

TITLE 15

Building Code

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Building Code

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Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the City of Owen" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(c) **Scope.**

- (1) New buildings hereafter erected in, or any building hereafter moved within or into the City of Owen, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
- (2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings.
- (3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

Sec. 15-1-2 Building Permits and Inspection.

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the City of Owen and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
 - a. New buildings.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for re-siding.
 - d. Permits are not required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
 - e. Exempted are re-roofing and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
 - f. Any electrical wiring for new construction or remodeling.
 - g. Any HVAC for new construction or remodeling.

- h. Any plumbing for new construction or remodeling.
 - i. Exempt are normal repairs performed in Subsection (a)(1)e-g.
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require. Permits for projects under the Uniform Dwelling Code shall be reviewed by the UDC-certified Inspector under contract with the City; other permits may be issued by the City through its non-certified Building Inspector.

- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements are accepted by the Common Council.
- (d) **Utilities Required.**
- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical connection is presented to the Building Inspector.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (e) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to City datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional Services. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09, Wis. Adm. Code.
- (f) **Waiver of Plans; Minor Repairs.**
- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed One Thousand Five Hundred Dollars (\$1,500.00).

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- (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work without a building permit on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than One Thousand Five Hundred Dollars (\$1,500.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (g) **Approval of Plans.**
- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (h) **Inspections.**
- (1) The following inspections shall be requested forty-eight (48) hours (business work days) in advance by the applicant/contractor or property owner as applicable:
- Footing/foundation.
 - Rough carpentry, HVAC, electric and plumbing.
 - Draintile/basement floor.
 - Underfloor plumbing/electric service.
 - Insulation.
 - Final carpentry, HVAC, electric and plumbing.
 - Erosion control.
- (2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.
- (i) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within eighteen (18) months from the date of issuance thereof.
- (j) **Revocation of Permits.**
- (1) The Building Inspector or the Common Council may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the

- holder of the permit refused to conform after written warning or construction has been issued to him/her.
- b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (k) **Report of Violations.** City officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
 - (l) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Adopted.

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

SPS	316	Electrical Code
SPS	320-325	Uniform Dwelling Code
SPS	326	Manufactured Home Communities
SPS	360-366	Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code
SPS	367	Rental Unit Energy Efficiency
SPS	375-379	Building Constructed Prior to 1914
SPS	381-387	Uniform Plumbing Code

- (2) Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379, Wis. Adm. Code (Existing Pre-1914 Buildings Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the Building Inspector.
- (3) By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
- IBC.** The *International Building Code*®, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
 - IECC.** The *International Energy Conservation Code*®, subject to the modifications specified in SPS 363, Wis. Adm. Code.
 - IMC.** The *International Mechanical Code*®, subject to the modifications specified in SPS 364, Wis. Adm. Code.
 - IFGC.** The *International Fuel Gas Code*®, subject to the modifications specified in SPS 365, Wis. Adm. Code.
- (4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in the City of Owen. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Building Inspector's Office.
- (b) **Scope of Uniform Dwelling Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of the following:
- Additions.** Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.

- (2) **Detached Garages.** Detached garages greater than two hundred (200) square feet serving one and two family dwellings. Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten (10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) SPS 322, Wis. Adm. Code, shall not apply.
- (3) **Other Detached Accessory Buildings.** Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow Subsection (2) above and/or SPS 321, Wis. Adm. Code.
- (c) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
 - (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the City Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - (4) Roof Coverings — Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
 - (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
 - (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) **Department.** The Wisconsin Department of Safety and Professional Services.
 - (4) **Dwelling.**
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;
or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.

- (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (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.
- (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) **Person.** An individual, partnership, firm or corporation.
- (8) **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:

SPS	320	Administration and Enforcement
SPS	321	Construction Standards
SPS	322	Energy Conservation
SPS	323	Heating, Ventilating and Air Conditioning
SPS	324	Electrical Standards
SPS	325	Plumbing

(e) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services in each of the categories specified under SPS 326.06, Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Common Council.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes

and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. SPS 360-366, Wis. Adm. Code, incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Codes and amendments thereto shall be kept on file in the office of the City Clerk-Treasurer and/or Building Inspector.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Chs. H 81, H 82, H 83 and SPS 325, Wis. Adm. Code, are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City of Owen. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
 - (1) SPS 324, Wis. Adm. Code, and the currently adopted version of the National Electric Code, are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector and the Common Council, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 Electrical Permits and Inspections.

- (a) **State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code. A copy of such code shall be kept on file in the office of the City Clerk-Treasurer and/or Building Inspector.

- (b) **Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.
- (c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall at once inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he/she finds that the work conforms to the State Electrical Code, the Inspector shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until such certificate has been issued.

Sec. 15-1-6 Plumbing Permits and Inspections.

- (a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:
 - (1) As defined in Sec. 145.01(1)(a), (c), (d) and (e), Wis. Stats.
 - (2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- (b) **Inspectors.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his/her examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of SPS 382.21, Wis. Adm. Code, is necessary, he/she may require a water or air test on all or part of the installation.
- (c) **Applications and Permits.**
 - (1) **Application.** No plumbing shall be installed in the City without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the City before such building may be connected to the City sewer or water system. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install

plumbing in a single family residence which is owned and occupied by such owner as his/her home.

- (2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish a bond when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.

Sec. 15-1-7 New Methods and Materials.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of 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 Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

Sec. 15-1-8 Unsafe Buildings.

Whenever the Building Inspector or Common Council find any building or part thereof within the City of Owen to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

Sec. 15-1-9 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the City of Owen. The inspections and the reports and findings issued after the inspections are not

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

Sec. 15-1-10 Garages.

(a) **Definitions.** As used in this Chapter:

- (1) **Attached Private Garage.** A private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or a private garage so constructed as to form an integral part of the principal building.
- (2) **Detached Private Garage.** A private garage entirely separated from the principal building.
- (3) **Three-Quarter-Hour Fire Resistive Construction.** Construction which shall include the following assemblies and materials.
 - a. Two (2) inch brick or stone veneer.
 - b. Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
 - c. Five-eighths (5/8) inch of vermiculite plaster board.
 - d. Five-eighths (5/8) inch fire code gypsum plaster board.

(b) **Locations.**

- (1) Unless otherwise regulated under applicable zoning, detached garages of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the interior walls of such garage adjacent to a residence building are protected with not less than one (1) hour fire resistive construction.
- (2) Garages of masonry wall construction shall not be located less than five (5) feet from any residence building.

(c) **Footings and Foundations.**

- (1) **Detached Garage.** Detached private garages, six hundred (600) square feet or more in floor area, shall have footings and foundation walls to the established frost line. Detached private garages of less than six hundred (600) square feet may be constructed on a reinforced concrete slab not less than four (4) inches in thickness.
- (2) **Attached Garages.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building.
- (3) **Floor Surface.** The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage.

(d) **Construction.**

- (1) **All Private Garages.** Private garages shall be constructed as follows:
 - a. Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
 - b. Detached private garages of wood frame construction shall be constructed with the following minimum requirements:
 1. Studs may have a maximum spacing of twenty-four (24) inches on centers.
 2. Diagonal corner bracing may be applied on the inside surface of studs.
 3. Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
 4. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
 - c. Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.
- (2) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:
 - a. All walls in common with a principal building on attached private garage shall be of not less than one (1) hour fire resistive construction on garage interior.
 - b. An attached private garage may have a door connecting directly into the principal building, provided that the floor of that garage is at least eight (8) inches below the floor of such principal building. Such door shall be a self-closing metal clad door or solid wood door not less than one and three-quarter (1-3/4) inches in thickness.

Sec. 15-1-11 Regulation and Permit for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the City of Owen shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
 - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in

the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;

- (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
 - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the City provided that a written copy of the opinion is delivered to the City Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all

applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

(f) **Miscellaneous Provisions.**

- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-12 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such

order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.

- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

Sec. 15-1-13 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City of Owen and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

(e) **Sump Pump Discharge.**

- (1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall within sixty (60) days of installation discharge into a storm sewer wherever available. Storm sewers shall be considered "available":
 - a. In existing streets with storm sewers when storm sewer laterals are installed.
 - b. In non-existing streets and in existing streets without storm sewers when storm sewers are installed.
- (2) Storm sewers shall not be considered "available" in existing streets with storm sewers until such time as sewer laterals are installed. If no storm sewer is available sump pumps shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three (3) feet from the building and is above permanent grade.
- (3) No sump discharge shall be allowed to flow on or across a public sidewalk. Sump discharge shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 each year.
- (4) The provisions contained herein shall be in addition to those required and imposed by the State Plumbing Code, Chapters H81, H82 and H83, Wis. Adm. Code, and Chapter 145, Wis. Stats., and shall not amend or alter the provisions therein except insofar as is necessary for the application and enforcement of this Subsection.

- (f) **Conducting Tests.** If the Building Inspector or his/her designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

Sec. 15-1-14 Duplex and Multi-Service Connections.

- (a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one (1) unit without disturbing the second unit.
- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

Sec. 15-1-15 Regulations for Moving Buildings.

(a) **General Requirements.**

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the City of Owen without first obtaining a permit

therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

- (2) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Common Council.
- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the City that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the City. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the City Assessor.
- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such

building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

- (1) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City of Owen in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Common Council or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.
- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.

(h) **Common Council Approval.**

- (1) No such permit shall be issued unless it has been found as a fact by the Common Council by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and

after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the City or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Common Council, which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Common Council, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the City. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Common Council to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the City of Owen. The Common Council may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Common Council shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of City Clerk-Treasurer who shall send a copy of it to the Building Inspector.

Sec. 15-1-16 Construction Sites; Maintaining Clean Streets.

City streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The City of Owen will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-7.

Sec. 15-1-17 Fees.

Fees for permits under this Chapter shall be as prescribed in Section 1-3-1.

Sec. 15-1-18 Severability.

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

Sec. 15-1-19 Penalties and Violations.

