a lumens to watts comparison table is below.

Lumens	Incandescent Watts	Fluorescent /LED Watts
375 lm	25 W	6.23 W
600 lm	40 W	10 W
900 lm	60 W	15 W
1125 lm	75 W	18.75 W
1500 lm	100 W	25 W
2250 lm	150 W	37.5 W
3000 lm	200 W	50 W

(i) Outdoor Lighting Fixture: An outdoor illuminating device, luminaire, outdoor lighting lamp or similar device, permanently installed or portable. Such devices shall include, but are not limited to lights used for:

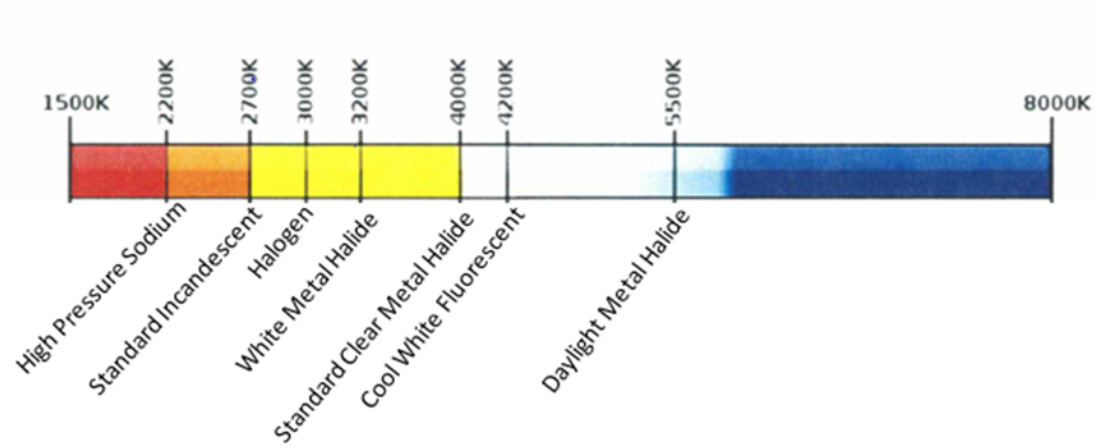
(i) Private roadway and driveway lighting;
(ii) Buildings and structures;
(iii) Recreational areas;
(iv) Landscapes and gardens; and
(v) Building overhangs and open canopies.

(j) Shielding: A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is shielded from view from adjacent properties. Any structural part of the light fixture providing this shielding must be permanently affixed.

(5) GENERAL RULES. All Outdoor Lighting Fixtures, except governmental owned street lights, within the Village shall be designed, located, and specified with Shielding and shall create cut off of Light Source so that no Glare, or illumination is cast outside the boundaries of the property where the Light Source is located so as to constitute Light Trespass. Further, the light level of all Outdoor Lighting Fixtures shall be no greater than one-half (1/2) of a Foot-Candle measured at a height of five (5) feet above grade at the property line on which the luminaire is located and, if applicable, no greater than one-half (1/2) of a Foot-Candle measured at a height of five (5) feet above the surface of the ordinary high water mark of Pine Lake, North Lake or Beaver Lake, as applicable, except as otherwise set forth herein. Outdoor Lighting Fixtures shall not be aimed toward or directed at a neighboring property, and, as applicable, Pine Lake, North Lake or Beaver Lake. Outdoor Lighting Fixtures shall utilize light bulbs with a Kelvin temperature between 2200K and 3000K. For reference, below is a Kelvin temperature scale.

Kelvin Temperature Scale

Higher color temperatures mean bluer light, the kind that should be avoided after dusk



(6) HOURS OF OPERATION. All Outdoor Lighting Fixtures shall be turned off between 11:00 p.m. and sunrise, except:

(a) Outdoor Lighting Fixtures necessary for security purposes and which are equipped with motion or proximity sensors; provided, however:

(i) The sensors for such lighting shall not be triggered by activity located off the property where the Outdoor Lighting Fixture is located; and

(ii) Such lighting shall not remain on for more than fifteen (15) minutes beyond the triggering event.

(b) Outdoor Lighting Fixtures necessary to illuminate walkways and/or stairways; and

(c) Outdoor Lighting Fixtures for non-residential establishments, if authorized by a conditional use permit.