- (a) **Violations.** Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of Section 1-1-7 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) **Compliance; Penalties.**
 - (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to SPS 320.10(1), Wis. Adm. Code.
 - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has runs shall constitute a separate offense. Nothing in this Chapter shall preclude the City

from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

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

(c) **Appeals.**

- (1) Any person feeling aggrieved by an order or determination of the Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services for a UDC interpretation.
- (2) 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.

- (d) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Owen charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

Title 15 ► Chapter 2

Construction Site Erosion and Stormwater Runoff Control

15-2-1	Authority
15-2-2	Findings and Purpose
15-2-3	Applicability of Regulations
15-2-4	Definitions
15-2-5	Design Criteria, Standards and Specifications for Erosion
15-2-6	Maintenance of Control Measures
15-2-7	Required Control of Erosion and Pollutants During Land Disturbance and Development
15-2-8	Land Disturbing Activities Subject to Stormwater Runoff Control
15-2-9	Permit Application, Control Plan and Permit Issuance
15-2-10	Inspection
15-2-11	Enforcement
15-2-12	Appeals; Variances

Sec. 15-2-1 Authority.

This Chapter is adopted pursuant to the guidelines in Sec. 62.2345, Wis. Stats.

Sec. 15-2-2 Findings and Purpose.

- (a) **Policy Declaration.** The Common Council finds runoff from land disturbing activities carries a significant amount of sediment and other pollutants to the waters of the State and the City of Owen.
- (b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality and quantity of the surface and ground waters of the State and City; and to 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 discharge from land disturbing activities to lakes, streams and wetlands. The Common Council finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment

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deposition in waters located within or near the City. It is, therefore, declared to be the purpose of this Chapter to control and, if possible, prevent soil erosion and water runoff increases and, thereby, to preserve the natural resources, control floods, and prevent impairment of dams and reservoirs, protect the quality and quantity of public waters and wetlands, prevent property damage, preserve wildlife, protect the tax base and protect and promote the health, safety, and general welfare of the people of the City of Owen. This Chapter is in accordance and consistent with the City's Zoning Code, so far as practicable.

Sec. 15-2-3 Applicability of Regulations.

- (a) **Scope of Coverage.** This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the City and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All State funded or conducted construction is exempt from this Chapter. This Chapter shall apply outside the City limits within the extraterritorial plat review area provided by Chapter 236, Wis. Stats., and Title 15 of the City Code of Ordinances, but only to those land disturbing activities relating to, arising from, or connected with a subdivision as defined in Sec. 236.02(12), Wis. Stats., and certified surveys as defined in this Code of Ordinances.
- (b) **Exclusions.** The following activities are generally excluded from coverage under this Chapter:
 - (1) State funded or conducted activities that are subject to the State Site Erosion Control and Stormwater Runoff Plan. State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff", which contains similar requirements as contained in this Chapter, as a minimum.
 - (2) Agricultural land uses as defined in this Chapter and quarries, except where the Common Council, Plan Commission, City Engineer or Building Inspector determine that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.
 - (3) Small land disturbing activities such as gardens, minor landscaping modifications and minor repair of sidewalks, paths or driveways, except where the Common Council, Plan Commission, City Engineer or Building Inspector determine that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

Sec. 15-2-4 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
 - (1) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

- (2) **Building Inspector.** The Building Inspector of the City of Owen.
- (3) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services, including office parks where non-retail business takes place.
- (4) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution, (also known as "Best Management Practice").
- (5) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector and/or City Engineer.
- (6) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (7) **Existing Grade.** The vertical location of the existing ground surface prior to excavation or filling.
- (8) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man/woman to a new location and shall include the conditions resulting therefrom.
- (9) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.
- (10) **Land Disturbing Activity.** Any change to the land surface which may result in soil erosion, sedimentation or increase in water runoff, including but not limited to tilling, removal of vegetative cover, stockpiling of soil, grading, excavating, livestock grazing and filling of land.
- (11) **Landowner.** Any person holding title to or having any interest in land.
- (12) **Land Treatment Measures.** Structural or vegetative practices (including fencing) used to control erosion, sediment and water runoff (also known as "Best Management Practices").
- (13) **Land User.** Any person who uses land collectively or individually as owner, operator, lessor or renter, or who occupies land by providing work or service that requires alteration of the land, or any person who has made other arrangements with a landowner which gives them the right and/or responsibility for use of the land.
- (14) **Major Land Disturbing Activities.** Those activities where the land disturbance covers one or more acres, where a subdivision (as defined by Chapter 236, Wis. Stats.) is created, or where the Common Council, Plan Commission, City Engineer or Building Inspector determines that special circumstances due to topography, proximity to watercourses or relation to sensitive environmental area make the disturbance a major one.
- (15) **Minor Land Disturbing Activities.** Those activities where the land disturbance covers less than one (1) acre and the activities do not otherwise fall within the definition of major land disturbing activities.
- (16) **Parcel.** All continuous lands under the ownership or control of a land occupier or land user.

- (17) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.
- (18) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government or any combination thereof.
- (19) **Public Lands.** All lands owned or controlled by any unit of government.
- (20) **Runoff.** Includes, but is not limited to, ice or water flowing over the ground surface.
- (21) **Sediment.** Solid material, mineral or organic, that is in suspension, is being transported to, or has been moved from, its site of origin by air, water, gravity or ice and has come to rest or has been deposited on the earth's surface at another location.
- (22) **Sedimentation.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources, or the deposition of water-borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually resulting from a decrease in the velocity of the water flow.
- (23) **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.
- (24) **Soil Loss.** Soil removed from a given site by land disturbing activities or by the forces of erosion, and redeposited at another site.
- (25) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (26) **Storm Sewer.** A closed conduit for conducting collected storm water.
- (27) **Stormwater Runoff.** The waters derived from rains falling within a tributary drainage basin, flowing over the ground surface or collected in a water drainage system.
- (28) **Structural Measures.** Land treatments or Best Management Practices intended to prevent erosion, sediment or runoff that include, but are not limited to, gully control structures, grass waterways, riprap, detention basins or ponds, sediment basins or ponds, infiltration basins or trenches, flood retention dams, diversions, and lining channels with rock concrete or other materials. Contour strip cropping is not considered a structural measure under this Chapter.
- (29) **Water Drainage Facility.** Any element in a water drainage system which is made or improved.
- (30) **Water Drainage System.** All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, reservoirs, detention basins or ponds, storm sewers, streets, and pumping stations.
- (31) **Working Day.** Monday, Tuesday, Wednesday, Thursday or Friday, excluding, however, any such day officially observed by the City as a legal holiday. Also referred to as "business day".

Sec. 15-2-5 Design Criteria, Standards and Specifications for Erosion Control Measures.

All control measures required to comply with this Chapter shall be measures based on accepted design criteria, standards and specifications periodically established by the United States Soil Conservation Service, Wisconsin Department of Natural Resources or otherwise identified as acceptable by the Building Inspector or City Engineer. Where design criteria, standards or specifications conflict, the most restrictive provisions shall apply.

Sec. 15-2-6 Maintenance of Control Measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained consistent with the maintenance provisions contained in "Wisconsin Construction Site Best Management Practice Handbook" 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.

Sec. 15-2-7 Required Control of Erosion and Pollutants During Land Disturbance and Development.

- (a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:
- (1) Those sites requiring certified survey map approval or subdivision or land division plat approval under City land division ordinances.
 - (2) Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats or subdivision plats.
 - (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.
 - (4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
 - (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
 - (6) Those involving the laying, repairing, replacing, inspecting or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.
 - (7) Those sites involving the changing, enlargement, dredging or other alteration to any watercourse, waterway and/or wetlands.
 - (8) Those other situations [e.g. developments with slopes over twelve percent (12%) where the City Engineer or Building Inspector, at the request of the Plan Commission

or Common Council, determine that erosion or runoff is likely to occur unless control measures are taken.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the City clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

- (b) **Minimum Erosion Control Standards to be Met.** At a minimum, the erosion and runoff control standards listed below must be met on all sites described in Subsection (a) above. Additional or more stringent control standards may be required in those situations where the City Engineer and/or Building Inspector determines that special circumstances due to topography, proximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards. In cases where no permit has been issued, the landowner is responsible for obtaining compliance with the required standards:

Sec. 15-2-8 Land Disturbing Activities Subject to Stormwater Runoff Control.

- (a) **Best Management Practices.**

- (1) **Temporary best management practice needs for various drainage areas.** The following temporary best management practices shall be used to control sediment where erosion of the site, including dirt piles, during construction will result in sediment reaching waters of the state, public sewers or other off site areas:
- a. Small drainage areas with overland flow [generally less than one (1) acre]. For drainage areas with overland flow [generally less than one (1) acre], a filter fabric fence or equivalent best management practice placed along the downslope areas and along the sideslope areas as required or the disturbed area shall be properly mulched.
 - b. Drainage areas of two (2) acres or less with concentrated or channelized flow. For drainage areas of two (2) acres or less with concentrated or channelized flow, a filter fabric barrier or equivalent best management practice placed at the downslope point of the disturbed area or the disturbed area shall be properly mulched.
 - c. Drainage areas of five (5) acres or less with concentrated or channelized flow, a sediment trap or equivalent best management practice placed at the downslope point of the disturbed area.
 - d. Drainage areas of more than five (5) acres with concentrated or channelized flow. For drainage areas of more than five (5) acres with concentrated or channelized flow, a sediment basin or equivalent best management practice placed at the

downslope point of the disturbed area. The basin shall be properly maintained and cleared out when necessary.

- e. Steep slopes. Slopes of twelve (12) or more percent may require use of additional best management practices.
- (2) **Sequenced Activities.** All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.
- (3) **Site Stabilization.** When the disturbed area is properly stabilized by established vegetation or other permanent means, the temporary best management practices may be removed.

NOTE: Permanent best management practices specified in the *Wisconsin Construction Site Best Management Practice Handbook* include sodding; seeding; grassed waterway; geotextile reinforced grassed waterway; and rock and concrete lined waterway.

- (4) **Tracking Minimization.** 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 significant sediment reaching a public or private road shall be removed by street cleaning before the end of each work day. Flushing may not be used unless the sediment will be controlled by a filter fabric barrier, sediment trap, sediment basin or equivalent.
- (5) **Drain Inlet Protection.** Downslope on-site storm drain inlets shall be protected.
- (6) **Site Dewatering.** Water pumped from the site shall be discharged to an appropriately sized filter fabric barrier, sediment tarp, sediment basin or equivalent best management practice.

NOTE: Site dewatering on some sites is covered under the Wisconsin Pollutant Discharge Elimination System Permit Program.

- (7) **Sediment Cleanup.** All off-site sediment deposits occurring as a result of a storm event shall be cleaned up by the end of the next work day following the occurrence. All other off-site sediment deposits occurring as result of construction activities shall be immediately cleaned up.
- (8) **Waste and Material Management and Disposal.** All waste and unused building materials shall be properly managed and disposed to prevent pollutants and debris from being carried by runoff off the site.
- (9) **Roof Drainage.** All roof drainage from permanent buildings shall discharge to pervious surfaces to increase infiltration and reduce increases in runoff except where demonstrated to be infeasible and a written waiver is granted by the City Engineer or Building Inspector.

- (b) **Additional Erosion Control Standards to be Met on Larger Sites.** These control standards are in addition to the minimum control standards as set forth in Subsection (a), and thus include, but are not limited to, all sites involving land divisions, subdivisions or certified survey maps (where land divisions, subdivisions or certified survey maps involve either one (1) or more acres or create five (5) or more lots or building sites), or all sites where one (1) or more acres are disturbed at a time, where special circumstance due to topography, proximity to watercovers or relation to environmentally sensitive lands make the disturbance a major one, shall meet the added control plan requirements as set up by the City Engineer or Building Inspector. These requirements may include required public dedication of water runoff control measures. The permittee is responsible for obtaining compliance with the control plan requirements. Informal guidelines for the control plan for a major land disturbing activity are hereto attached and incorporated herein as a part of this Chapter as an addendum.
- (c) **Special Circumstances.** The control standards set forth in this Chapter are intended to apply on a typical development site. When land disturbing and/or development activity is proposed for a site with extraordinary features, the Plan Commission may recommend to the Common Council and the Council, at its discretion, will require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land disturbing or development activities are proposed to occur on slopes of more than twelve percent (12%) grade in designated floodplain, wetland, or conservancy areas or in environmental corridor areas identified in the City Comprehensive Plan.
- (d) **Land Disturbing Activities Subject to Stormwater Runoff Control.**
- (1) Land disturbing activities on public lands as defined herein, and on all private lands shall be subject to the runoff control provisions of this Section, if:
 - a. The activity will be a residential development having less than fifty percent (50%) impervious area, disturbing more than five (5) acres.
 - b. The activity will be a residential development having more than fifty percent (50%) impervious area, disturbing more than three (3) acres.
 - c. The activity will be a nonresidential development, disturbing more than three (3) acres, or
 - d. A parking lot of one (1) acre or more, or
 - e. In the opinion of the City Engineer, the runoff from the land disturbing activity will create a hazard by exceeding the safe capacity of the receiving water body in the area; or will cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; or will otherwise endanger the downstream property owners or their property. Safe capacity is defined as the rate of flow that can be handled without flooding.
 - (2) The owner, land occupier or land user shall be in compliance with this Subsection if he/she follows the procedure of Section and receives from the City Engineer an approved control plan and a permit before commencement of any land disturbing activities on lands subject to control under this Section.

(e) **Standards for Stormwater Runoff Control for Land Disturbing Activities.**

- (1) Land disturbing activities subject to runoff control regulation as described in this Chapter shall meet the corresponding requirements of subparagraphs a, b and c below:
 - a. Residential and other non-industrial, and non-commercial certified survey map projects shall incorporate the following stormwater control measures:
 1. All roof drainage shall discharge to either:
 - i. Pervious surfaces with an overland flow distance of at least thirty (30) feet;
 - ii. An infiltration device.
 2. All driveways shall slope to adjacent lawns to the extent practicable.
 3. Where conditions are such that the depth to the water table is three (3) feet or greater during at least nine (9) months of the year, the stormwater drainage system for the development shall include grassed swales for area drainage and underground perforated drainage pipe for storm runoff conveyance. The applicant shall be responsible for documentation for areas to be exempted from these measures. Where the City Engineer finds the above to be impracticable, conveyance shall be by traditional means.
 - b. Industrial sites of less than one hundred thousand (100,000) square feet; and nonindustrial paved parking and storage areas with surface areas totaling five thousand (5,000) to five hundred thousand (500,000) square feet shall discharge to one (1) or more grit chambers or oil and grease traps. Each grit chamber or oil and grease trap shall be designed to remove all particles greater than one hundred (100) microns in size and shall be cleaned at least once every three (3) months. The pumped liquids from cleaning shall be discharged to a licensed wastewater treatment plant.
 - c. Industrial sites of more than one hundred thousand (100,000) square feet; nonindustrial paved parking lots and storage areas greater than five hundred thousand (500,000) square feet; and industrial roofs larger than ten thousand (10,000) square feet shall discharge to one (1) or more wet detention basins. These basins shall have an aggregate area respectively of: At least one and one-half percent (1.5%) of the contributing surface area of the industrial site or three percent (3%) of the contributing paved industrial areas, whichever is greater; at least three percent (3%) of the nonindustrial paved area draining to it; and at least three percent (3%) of the industrial roof area draining to it. These basins shall have a permanent pool depth of three (3) feet and shall be excavated periodically as needed to maintain the three (3) foot depth.
- (2) Regardless of proposed land use the proposed development shall:
 - a. Not increase peak flow rates of storm runoff from that which would have resulted from the same storm occurring over the site with the land in its predevelopment condition, for storms of twenty-four (24) hour duration and recurrence intervals of two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) years: and

- b. The volume of storm runoff resulting from the ten (10) year storm of twenty-four (24) hour duration shall not be greater after development than would have resulted from the same storm occurring over the site with the land in its predevelopment condition. Where a. and/or b. are found to be unacceptable or inevitable on the proposed site by the City Engineer, the applicant shall specify an off-site area to meet there provision and provide a suitable alternative contribution or determined in negotiation with the City Engineer.
- (f) **Erosion and Runoff Control by Public Dedication of Water Runoff Control.** The Common Council may require dedication of water runoff control measures. When such dedication is required, the dedicated land may also be utilized for parkland and for recreational use. Once dedicated and accepted, the City shall maintain the runoff control measures as necessary to adhere to this Chapter and any other applicable laws or contracts. The potential costs of maintaining proposed runoff control measures will be among the criteria considered in both accepting or rejecting an entire "Erosion and Runoff Control Plan" for the areas and determining whether or not to require dedication to the City of and/or all runoff control measures. In the event that the City does not require dedication of any water runoff control measures, the continued maintenance of such measures shall be assured through such means as deed restrictions, easements or a contract with the City.

Sec. 15-2-9 Permit Application, Control Plan, and Permit Issuance.

- (a) **Permit Application.** No landowner or land user, other than the City, may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the City Engineer. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector or City Engineer. By submitting an application, the applicant is authorizing the Building Inspector, City Engineer and other designated City officials to enter the site to obtain information required for a review of the control plan.
- (b) **Content of the Control Plan for Land Disturbing Activities.**
 - (1) **Existing Site Map.** A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
 - a. Site boundaries of adjacent lands which accurately identify site location;
 - b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
 - c. 100 year floodplains, flood fringes and floodways;
 - d. Vegetative cover;

- e. Location and dimensions of stormwater drainage systems and natural drainage patterns on the site and the size, slope and land cover of the upslope drainage areas;
 - f. Locations and dimensions of utilities, structures, roads, highways, and paving; and
 - g. Site topography at a contour interval not to exceed five (5) feet.
- (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 this Chapter;
 - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and Provisions of maintenance of the construction site control measures during construction.
 - e. Provisions of maintenance of the construction site control measures during construction.
- (c) **Emergency Situations.** Notwithstanding the above, a private landowner or the City may commence land disturbing activity without an approved control plan where immediate action is necessary in order to respond to an existing or threatened emergency situation. When such emergency activity is undertaken, care will be taken to comply with the erosion and runoff control standards set forth in this Chapter to the fullest extent practicable under the circumstances. The Building Inspector or City Engineer shall be notified by the private landowner within three (3) hours after commencing such land disturbing activities under this Section.
- (d) **Minor Land Disturbing Activities — Content of Control Plan Statement.** Minor land disturbing activities are all those activities other than those deemed to be major land disturbing activities. For minor land disturbing activities, an erosion control plan (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule). These documents will be used to meet the requirements of this Chapter.
- (e) **Review of Major and Minor Land Disturbing Control Plans.**
 - (1) **Major Land Disturbing Activities.** Within thirty (30) days of receipt of a completed control plan, the City Engineer and Building Inspector shall determine if the requirements of this Chapter are met. The applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.
 - (2) **Minor Land Disturbing Activities.** Control plan statements for minor land disturbing activities shall be reviewed by the Building Inspector for compliance with this Chapter. The Building Inspector shall approve, reject or conditionally approve the plan within the same number of working days as required for issuance of a building permit, but in no event more than ten (10) working days after receipt of the completed

control plan statement. If the control plan statement is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

(f) **Permits.**

- (1) **Duration.** Permits shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or City Engineer may extend the period one or more times for up to an additional one hundred eighty (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 this Chapter.
- (2) **Permit Fees — Major Land Disturbing Activities.** The application fee for a major land disturbing activity permit shall be Twenty-five Dollars (\$25.00). In addition to this fee, before any permit will be issued, the applicant shall pay the actual engineering fees or expenses incurred by the City in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. These additional charges shall be determined by the Building Inspector and City Clerk-Treasurer.
- (3) **Permit Fees — Minor Land Disturbing Activities.** The application fee for a minor land disturbing activity permit shall be Twenty Dollars (\$20.00), except where a building permit fee is paid in connection with the same activity, then a fee of Fifteen Dollars (\$15.00) shall be paid in order to obtain the necessary land disturbing activity permit.