(7) SHORELAND LIGHTING. The purpose of this Section is to minimize Glare and Light Trespass in the shoreland environment without significantly inhibiting safety and security.

(a) This subsection applies to all Outdoor Lighting Fixtures located on berthing structures, piers or docks or designed to illuminate such structures.

(b) The following requirements shall apply:

(i) Flashing and rotating lights are prohibited.

(ii) Outdoor Lighting Fixtures located on the exteriors of berthing structures, piers or docks shall have Shielding or be fitted with an opaque Light Shield to limit the upward and outward projection of light to an angle no greater than forty-five (45) degrees below the horizon to prevent direct visibility of the lamp to persons on public waters or adjacent lands. Such Outdoor Light Fixtures shall be limited to a maximum of one (1) Foot-Candle measured at the ordinary high water mark.

(iii) Outdoor Lighting Fixtures not mounted on berthing structures, piers or docks but designed to illuminate such a structure or its immediate vicinity shall comply with subparagraph (ii) above.

(iv) Outdoor Lighting Fixtures installed on or intended to illuminate, berthing structures, piers or docks shall be turned off when not required for safety or security.

(8) EXEMPTIONS. The following are exempt from the requirements of this Section:

(a) Temporary Exemption. A request for temporary exemption from the provisions of this Section may be submitted to the Village Administrator in written form describing the reasons for the request and the nature of the request. If approved and granted in writing by the Village Administrator, such exemption shall be in force for not more than thirty (30) days. A request for a maximum of one (1) thirty (30) day renewal may be made in similar manner. The Village Administrator may terminate any temporary exemption for any reasonable cause, including but not limited to concerns about safety or Light Trespass.

(b) Landscape and Architectural Lighting and Holiday Lighting. Landscape and Architectural Lighting and Holiday Lighting are exempt from the requirements of this Section, except for the hours of operation requirements of subsection (6). Landscape and Architectural Lighting shall also be subject to the limitations set forth in subsection (8)(d).

(c) Pool and Fountain. Underwater lighting for the illumination of swimming pools and fountains, where light emitted therefrom does not create Light Trespass.

(d) Elevated Objects. Uplighting for State and national flags, provided, however, property owners shall endeavor to utilize downlighting for flag poles with a height of twenty feet (20') or more. Upward directed lighting may be used only in the form of one or two narrowcone spotlights (both singly or together constituting a single Light Source of upward directed lighting) which confines not less than ninety percent (90%) of the illumination to the object of interest; provided however that the lighting must be restricted to an angle of not less than seventy-five (75) degrees up from horizontal. Each Light Source of upward directed lighting shall have 2,250 lumens or less.

(e) Public Right-of-Way and Facilities. Outdoor Lighting Fixtures located within the public right-of-way or which serve or are located upon public facilities.

(9) NEW CONSTRUCTION – LIGHTING PLANS. An outdoor lighting plan must accompany original submissions of building plans for all new construction. The submission shall contain, but shall not necessarily be limited to, the following:

(a) Plans indicating the location on the premises of each Outdoor Light Fixture, both proposed and any already existing on the property;

(b) Descriptions of all Outdoor Light Fixtures, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers; and

(c) Photometric data, such as that furnished by manufacturers or similar showing the angle of cut off of light emissions.

5.25 CONSTRUCTION ACTIVITIES AND NOISE RESTRICTIONS.

(1) LIMITATION ON ADVERSE IMPACT. Construction activities in the Village shall be conducted in a manner that minimizes the noise and other adverse impacts upon surrounding properties, consistent with that residential character of the Village.

(2) PERMISSIBLE TIME FOR CONSTRUCTION ACTIVITIES. Outdoor construction activities and indoor construction activities, which require activities outdoors, including but not limited to, preparation or staging, shall not be conducted outside of the following times:

Memorial Day through Labor Day
Monday through Friday: 7:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 3:00 p.m.
Sunday and Federal or State Holidays: No such work is permitted.

After Labor Day and Before Memorial Day
Monday through Friday: 7:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 3:00 p.m.
Sunday and Federal or State Holidays: No such work is permitted.