(g) **Permit Requirements — Major Land Disturbing Activity.** All Major Land Disturbing Activity Permits shall require the permittee to do at least the following:

- (1) The applicant shall provide the City, prior to issuance of the permit, and irrevocable letter of credit, certificate of deposit or certified check to the City in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all required control measures as determined by the City Engineer and/or Building Inspector. The security deposited shall guarantee that all required control measures will be taken or installed according to the approved plan. The security shall remain in full force for the entire period of the permit unless released earlier by the City. The City shall have the right to draw upon the security for the purposes of obtaining compliance with the approved Control Plan as it deems necessary. If the erosion and runoff control requirements of this Chapter are included as part of Plat or Certified Survey Map conditions of approval, then security for performance of the control requirements may be included as part of the overall security required for installation of improvements under this Code of Ordinances.
- (2) Contact the Building Inspector upon completion of any control measures and at least two (2) business days prior to commencing any land disturbing activity.
- (3) Obtain written permission from the City Engineer or Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.

- (4) Install all control measures as identified in the Control Plan.
 - (5) Maintain all control measures as identified in the Control Plan.
 - (6) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (7) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
 - (8) Allow the Building Inspector, City Engineer, or other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.
 - (9) Keep a copy of the approved Control Plan on site.
- (h) **Permit Requirements — Minor Land Disturbing Activity.** All Minor Land Disturbing Activity Permits shall require the permittee to:
- (1) Obtain permission in writing from the Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.
 - (2) Install all control measures as identified in the approved Control Plan.
 - (3) Maintain all control measures as identified in the Control Plan.
 - (4) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (5) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
 - (6) Allow the Building Inspector, City Engineer, and other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.

Sec. 15-2-10 Inspection.

- (a) The City Engineer, Building Inspector or other designated City officials shall inspect all Major Land Disturbing activities in order to ensure compliance with the Control Plan and permit.
- (b) In the case of Minor Land Disturbing activities, the Building Inspector shall inspect sites in order to ensure compliance with the Control Plan and permit.
- (c) If the land disturbing or land development activities are being carried out without a valid permit, i.e., unauthorized, City inspection officials may enter the land in question pursuant to the special inspection warrant provisions of Sec. 66.0119, Wis. Stats.

Sec. 15-2-11 Enforcement.

- (a) **Violations.** No land development or land disturbing activities within the scope of this Chapter may occur without full compliance with the provisions of this Chapter. Any

person who violates or fails to comply with any provision of this Chapter is subject to the enforcement and penalty provisions contained herein.

- (b) **Enforcement.** This Chapter shall be enforced consistent with the policies and purposed underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this Chapter:

(1) **Stop Work Order.**

- a. A stop work order may be issued by the City Engineer, Building Inspector, or their authorized agents, after an inspection if:
 1. Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
 2. The Control Plan is not being implemented in a good faith manner;
 3. The conditions of the Permit are not being met.
- b. Stop work orders may be retracted when compliance with the Chapter is obtained. The City Engineer, Common Council, Building Inspector or their designee has the authority to retract a stop work order for Major Land Disturbing activities; the Building Inspector, City Engineer and their designees, may retract stop work orders on Minor Land Disturbing activities.

- (2) **Revocation of Permit.** Where a stop work order has been issued in order to obtain compliance with a Control Plan, the City may revoke the Permit if the permittee does not cease the illegal activity or obtain compliance with the Control Plan or Permit conditions within seventy-two (72) hours from issuance of the Stop Work Order.

- (3) **City to Perform Work.** Seventy-two (72) hours after posting a stop work order, the City may issue a notice of intent to the permittee or landowner or land user of the City's intent to perform work necessary to comply with this Chapter. Upon receipt of permission from the landowner or pursuant to a court order, the City Engineer and/or other designated City officials or agents, as determined by the Common Council, may go on the land and commence the work. The costs of the work performed by the City, plus interest, shall be billed to the permittee or the landowner or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the City Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sec. 66.0627, Wis. Stats.

- (4) **Injunction and Other Judicial Remedies.** Compliance with the provisions of this Chapter may also be obtained by the Common Council authorizing the City Attorney to commence appropriate action to enjoin violations, compel compliance, or pursue other appropriate judicial relief.

- (5) **Private Remedies Preserved.** These enforcement provisions are not intended in any way to restrict or limit the rights of private parties to pursue whatever private legal remedies they may have available as a result of any erosion, sediment or water runoff.

- (c) **Penalties.** Any person violating any provision of this Chapter shall be subject to a forfeiture as provided in Section 1-1-7. Each day a violation exists shall constitute a

separate offense. Before commencing a forfeiture action, the City shall issue a written warning to the person believed to be violating the Chapter, granting the person two (2) business days in which to remedy the violation and avoid the commencement of a forfeiture action.

Sec. 15-2-12 Appeals; Variances.

(a) Appeal or Variance Requests.

- (1) **By Applicant or Permittee.** Any aggrieved applicant, permittee or land user may appeal any order, decision, determination or inaction of the City in administering or enforcing this Chapter, or may apply for a variance from the requirements of this Chapter. A Twenty-five Dollar (\$25.00) filing fee must accompany the appeal or variance request. Appeal or variance requests must be submitted in writing, state the grounds for the appeal or variance request, and be filed with the City Clerk-Treasurer. Publication and other associated costs will be in addition to this fee and paid by the applicant.
- (2) **Appeal By Citizens.**
 - a. An appeal of any order, decision, determination or inaction of the City in administering or enforcing this Chapter may be commenced upon the filing of a petition signed by twenty-five (25) adult residents of the City and payment of a Fifty Dollar (\$50.00) fee to cover the cost of the appeal.
 - b. The appeal must be filed with the City Clerk-Treasurer and shall state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the City Clerk-Treasurer within five (5) business days of its filing with the City of Owen. The filing of a citizen appeal, by itself, does not prohibit the commencement or continuation of any work or activity.
- (3) **Appeal Deadline.** Appeals by applicants, permittees or citizens must be filed within forty-five (45) days of the order, decision, determination or inaction being appealed.
- (4) **Multiple Appeals Prohibited.** Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. The Board of Appeals shall consolidate appeals wherever possible to avoid a multiplicity of appeal proceedings and to hasten the final resolution of a matter. The Board of Appeals may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.

(b) Authority.

- (1) **Authority to Grant Variances.** The Board of Appeals shall decide all variance requests in accordance with the provisions of this Code of Ordinances. The Board of Appeals shall only grant such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter is impracticable or otherwise unreasonable or demonstrated to be unnecessary. Such variances may be granted only when the Board

of Appeals has been presented with satisfactory proof that the variance will achieve compliance results comparable to those set forth in this Chapter.

- (2) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by City officials in administering this Chapter. The Board of Appeals shall use the rules, procedures, duties and powers authorized by City ordinance and statute for the Board of Appeals in hearing and deciding appeals and authorizing variances. The Board of Appeals shall hear and decide within thirty (30) days of receipt of the written request and payment of the appeal fee, unless an extension is agreed upon by the Appellant and Board of Appeals. The procedures utilized by the Board of Appeals shall be as prescribed in the City Zoning Code.
- (c) **Enforcement Not Stayed.** The filing of an appeal or variance does not preclude the City from commencing or continuing any of the enforcement actions set forth herein or a forfeiture proceeding set forth in this Chapter unless the Common Council specifically agrees to stay such enforcements.

Title 15 ► Chapter 3

Post-Construction Stormwater Management

15-3-1	Authority
15-3-2	Findings of Fact
15-3-3	Purpose and Intent
15-3-4	Applicability and Jurisdiction
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15-3-6	Technical Standards
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15-3-9	Stormwater Management Plan
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Sec. 15-3-1 Authority.

- (a) **Statutory Authority.** To effect the purposes of Section 281.33, Wis. Stats. this Chapter is adopted by the City of Owen Common Council under the authority granted by Section 62.234, Wis. Stats. This Chapter supersedes all provisions of ordinance(s) previously enacted under Sec. 62.23, Wis. Stats., that relate to stormwater management regulations, except as otherwise specified in Sec. 62.234, Wis. Stats.
- (b) **Applicability of Statutes.** Section 62.23, Wis. Stats., applies to this Chapter and to any amendments to this Chapter.
- (c) **Other Regulations.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (d) **Administration.** The Common Council hereby designates the Building Inspector to administer and enforce the provisions of this Chapter.
- (e) **Applicability of Requirements.** The requirements of this Chapter do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

- (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sections 281.16 and 283.33, Wis. Stats.
- (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

Note: Section 62.234(2), Wis. Stats., states that adoption of a local post-construction stormwater management ordinance requires such ordinance to be enacted as a zoning ordinance. This Chapter is placed in the Title 15 Building Code title for convenience purposes.

Sec. 15-3-2 Findings of Fact.

The City of Owen Common Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures.
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loading.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

Sec. 15-3-3 Purpose and Intent.

- (a) **Purpose.** The general purpose of this Chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (1) Further the maintenance of safe and healthful conditions.

- (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
- (b) **Intent.** It is the intent of the Common Council that this Chapter regulates post-construction stormwater discharges to waters of the state. This Chapter may be applied on a site-by-site basis. The Common Council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this Chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one (1) site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Section 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Common Council, it is the intent of this Chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 15-3-4 Applicability and Jurisdiction.

- (a) **Applicability.**
- (1) Where not otherwise limited by law, this Chapter applies to all post-construction sites, unless the site is otherwise exempt under Subsection (a)(2).
 - (2) A post-construction site that meets any of the criteria in this Subsection is exempt from the requirements of this Chapter:
 - a. One- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one (1) acre of disturbance.
 - b. Non-point discharges from agricultural activity areas.
 - c. Non-point discharges from silviculture activities.
 - d. Mill and crush operations.
 - (3) Notwithstanding the applicability requirements in Subsection (a)(1), this Chapter applies to post-construction sites of any size that, in the opinion of the Building Inspector, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that

increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

- (b) **Jurisdiction.** This Chapter applies to post-construction sites within the boundaries and jurisdiction of the City of Owen.
- (c) **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(2), Wis. Stats.