(3) DEFINITIONS. For the purposes of this Section certain terms and words are hereby defined as follows:

(a) Construction Activities: Any work performed by a contractor, subcontractor, vendor, or supplier and shall also include delivery or drop off of construction materials or equipment to the property. “Construction activities” shall not include maintenance or upkeep of property which is routine or which does not require a permit. The time limits for construction activities defined forth above shall not include the actions which are self-performed by either the owner of the property or someone on the owner’s behalf who is not receiving any compensation.

(4) ENFORCEMENT & WAIVERS.

(a) The Village Administrator, or the Village Administrator's designee, may authorize a waiver to the requirements of this Section where, in the opinion of the Village Administrator or the Village Administrator's designee, such a waiver is necessary due to emergency; to promote the public health and safety; or where literal compliance would cause undue hardship. A waiver granted under this Section may include such conditions as, in the opinion of the Village Administrator or the Village Administrator's designee, are necessary under the circumstances to promote the intent of this Section.

(b) Any person who violates this Section shall be subject to a forfeiture of not less than One Hundred Dollars ($100) but not more than Five Thousand Dollars ($5,000) per occurrence. This Section shall not be construed to limit the authority of the Village to respond to Code violations and/or nuisance complaints or the right of the Village to enforce the Code or abate such nuisance in accordance with the applicable section of this Code or the Wisconsin Statutes.

(5) EFFECTIVE DATE. This Section is effective and the limitations set forth herein shall apply to all construction activities taking place after November 9, 2015.

5.26 SIGNS AND BILLBOARDS.

It shall be unlawful for any person, firm or corporation, to install, erect, fasten, post, paint or maintain any sign, billboard, picture, poster or advertisement upon any curb, sidewalk, fence, board, post, pole, tree, structure or building within the limits of the Village except as set forth herein.

(1) PERMITTED SIGNS.

(a) This Section shall not apply to signs not exceeding nine (9) square feet in area which: (i) advertise real estate for sale when erected upon the premises so offered for sale, (ii) designate the names of owners or occupants of real estate on which such sign is located, (iii) designate the names of owners or occupants of real estate at the highway entrances leading thereto, (iv) designate the name of a subdivision at its entrance; provided that each parcel of real estate shall be limited to one of each of such signs, exclusive of names on mailboxes; (v) forbid trespassing, are warnings for the protection of persons or property or are of a similar nature; or (vi) relate to an election or any other local, state or federal governmental issue or the political process, subject to subsection (4) herein.

(b) This Section shall not apply to official signs or notices of any governmental unit.

(c) This Section shall not apply to signs representing a nonprofit land conservation organization, indicating ownership or management of the land upon which the sign is located, provided the signs fall within the following parameters:

1. The sign display surface is not more than thirteen (13) square feet on one side;

2. The sign display surface is not more than six (6) feet from the ground upon which the sign is mounted;
3. The sign is located not less than two (2) feet from the public right of way;
4. The sign is not illuminated; and
5. The sign utilizes only "earth-tones" or "neutral" coloring (no bright colors) in its display or design. The color determination within this subsection may be made by the Village Forester.

(2) TEMPORARY SIGNS. Temporary signs which direct persons to picnics, auctions, estate/garage sales, parties, outings, gatherings, meetings, exhibitions or open houses are permitted but shall be limited to: (i) the hours of such an event and (ii) the premises on property to which the event is taking place or on private property where permission has been granted by the property owner. Such signs shall not exceed six (6) square feet but may be two-sided. The person who has posted or directed the posting of a temporary sign is responsible for its removal in a timely fashion.

(3) CONTRACTOR SIGNS. Contractor signs shall be permitted but limited to one (1) sign per construction site and shall be limited to that of the prime contractor or general contractor for the construction site. Contractor signs shall not exceed six (6) square feet but may be two-sided. The duration of the sign shall be limited from the time of the building permit issuance to the completion of construction. Contractor signs shall be placed at the driveway entrance for the purpose of directing deliveries to the construction site.

(4) POLITICAL SIGNS. Political signs are not permitted on public property, rights of way or within one hundred (100) feet of a polling place entrance. Political signs shall not exceed six (6) square feet in size and shall be limited to the "election campaign period" as defined in Wisconsin Statutes.