Sec. 15-3-5 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Definitions Established.** The following definitions shall be applicable in this Chapter:
 - (1) **Administrative Authority.** A governmental employee, or a regional planning commission empowered under Section 62.234, Wis. Stats., that is designated by the Common Council to administer this Chapter.
 - (2) **Agricultural Activity Area.** The part of the farm where there is planning, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavations, filling and similar practices. The agricultural activity area does not include the agricultural production area.
 - (3) **Agricultural Production Area.** The part of a farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the "agricultural activity area".
 - (4) **Average Annual Rainfall.** A calendar year of precipitation, excluding snow, which is considered typical.
 - (5) **Best Management Practice ("BMP").** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
 - (6) **Business Day.** A day the Office of Building Inspector is routinely and customarily open for business.
 - (7) **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
 - (8) **Combined Sewer System.** A system for conveying both sanitary and stormwater runoff.
 - (9) **Common Plan of Development or Sale.** A development or sale where multiple separate and distinct land disturbing construction activities may be taking place at

different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

- (10) **Connected Imperviousness.** An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (11) **Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.
- (12) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (13) **Development.** Residential, commercial, industrial, institutional, or other land uses and associated roads.
- (14) **Division of Land.** Either a major subdivision or minor subdivision, as defined by the City of Owen Subdivision Code.
- (15) **Effective Infiltration Area.** The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (16) **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (17) **Exceptional Resource Waters.** Waters listed in NR 102.11, Wis. Adm. Code.
- (18) **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or with one and one-half (1 1/2) miles of a fourth class city or village.
- (19) **Final Stabilization.** That all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (20) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Building Inspector by the responsible party to assure that requirements of the Chapter are carried out in compliance with the stormwater management plan.
- (21) **Governing Body.** Town board of supervisors, county board of supervisors, city common council, or village board of trustees.
- (22) **Highway.** Has the meaning given in Section 340.01(22), Wis. Stats.
- (23) **Highway Reconditioning.** Has the meaning given in Section 84.013(1)(b), Wis. Stats.
- (24) **Highway Reconstruction** Has the meaning given in Section 84.013(1)(c), Wis. Stats.
- (25) **Highway Resurfacing.** Has the meaning given in Section 84.013(1)(d), Wis. Stats.
- (26) **Impervious Surface.** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.

- (27) **In-Fill Area.** A new development area less than five (5) acres in size that is located within existing urban service areas, surrounded by already existing development or existing development and natural or man-made features where development cannot occur.
- (28) **Infiltration.** The entry of precipitation or runoff into or through the soil.
- (29) **Infiltration System.** A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (30) **Karst Feature.** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (31) **Land Disturbing Construction Activity (Disturbance).** Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (32) **Maintenance Agreement.** A legal document that provides for long-term maintenance of stormwater management and best management practices.
- (33) **Maximum Extent Practicable (MEP).** A level of implementing best management practices in order to achieve a performance standard specified in this Chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (34) **Minor Reconstruction of a Highway.** Reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed one hundred (100) feet in width of roadbed widening.
- (35) **New Development.** That portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this Chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three (3) classifications as appropriate.
- (36) **Off-Site.** Located outside the property boundary described in the permit application.
- (37) **On-Site.** Located within the property boundary described in the permit application.
- (38) **Ordinary High-Water Mark.** Has the meaning given in NR 115.03(6), Wis. Adm. Code.
- (39) **Outstanding Resource Waters.** Waters listed in NR 102.10, Wis. Adm. Code.
- (40) **Percent Fines.** The percentage of a given sample of soil, which passes through a #200 sieve.

- (41) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (42) **Permit.** Written authorization made by the Building Inspector to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (43) **Permit Administration Fee.** A sum of money paid to the City by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (44) **Pervious Surface.** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (45) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (46) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (47) **Post-Construction Site.** A construction site following the completion of land disturbing construction activity and final site stabilization.
- (48) **Post-Development.** The extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.
- (49) **Pre-Development.** The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (50) **Preventive Action Limit.** Has the meaning given in NR 140.05(17), Wis. Adm. Code.
- (51) **Redevelopment.** That portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For purposes of this Chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three (3) classifications as appropriate.
- (52) **Responsible Party.** Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMP's.
- (53) **Routine Maintenance.** That portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower one-half (1/2) of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half (1/2) of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this Chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three (3) classifications as appropriate.

- (54) **Runoff.** Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (55) **Separate Storm Sewer.** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - a. Is designed or used for collecting water or conveying runoff.
 - b. Is not part of a combined sewer system.
 - c. Is not draining to a stormwater treatment device or system.
 - d. Discharges directly or indirectly to waters of the state.
- (56) **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (57) **Stop Work Order.** An order issued by the Building Inspector which requires that all construction activity on the site be stopped.
- (58) **Stormwater Management Plan.** A comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.
- (59) **Stormwater Management System Plan.** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (60) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (61) **Top of the Channel.** An edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the fifty (50) feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (62) **TR-55.** The "United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55", June, 1986.
- (63) **Transportation Facility.** A public street, a public road, a public highway, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Section 85.095(1)(b), Wis. Stats.
- (64) **Type II Distribution.** A rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149", published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (65) **Waters of the State.** Has the meaning given in Section 281.01(18), Wis. Stats.

Sec. 15-3-6 Technical Standards and Design Methods.

- (a) **Design Criteria.** All drainage facilities and practices required to comply with this Chapter shall incorporate technical standards and design methods specified in the document *City of Owen Storm Water Reference Guide*, maintained and periodically updated by the Director of Public Works. Where not superseded by stricter requirements in *City of Owen Storm Water Reference Guide*, the following standards are also incorporated by reference:
 - (1) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222, November 1983 Revision or subsequent revision.
 - (2) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of NR 151, Wis. Adm. Code.
- (b) **Other Standards.** Other technical standards not identified or developed in Subsection (a) may be used provided that the methods have been approved by the Director of Public Works/Town Engineer.

Sec. 15-3-7 Performance Standards.

- (a) **Responsible Party.** The entity holding fee title to the property shall be responsible for either developing and implementing a stormwater management plan, or causing such plan to be developed and implemented through a contract or other agreement. This plan shall be developed in accordance with the Stormwater Management Ordinance of the City of Owen Code of Ordinances (Title 15, Chapter 2), which incorporates the requirements of this Section.
- (b) **Plan.** A written stormwater management plan in accordance with Section 15-3-9 shall be developed and implemented for each post-construction site.
- (c) **Requirements.** The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:
 - (1) **Total Suspended Solids.** BMP's shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows. The total suspended solids reduction shall be based on the average annual rainfall, as compared to no runoff management controls:
 - a. For post-construction sites with twenty thousand (20,000) square feet or more of impervious surface disturbance and post-construction sites with one (1) acre or more of land disturbance, the following is required:
 - 1. Reduce the total suspended solids load by eighty percent (80%) for new development.

2. Reduce the total suspended solids load by forty percent (40%) for redevelopment.
 3. No total suspended solids load reduction is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed water quality BMP.
 - b. For post-construction sites with less than twenty thousand (20,000) square feet of impervious surface disturbance, reduce the total suspended solids load using BMP's from the "City of Owen Stormwater Reference Guide" (if adopted). These sites are not required to satisfy a numeric performance standard.
 - c. Sites with a cumulative addition of twenty thousand (20,000) square feet or greater of impervious surfaces after the adoption date of this Chapter are required to satisfy the performance standards within Subsection (c)(1)a.
 - d. The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
 - e. Notwithstanding Subsection (c)(1)a-d, if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
- (2) **Peak Discharge.** BMP's shall be designed, installed and maintained to control peak discharges from the post-construction site as follows:
- a. For post-construction sites with twenty thousand (20,000) square feet or more of impervious surface disturbance and post-construction site with one (1) acre or more of land disturbance, the following is required:
 1. The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the 2-year, 10-year, and 100-year, 24-hor design storms. These peak discharge requirements apply to new development and redevelopment areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.
 2. TR-55 methodology shall be used for peak discharge calculations, unless the administering authority approves an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined using the following "meadow" runoff curve numbers:

Maximum Pre-Development Runoff Curve Numbers – Meadow				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	30	58	71	78

- b. For post-construction sites with less than twenty thousand (20,000) square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMP's from the "City of Owen Stormwater Reference Guide" (if adopted). These sites are not required to satisfy a numeric performance standard.
 - c. Sites with a cumulative addition of twenty thousand (20,000) square feet or greater of impervious surfaces after the adoption date of this Chapter are required to satisfy the performance standards within Subsection (c)(2)a1-2.
 - d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
 - e. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.
 - f. Exemptions. The following transportation facilities are not required to meet the peak discharge requirements of this Subsection (c)(2) provided the transportation facility is not part of a larger common plan of development or sale:
 - 1. A transportation facility where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving surface water by more than 0.01 of a foot for the 2-year, 24-hour storm event.
 - 2. A highway reconstruction site.
 - 3. A transportation facility that is part of a redevelopment project.
- (3) **Infiltration.** BMP's shall be designed, installed, and maintained to infiltrate runoff in accordance with the following, except as provided in Subsection (c)(3)a-h:
- a. For residential developments with twenty thousand (20,000) square feet or more of impervious surface disturbance and residential developments with one (1) acre or more of land disturbance, one of the following shall be met:
 - 1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the project site is required as an effective infiltration area.
 - 2. Infiltrate twenty-five percent (25%) of the post-development runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the project site is required as an effective infiltration area.
 - b. For non-residential developments with twenty thousand (20,000) square feet or more of impervious surface disturbance and non-residential developments with

one (1) acre or more of land disturbance, including commercial, industrial and institutional development, one of the following shall be met:

1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty percent (60%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the project site is required as an effective infiltration area.
 2. Infiltrate ten percent (10%) of the runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the project site is required as an effective infiltration area.
- c. Pre-development condition shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the following runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers – Cropland				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	56	70	79	83

- d. For residential and non-residential developments with less than twenty thousand (20,000) square feet of new impervious surfaces, infiltrate runoff volume using BMP's from the "City of Owen Stormwater Reference Guide". These sites are not required to satisfy a numeric performance standard.
- e. Sites with a cumulative addition of twenty thousand (20,000) square feet or greater of impervious surfaces after the adoption date of this Chapter are required to satisfy the performance standards within Subsection (c)(2)a-c.
- f. The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- g. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with Subsection (c)(3)k.

Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

- h. Exclusions. Infiltration of runoff from the following areas are prohibited from meeting the infiltration requirements of this Subsection (c)(3):
 - 1. Areas associated with Tier 1 industrial facilities identified in NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
 - 2. Storage and loading areas of Tier 2 industrial facilities identified in NR 216(2)(b), Wis. Adm. Code.
 - 3. Fueling and vehicle maintenance areas.
 - 4. Areas within one thousand (1,000) feet upgradient or within one hundred (100) feet downgradient of karst features.
 - 5. Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this Subsection (c)(3)h.5 does not prohibit infiltration of roof runoff.
 - 6. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five (5) feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
 - 7. Areas within four hundred (400) feet of a community water system well as specified in NR 811.16(4), Wis. Adm. Code, or within one hundred (100) feet of a private well as specified in NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
 - 8. Areas where contaminants of concern, as defined in NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.
 - 9. Any area where the soil does not exhibit one (1) of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a three (3) foot soil layer with twenty percent (20%) fines or greater; or at least a five (5) foot soil layer with ten percent (10%) fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This Subsection (c)(3)h.9 does not prohibit infiltration of roof runoff.
- i. Exemptions. Infiltration of runoff from the following areas are not required to meet the infiltration requirements of this Subsection (c)(3):
 - 1. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
 - 2. Parking areas and access roads less than five thousand (5,000) square feet for commercial and industrial development.

3. Redevelopment and routine maintenance areas.
 4. In-fill areas less than five (5) acres.
 5. Infiltration areas during periods when the soil on the site is frozen.
 6. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
 7. Highways provided the transportation facility is not part of a larger common plan of development or sale.
 - j. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this Subsection.
 - k. Infiltration systems designed in accordance with this Subsection shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable. Notwithstanding the above statements, the discharge from BMP's shall remain below the enforcement standard at the point of standards application.
- (4) **Protective Areas.**
- a. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this Subsection, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location:
 1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in NR 103.04, Wis. Adm. Code: Seventy-five (75) feet.
 2. For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current: Fifty (50) feet.
 3. For lakes: Fifty (50) feet.
 4. For highly susceptible wetlands: Fifty (50) feet. "Highly susceptible wetlands" include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.
 5. For less susceptible wetlands: Ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less

susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.

6. In Subsections (c)(4)a.1,4 and 5, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03, Wis. Adm. Code.
 7. For concentrated flow channels with drainage areas greater than one hundred thirty (130) acres: Ten (10) feet.
- b. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with NR 103.08(1m), Wis. Adm. Code. This Subsection (c)(4) does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
 - c. This Subsection (c)(4) applies to post-construction sites located within a protective area, except those areas exempted pursuant to Subsection (c)(4)f below.
 - d. The following requirements shall be met:
 1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
 2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of seventy percent (70%) or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
 3. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.
 - e. A protective area established or created after the adoption date of this Chapter shall not be eliminated or reduced, except as allowed in Subsection (c)(4)f.2, 3 or 4 below.
 - f. Exemptions. The following areas are not required to meet the protective area requirements of this Subsection (c)(4):
 1. Redevelopment and routine maintenance areas provided the minimum requirements within Subsection (c)(4)e above are satisfied.

2. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 3. Structures constructed in accordance with Section 59.692(1v), Wis. Stats.
 4. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- (5) **Fueling and Vehicle Maintenance Areas.** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMP's designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.
- (6) **Swale Treatment for Transportation Facilities.** This Subsection is not applicable to transportation facilities that are part of a larger common plan of development or sale:
- a. Applicability. Except as provided in Subsection (c)(6)b, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this Section, if the swales are designed to the maximum extent practicable to do all of the following:
 1. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 2. Carry runoff through a swale for two hundred (200) feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of two hundred (200) feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.
 - b. Exemptions. The Building Inspector may, consistent with water quality standards, require other provisions of this Section be met on a transportation facility with an average daily travel of vehicles greater than two thousand five hundred (2,500) and where the initial surface water of the state that the runoff directly enters is any of the following:
 1. An outstanding resource water.
 2. An exceptional resource water.
 3. Waters listed in Section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
 4. Waters where targeted performance standards are developed under NR 151.004, Wis. Adm. Code, to meet water quality standards.
- (7) **Exemptions.** The following areas are not required to meet the performance standards of Subsection (c):
- a. Agricultural production areas with less than one hundred thousand (100,000) square feet of impervious surface disturbance.

- b. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- c. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale:
 - 1. Reconditioning or resurfacing of a highway.
 - 2. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements within NR 151.24(6), Wis. Adm. Code, apply to minor reconstruction of a highway.
 - 3. A redevelopment transportation facility with no increase in exposed parking lots or roads.
 - 4. A transportation facility with less than ten percent (10%) connected imperviousness based on complete development of the transportation facility, provided the cumulative area of all parking lots and rooftops is less than one (1) acre.
 - 5. Routine maintenance for transportation facilities if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (d) **General Considerations for On-Site and Off-Site Stormwater Management Measures.**

The following considerations shall be observed in managing runoff:

 - (1) **Use of Natural Topography.** Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this Section.
 - (2) **Emergency Overland Flow.** Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (e) **Location and Regional Treatment Options.**
 - (1) **BMP Use.** The BMP's may be located on-site or off-site as part of a regional stormwater device, practice or system.
 - (2) **Post-Construction BMP's.** Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this Chapter. Post-construction BMP's may be located in non-navigable surface waters.
 - (3) **Post-Construction Runoff Standard.** Except as allowed under Subsection (d)(4) below, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
 - (4) **Exceptions to Post-Construction Runoff Standard.** Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this Chapter if:
 - a. The BMP was constructed prior to the effective date of this Chapter and the BMP either received a permit issued under Chapter 30, Wis. Stats., or the BMP did not require a Chapter 30, Wis. Stats., permit; and

- b. The BMP is designed to provide runoff treatment from future upland development.
- (5) **Runoff From Existing Development.** Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this Subsection:
 - a. To the maximum extent practicable, BMP's shall be located to treat runoff prior to discharge to navigable surface waters.
 - b. Post-construction BMP's for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as NR 103, Wis. Adm. Code, and Chapter 30, Wis. Stats.
- (6) **Runoff Discharge.** The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMP's is subject to this Chapter.
- (7) **Building Inspector Approval.** The Building Inspector may approve off-site management measures provided that all of the following conditions are met:
 - a. The Building Inspector determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the City of Owen and that contains management requirements consistent with the purpose and intent of this Chapter.
 - b. The off-site facility meets all of the following conditions:
 - 1. The facility is in place.
 - 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this Chapter.
 - 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (8) **Regional Treatment Option.** Where a regional treatment option exists such that the Building Inspector exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Building Inspector. In determining the fee for post-construction runoff, the Building Inspector shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (f) **Alternate Requirements.** The Building Inspector may establish stormwater management requirements more stringent than those set forth in this Section if the Building Inspector determines that an added level of protection is needed to protect sensitive resources. Also, the Building Inspector may establish stormwater management requirements less stringent than those set forth in this Section if the Building Inspector determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by the Wisconsin Department of Natural Resources under NR 151, Wis. Adm. Code.

Sec. 15-3-8 Permitting Requirements, Procedures and Fees.

- (a) **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Building Inspector prior to commencing the proposed activity.
- (b) **Permit Application and Fees.**
 - (1) Unless specifically excluded by this Chapter, any responsible party desiring a permit shall submit to the Building Inspector a permit application made on a form provided by the Building Inspector for that purpose.
 - (2) Unless otherwise excepted by this Chapter, a permit application must be accompanied by a stormwater management plan, a maintenance agreement, and a non-refundable permit administration fee.
 - (3) The stormwater management fee shall be prepared to meet the requirements of Sections 15-3-7 and 15-3-9, the maintenance agreement shall be prepared to meet the requirements of Section 15-3-10, the financial guarantee shall meet the requirements of Section 15-3-11, and fees shall be those established by the Common Council as set forth in Section 15-3-12.
- (c) **Review and Approval of Permit Application(s).** The Building Inspector shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (1) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by Subsection (b), the Building Inspector shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this Chapter.
 - (2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the Building Inspector shall issue the permit.
 - (3) If the stormwater permit application, plan or maintenance agreement is disapproved, the Building Inspector shall detail in writing the reasons for disapproval.
 - (4) The Building Inspector may request additional information from the applicant. If additional information is submitted, the Building Inspector shall have twenty (20) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (5) Failure by the Building Inspector to inform the permit applicant of a decision within twenty (20) business days of a required submittal shall be deemed to mean approval of the submittal, and the applicant may proceed as if a permit had been issued.
- (d) **Permit Requirements.** All permits issued under this Chapter shall be subject to the following conditions, and holders of permits issued under this Chapter shall be deemed to have accepted these conditions. The Building Inspector may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party.