(5) VIOLATIONS.

(a) The Village is authorized to remove any signs posted that are in violation of this Section. Any expenses incurred by the Village in the removal process may be billed to the person who has posted or directed the posting of the sign or to the property owner.

(b) Any person, firm, or corporation violating any of the provisions of this Section shall upon conviction thereof forfeit not less than Fifteen Dollars ($15) nor more than Five Hundred Dollars ($500) for each day during which such violation shall continue, together with the costs of prosecution, and in default of the payment of such forfeiture and costs shall be imprisoned in the county jail of Waukesha County until payment of such forfeiture and costs of prosecution, but not exceeding ten (10) days.

(6) STREET NUMBERING REQUIRED. Every property in the Village shall be required to display a street number according to the established grids adopted by the Village Board. The Village shall furnish and install numbers and brackets for all properties per the standards of size, style, and color established by the Village Board. The Village Board may, however, in its discretion, establish specific requirements for the uniform location and/or method

of display of street numbers for a specific development or subdivision. In such event, property owners within such development or subdivision shall display street numbers in compliance with the Village Board's requirements.

(a) DISPLAY. Street numbers shall be displayed not greater than ten (10) feet from the edge of the roadway and not closer than three (3) feet, nor more than ten (10) feet from the edge of the driveway.

(b) MAINTENANCE/REPLACEMENT. The property owner shall be responsible for maintaining street numbering required under this Section. In the event any street number becomes illegible from the roadway for any reason or there is damage to or loss of any street number(s), such street number(s) shall be replaced in conformity with this Section within thirty (30) days. Such replacement and/or maintenance shall be the property owner's responsibility and at the property owner's expense.

(c) REMOVAL PROHIBITED. No person shall deface, destroy, obstruct or remove any street number required under this Section.

(d) VIOLATIONS. Any person violating any provision of this Section shall be subject to the penalties set forth in subsection 5.26(5)(b).

5.27 UNDERGROUND UTILITY FACILITIES ENCOURAGED.

(1) DEFINITIONS. For the purposes of this Section certain terms and words are hereby defined as follows:

(a) Electrical Services: The conductors and equipment for delivering energy from the electrical supply system to the wiring system of the premises served.

(b) Permanent Electrical Services: Electrical services which are anticipated to remain in place or actually remain in place for more than ninety (90) days; provided, however, overhead services of a temporary nature which are installed to provide electrical service during construction, remodeling, renovation, repair or demolition of bridges, structures, equipment, or similar activities, or during emergencies or for tests or experiments relating to public safety shall not constitute permanent electrical services.

(c) Underground Utility Facilities: The conductors, cable, conduit and/or equipment necessary to transmit electrical or communications energy from the aerial or underground distribution system of the supplier to the main disconnect, junction, or protector panel in or on the customer's premises, including all electric, communications, signal and cable television facilities.

(2) PURPOSE. The Village Board does hereby declare it to be the public policy of the Village to favor underground utility facilities. The exercise of the police power to implement this public policy is based on the public benefit received including but not limited to, the following reasons:

(a) Enhancing scenic, aesthetic and other recreational values;

(b) Improving civic appearance;

(c) Removing safety hazards which are a danger to pedestrians, motorists and wildlife;

(d) Overcoming the threat of temporary loss of service due to high winds, ice, accident or equipment failure;

(e) Protecting the integrity of trees and other vegetation; and

(f) Eliminating damage to overhead lines and poles caused by vandalism, wildlife or accident.

(3) RELOCATION OF UTILITY LINES. Any property owner who desires or is required to relocate a utility servicing such owner's property is encouraged to install underground utility facilities.

(4) NEW CONSTRUCTION. Any building, sign, signal or structure hereafter constructed in the Village and requiring permanent electric service is encouraged to be constructed with underground utility facilities.

(5) REMODELING. Every existing building or structure requiring permanent electric service which is being remodeled and where the cost of such remodeling is estimated to exceed or actually exceeds fifty (50) percent of the assessor's full market value of said building or structure is encouraged to be remodeled with underground utility facilities.

5.28 ACCESSORY STRUCTURES.

(1) ACCESSORY SHEDS.