An action by the Building Inspector to suspend or revoke this permit may be appealed in accordance with Section 15-3-14:

- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- (2) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
- (3) The responsible party shall notify the Building Inspector at least ten (10) business days before commencing any work in conjunction with the stormwater management plan, and within ten (10) business days upon completion of the stormwater management practices. If required as a special condition under Subsection (e), the responsible party shall make additional notification according to a schedule set forth by the Building Inspector so that practice installation can be inspected during construction.
- (4) Practice installations required as part of this Chapter shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the Building Inspector or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Building Inspector or his/her designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
- (5) The responsible party shall notify the Building Inspector of any significant modifications it intends to make to an approved stormwater management plan. The Building Inspector may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Common Council, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the Building Inspector to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subchapter VII of Chapter 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-3-11.
- (8) If so directed by the Building Inspector, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

- (9) The responsible party shall permit property access to the Building Inspector or its designed for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Building Inspector may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (11) The responsible party is subject to the enforcement actions and penalties detailed in Section 15-3-13, if the responsible party fails to comply with the terms of this permit.
 - (12) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (e) **Permit Conditions.** Permits issued under this Subsection may include conditions established by the Building Inspector in addition to the requirements needed to meet the performance standards in Section 15-3-7 or a financial guarantee as provided for in Section 15-3-11.
- (f) **Permit Duration.** Permits issued under this Section shall be valid from the date of issuance through the date the Building Inspector notifies the responsible party that all stormwater management practices have passed the final inspection required under Subsection (d)(4).
- (g) **Alternate Requirements.** The Building Inspector may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-3-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

Sec. 15-3-9 Stormwater Management Plan.

- (a) **Plan Requirements.** The stormwater management plan required under Section 15-3-8(b) shall comply with the Building Inspector's "Stormwater Reference Guide" (if adopted) and contain at a minimum the following information:
- (1) Name, address, and telephone number of the landowner and responsible parties.
 - (2) A legal description of the property proposed to be developed.
 - (3) Pre-development site map with property lines, disturbed limits, and drainage patterns.
 - (4) Post-development site map with property lines, disturbed limits, and drainage patterns:
 - a. Total area of disturbed impervious surfaces within the site.
 - b. Total area of new impervious surfaces within the site.
 - c. Performance standards applicable to the site.
 - d. Proposed best management practices.
 - e. Groundwater, bedrock, and soil limitations.
 - f. Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water.

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- (b) **Alternate Requirements.** The Building Inspector may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-3-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

Sec. 15-3-10 Maintenance Agreement.

- (a) **Maintenance Agreement Required.** The maintenance agreement required under Section 15-3-8(b) for stormwater management practices shall be an agreement between the Building Inspector and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction to that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15-3-9(a)(6):
 - (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under Section 15-8-8(b).
 - (3) Identification of the responsible party(s), organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under Section 15-3-8(b).
 - (4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Subsection (b)(2).
 - (5) Authorization for the Building Inspector to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) A requirement on the Building Inspector to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (7) Agreement that the party designated under Subsection (b)(3), as responsible for long-term maintenance of the stormwater management practices, shall be notified by the Building Inspector of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the Building Inspector.

- (8) Authorization of the Building Inspector to perform the corrected actions identified in the inspection report if the responsible party designated under Subsection (b)(3) does not make the required corrections in the specified time period. The Building Inspector shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.
- (c) **Alternate Requirements.** The Building Inspector may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-3-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

Sec. 15-3-11 Financial Guarantee.

- (a) **Establishment of the Guarantee.** The Building Inspector may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Building Inspector. The financial guarantee shall be in an amount determined by the Building Inspector to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Building Inspector the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the Building Inspector that the requirements of this Chapter have not been met.
- (b) **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
 - (1) The Building Inspector shall release the portion of the financial guarantee established under this Section, less any costs incurred by the Building Inspector to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Building Inspector may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The Building Inspector shall release the portion of the financial guarantee established under this Section to assure maintenance of stormwater practices, less any costs incurred by the Building Inspector, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.
- (c) **Alternate Requirements.** The Building Inspector may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-3-7(e) or for applicants seeking a permit for a post-construction site with less than twenty thousand (20,000) square feet of impervious surface disturbance.

Sec. 15-3-12 Fee Schedule.

The fees referred to in other sections of this Chapter shall be established by the Building Inspector and may from time to time be modified by resolution. A schedule of the fees established by the Building Inspector shall be available for review in the City Clerk-Treasurer's office.

Sec. 15-3-13 Enforcement.

- (a) Any land disturbing construction activity or post-construction runoff initiated after the original effective date of this Chapter by any person, firm, association, or corporation subject to this Chapter's provisions shall be deemed a violation unless conducted in accordance with the requirements of this Chapter.
- (b) The Building Inspector shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (c) Upon receipt of written notification from the Building Inspector under Subsection (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice.
- (d) If the violations to a permit issued pursuant to the Chapter are likely to result in damage to properties, public facilities, or waters of the state, the Building Inspector may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Building Inspector plus interest and legal costs shall be billed to the responsible party.
- (e) The Building Inspector is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Chapter, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (f) The Building Inspector may revoke a permit issued under this Chapter for non-compliance with ordinance provisions.
- (g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Building Inspector or by a court with jurisdiction.
- (h) The Building Inspector is authorized to refer any violation of this Chapter, or of a stop work order or cease and desist order issued pursuant to this Chapter, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this Chapter shall be subject to a forfeiture as prescribed in Section 1-1-7 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

- (j) Compliance with the provisions of this Chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (k) When the Building Inspector determines that the holder of a permit issued pursuant to this Chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Building Inspector or a party designated by the Building Inspector may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Building Inspector shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 15-3-11. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon.

Sec. 15-3-14 Appeals.

- (a) **Board of Appeals.** The Board of Appeals, created pursuant to Title 2, Chapter 4 of the City of Owen Code of Ordinances pursuant to Section 62.23, Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this Chapter. The Board of Appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board of Appeals may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship.
- (b) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Owen affected by any decision of the Building Inspector.
- (c) **Court Action.** This Section does not apply to determinations made regarding this Chapter in either circuit court. The appeal procedure shall be that set forth for circuit court decisions as applicable.

Sec. 15-3-15 Limitations on Municipal Responsibility.

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the City which has adopted this Chapter than those minimum requirements specifically required by the Wisconsin State Statutes and Wisconsin Department of Natural Resources regulations.

Title 15 ► Chapter 4

Illicit Discharge and Connection to Storm Water Utility

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Sec. 15-4-1 Purpose and Intent.

The purpose of this Chapter is to provide for the health, safety, environment and general welfare of the citizens of the City of Owen through the regulation of non-storm water discharges into waters of the state or the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into waters of the state or the MS4 in order to comply with

requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this Chapter are:

- (a) To regulate the contribution of pollutants into waters of the state or the MS4 by storm water discharges by any user.
- (b) To prohibit illicit connections and discharges into waters of the State of Wisconsin or the MS4.
- (c) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Chapter.

Sec. 15-4-2 Definitions.

- (a) **Definitions Established.** For the purposes of this Chapter, the following shall mean:
 - (1) **Authorized Enforcement Agency.** The Building Inspector, Director of Public Works, or employees or designees of the municipal agency designated to enforce this Chapter.
 - (2) **Best Management Practices (BMP's).** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State of Wisconsin.
 - (3) **Construction Activity.** Activities subject to City of Owen construction permits per erosion control and stormwater management ordinances or WPDES construction permits per NR 216, Wis. Adm. Code, and Chapter 283, Wis. Stats.
 - (4) **Contaminated Storm Water.** Storm water that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in NR 216, Wis. Adm. Code.
 - (5) **Department (DNR).** The Wisconsin Department of Natural Resources.
 - (6) **Discharge.** As defined in Chapter 283, Wis. Stats., when used without qualification includes a discharge of any pollutant.
 - (7) **Discharge of Pollutant or Discharge of Pollutants.** As defined in Chapter 282, Wis. Stats., means any addition of any pollutant to the waters of this state from any point source.
 - (8) **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 - (9) **Illicit Discharge.** Any discharge into waters of the state or a municipal separate storm sewer system that is not composed entirely of storm sewer. Non-storm water discharges that are not considered illicit discharges include water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration,

uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, fire fighting, and discharges authorized under a WPDES permit unless identified by the Director of Public Works as a significant source of pollutants to waters of the state.

- (10) **Illicit Connections.** An illicit connection is defined as either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter waters of the state or the MS4 including, but not limited to, any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter waters of the state or the MS4 and any connections to waters of the state or the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
 - b. Any drain or conveyance connected from a commercial or industrial land use to waters of the state or the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- (11) **Industrial Activity.** Activities subject to WPDES Industrial Permits per NR 216, Wis. Adm. Code and Chapter 283, Wis. Stats.
- (12) **Maximum Extent Practicable (MEP).** A level of implementing management practices in order to achieve a performance standard or other goal which takes into account the best available technology, cost-effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.
- (13) **Municipality.** Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, storm water or other wastes.
- (14) **Municipal Separate Storm Sewer System (MS4).** As defined in NR 216, Wis. Adm. Code, means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, construction channels or storm drains, which meets all of the following criteria:
 - a. Owned or operated by a municipality.
 - b. Designed or used for collecting or conveying storm water.
 - c. Which is not a combined sewer conveying both sanitary and storm water.
 - d. Which is not part of a publicly-owned wastewater treatment works that provides secondary or more stringent treatment.
- (15) **Non-Storm Water Discharge.** Any discharge to the MS4 that is not composed entirely of storm water.
- (16) **Owner.** Any person holding fee title, an easement or other interest in property.
- (17) **Outfall.** The point at which storm water is discharged to waters of the state or to a storm sewer.

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- (18) **Person.** An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.
- (19) **Pollutant.** As defined in Ch. 283, Wis. Stats., means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (20) **Pollution.** As defined in Ch. 283, Wis. Stats., means any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- (21) **Pollution Prevention.** Taking measures to eliminate or reduce pollution.
- (22) **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (23) **Storm Water.** Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (24) **Storm Water Management Plan/Storm Water Pollution Prevention Plan.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to waters of the state or the MS4 to the maximum extent practicable.
- (25) **Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- (26) **Watercourse.** A natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for the City of Owen, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.
- (27) **Waters of the State.** As defined in Ch. 283, Wis. Stats., means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.
- (28) **Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit.** A Wisconsin pollutant discharge elimination system permit issued pursuant to Chapter 283, Wis. Stats.

Sec. 15-4-3 Applicability.

This Chapter shall apply to all water and discharges entering waters of the state or the MS4 generated on any lands unless explicitly exempted by the Director of Public Works.

Sec. 15-4-4 Responsibility for Administration.