A. Accessory Shed is defined in Sec. 6.3(2) of this Code.

B. Unless otherwise provided for in appropriate codes or actions of the Village Board, Accessory Sheds shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced when the adjacent wall is protected as required for attached garages in SPS 321.08(1). Such separations shall be measured as the perpendicular distance from the exterior dwelling wall to the closest exterior Accessory Shed wall.

C. An Accessory Shed is reviewed and inspected only for compliance with the Village's zoning setbacks and other Zoning Code provisions, including separation from the dwelling and other buildings located on the property.

D. An Accessory Shed shall be installed on a concrete slab or treated wood floor, or other floor materials acceptable to the Village.

E. A minimum of four (4) hold-down restraints shall be required. One on each corner of the Accessory Shed or as otherwise approved by the Village.

(2) <u>ACCESSORY BUILDINGS – GREATER THAN 100 SQUARE FEET</u>.

A. Accessory Building is defined in Sec. 6.3(1) of this Code.

B. Unless otherwise provided for in appropriate codes or by actions of the Village Board, Accessory Buildings over 100 square feet in size shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced when the adjacent wall is protected as required for attached garages in SPS 321.08(1). Such separations shall be measured as the perpendicular distance from the exterior dwelling wall to the closest Accessory Building wall.

C. Footings and Foundations for Accessory Buildings over one hundred (100) square feet shall be constructed to meet this section.

1. Except as provided in sub. 2., engineered drawings shall be provided for foundations built on sloping sites having a depth at any portion of the foundation greater than 16".

2. Accessory Buildings may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. The thickened edge shall have two (2) #4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two (2) inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six (6) inches above the bottom of the thickened edge. Slab reinforcement shall be a minimum of number ten (10) six by six (6" x 6") inch wire mesh. Exterior wall curbs shall be provided not less than six (6) inches above the finished ground grade adjacent to the garage. Anchor bolts shall meet SPS 321.18(1)(c)3. for size, embedment length, and spacing requirements.

D. Accessory Buildings shall be constructed as follows:

1. Unless designed through structural analysis, load-bearing foundation walls and partitions shall be constructed as per sections SPS 321.15 to 321.18.

2. Accessory Buildings of wood frame construction shall be constructed with the following requirements.

a. Studs may have a maximum spacing of 24 inches on centers.

b. Diagonal corner bracing shall be installed on both walls at each corner. Diagonal corner bracing may be applied on the inside surface of studs.

c. Corner posts may consist of two two-by-four-inch studs or a single four-by-four-inch stud.

d. Collar beams at the top plate and collar ties in the upper 1/3 of the roof shall be installed with a maximum spacing of 48 inches on center. Collar beams may be two-by-six-inch. Collar ties shall be at least two-by-four-inch for roof slopes less than four inches per foot. A one-by-six-inch collar tie may be used for roof slopes four inches per foot or greater.

e. Accessory Building roofs shall be framed in accordance with the applicable requirements of section SPS 321.28.

E. Heating, ventilating and air conditioning. The provisions of Chapter SPS 323 shall apply to the design, installation and construction of all heating, ventilating and air-conditioning systems installed in Accessory Buildings.

(3) <u>ACCESSORY BUILDINGS WITH LIVING AREA</u>.

A. Accessory Building is defined in Sec. 6.3(1) of this Code.

B. Living Area is defined in Sec. 6.3(29) of this Code. A "Living Area" approved under this section is not to be used as a standalone residential, dwelling or sleeping space.

C. Unless otherwise provided for in appropriate codes Accessory Buildings with Living Area shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced when the adjacent wall is protected as required for attached garages in SPS 321.08(1). Such separations shall be measured as the perpendicular distance from the exterior dwelling wall to the closest Accessory Building wall.

D. Accessory Buildings with Living Area shall be constructed as follows:

1. Unless designed through structural analysis, load-bearing foundation walls and partitions shall be constructed as per sections SPS 321.15 to 321.18.

2. Accessory Buildings with Living Area of wood frame construction shall be constructed following UDC SPS 320-325 requirements.

E. Heating, ventilating and air conditioning. The provisions of Chapter SPS 323 shall apply to the design, installation and construction of all heating, ventilating and air-conditioning systems installed in Accessory Buildings with Living Area.

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