The Director of Public Works shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director of Public Works may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 15-4-5 Compatibility With Other Regulations.

This Chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 15-4-6 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

Sec. 15-4-7 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

Sec. 15-4-8 Discharge Prohibitions.

- (a) **Prohibition of Illicit Discharges.** No person shall throw, dump, spill, drain, or otherwise discharge, cause, or allow others under its control to throw, dump, spill, drain, or otherwise discharge into waters of the state or the MS4 any pollutants or waters containing any pollutants, other than storm water.
- (b) **Allowed Discharges.**
 - (1) Water line flushing, landscape irrigation, diverted stream flows, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from

potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and discharges authorized under a WPDES permit unless identified by the Director of Public Works as a significant source of pollutants to waters of the state.

- (2) Discharges or flow from firefighting, and other discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing; however, this activity requires a verbal notification to the Director of Public Works and the Wisconsin Department of Natural Resources a minimum of one (1) business day prior to the time of the test.
- (4) Any non-storm water discharges permitted under a construction activity permit, industrial activity permit, or WPDES permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Public Works prior to allowing discharges to waters of the state or the MS4.

(c) **Prohibition of Illicit Connections.**

- (1) The construction, use, maintenance or continued existence of illicit connections to waters of the state or the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection are permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to waters of the state or the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this Chapter must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Director of Public Works.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to waters of the state or the MS4, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Director of Public Works requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director of Public Works.

Sec. 15-4-9 Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of soil erosion, trash,

debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 15-4-10 Compliance Monitoring.

- (a) **Right of Entry; Inspecting and Sampling.** The Director of Public Works shall be permitted to enter and inspect properties and facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter:
- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Director of Public Works.
 - (2) Facility owners and operators shall allow the Director of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.
 - (3) The Director of Public Works shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the Director of Public Works, to conduct monitoring and/or sampling of the facility's storm water discharge.
 - (4) The Director of Public Works has the right to require the owner or operator to install monitoring equipment as necessary, and make the monitoring data available to the Director of Public Works. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
 - (6) Unreasonable delays in allowing the Director of Public Works access to a facility is a violation of this Chapter. A person who is the operator of a facility commits an offense if the person denies the Director of Public Works reasonable access to the facility for the purpose of conducting any activity authorized or required by this Chapter.
- (b) **Special Inspection Warrant.** If the Director of Public Works has been refused access to any part of the premises from which storm water is discharged, and the Director of Public Works is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued

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hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Director of Public Works may seek issuance of a special inspection warrant per Section 66.0119, Wis. Stats., and City of Owen ordinances.

Sec. 15-4-11 Requirement to Prevent, Control and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into waters of the state or the MS4 through the use of structural and non-structural BMP's. Further, any person responsible for a property or premise, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to waters of the state or the MS4. Compliance with all terms and conditions of a valid permit authorizing the discharge of storm water associated with industrial activity or construction activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this Section.

Sec. 15-4-12 Notification of Spills.

- (a) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of ~~any known or suspected release of materials which are resulting or may~~ result in illicit discharges or pollutants discharging into storm water, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release, so as to minimize the impacts of the discharge.
- (b) In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services, and shall also notify the Director of Public Works. In the event of a release of non-hazardous materials, said person shall notify the Director of Public Works in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Director of Public Works within forty-eight (48) hours of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site record of the discharge and the actions taken to prevent it recurrence. Such records shall be retained for at least five (5) years.
- (c) Failure to provide notification of a release as provided above is a violation of this Chapter.

Sec. 15-4-13 Violations; Enforcement; Penalties.

(a) Violations.

- (1) **Violations of Chapter.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who has violated or continues to violate the provisions of this Chapter, may be subject to the enforcement actions outlined in this Section, or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) **Emergency Abatement.** In the event the violation constitutes an immediate danger to public health or public safety, the Director of Public Works is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The Director of Public Works is authorized to seek costs of the abatement as outlined in Section 15-4-16.

- (b) **Warning Notice.** When the Director of Public Works finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, the Director of Public Works may serve upon that person a verbal or written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this Subsection shall limit the authority of the Director of Public Works to take action, including emergency action or any other enforcement action without first issuing a Warning Notice.

(c) Notice of Violation.

- (1) **Compliance Order.** Whenever the Director of Public Works finds that a person has ~~violated a prohibition or failed to meet a requirement of this Chapter, the Director of~~ Public Works may order compliance by written notice of violation to the responsible person.
- (2) **Notice of Violation.** The Notice of Violation shall contain:
 - a. The name and address of the alleged violator;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this Chapter and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f. A statement that the determination of violation may be appealed to the Director of Public Works by filing a written notice of appeal within three (3) business days of service of notice of violation; and

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- g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, representatives of the Director of Public Works may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Chapter. The Director of Public Works may go on the land and commence the work after issuing the notice of intent. The Director of Public Works is authorized to seek costs of the abatement as outlined in Section 15-4-16.
- (3) **Notice Requirements.** Such notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation of BMP's.
- (d) **Suspension of MS4 Access.**
 - (1) **Emergency Cease and Desist Orders.**
 - a. When the Director of Public Works finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Director of Public Works may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:
 - 1. Immediately comply with all ordinance requirements; and
 - 2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Director of Public Works may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the state, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Director of Public Works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless

further termination proceedings are initiated against the discharger under this Chapter. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Director of Public Works within thirty (30) days of receipt of the prerequisite for, taking any other action against the violator.

- (2) ***Suspension Due to Illicit Discharges in Emergency Situations.*** The Director of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the Director of Public Works may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.
- (3) ***Suspension Due to the Detection of Illicit Discharge.***
 - a. Any person discharging to the MS4 in violation of this Chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Director of Public Works will notify a violator of the proposed termination of its MS4 access.
 - b. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director of Public Works.
- (e) **Prosecution and Penalties.**
 - (1) ***Forfeitures.*** Any person violating any provision of this Chapter shall be subject to a forfeiture as prescribed in Section 1-1-7 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
 - (2) ***Injunction.*** Compliance with the provisions of this Chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

Sec. 15-4-14 Appeals.

- (a) **Board of Appeals Authority.**
 - (1) The Board of Appeals created pursuant to Section 2-4-3 of the City of Owen Code of Ordinances pursuant to Section 62.23(7)(e), Wis. Stats.:
 - a. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works in administering this Chapter except for cease and desist orders;

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- b. Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the Chapter will result in unnecessary hardship; and
 - c. Shall use rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) This Section does not apply to determinations made regarding this Chapter in either municipal court or circuit court. In such circumstances, the appeals procedure shall be that set forth for appealing municipal court decisions and/or circuit court decisions as applicable.
- (b) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board or bureau of the City of Owen affected by any decision of the Director of Public Works.

Sec. 15-4-15 Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, the appropriate authority upheld the decision of the Director of Public Works, then representatives of the Director of Public Works may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Chapter. The Director of Public Works may go on the land and commence the work after issuing the notice of intent. The Director of Public Works is authorized to seek costs of abatement as outlined in Section 15-4-16. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 15-4-16 Cost of Abatement of the Violation.

The costs of the work performed by the Director of Public Works pursuant to this Chapter, plus interest at the rate authorized by the Director of Public Works shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the City Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Subch. VII of Chapter 66, Wis. Stats.

Sec. 15-4-17 Violations Deemed A Public Nuisance.

Any condition in violation of any of the provisions of this Chapter, and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.

Sec. 15-4-18 Remedies Not Exclusive.

- (a) The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Director of Public Works to seek cumulative remedies.
- (b) The Director of Public Works may recover all attorney's fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

Sec. 15-4-19 Limitation on Municipality Responsibility.

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the City of Owen than those minimum requirements specifically required by the Wisconsin Statutes and Wisconsin Department of Natural Resources' regulations.

Title 15 ► Chapter 5

Property Maintenance Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Minimum Standards for Basic Residential Equipment, Lighting, Ventilation, Heating and Electrical Service
15-5-5	Safe and Sanitary Maintenance of Property Exteriors
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15-5-7	Fixing the Responsibility of Residential Owners, Operators, Tenants, and Occupants
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15-5-10	Enforcement; Service of Notice and Orders; Hearings

Sec. 15-5-1 Title.

This Chapter shall be known as the City of Owen Property Maintenance Code.

Sec. 15-5-2 Intent and Purpose.

- (a) **Intent.** This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City of Owen and environs. This includes, among others, physical, aesthetic, and property values.
- (b) **Purpose.** It is recognized that there may now be or may, in the future, be buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum

housing and property maintenance standards is necessary to preserve and promote the private and public interest.

(c) **Conflict of Provisions; Exceptions.**

(1) In any case where a provision of this Chapter is found to be in conflict with another provision of the City of Owen Code of Ordinances, the provision which established the higher or more restrictive standard for the protection of the public health, safety and welfare shall prevail.

(2) The provisions of this Chapter shall not apply to construction of new buildings, which are subject to other local and state regulations.

(d) **Validity of Prior Regulations.** Equipment, systems, devices and safeguards required by a previous state law, local ordinance or code under which the structure was constructed, lawfully altered or repaired or the premises developed, shall be maintained in good repair and in good working order. The requirements of this Chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in good repair and in proper working order in structures.

(e) **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Chapter shall be executed, constructed and/or installed in a workmanlike manner and in accordance with the manufacturer's installation instructions.

(f) **Historic Buildings.** The provisions of this Chapter shall apply to structures designated by the federal, state or local government as historic buildings. However, any work to said structures shall also comply with appropriate zoning regulations, the standards contained in Title 15, Chapter 1 "Building Code", and Title 15, Chapter 7 "Historic Preservation", of the City of Owen Code of Ordinances; and COMM 70, Wis. Adm. Code, Historic Building Code.

Cross-Reference: Title 11, Chapter 6, Public Nuisances; and
Section 10-5-8, Junked Vehicles, Refuse and Appliances

Sec. 15-5-3 Rules and Definitions.

(a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

(1) Words used in the present tense shall include the future.

(2) Words used in the singular number shall include the plural number, and the plural the singular.

(3) The word "shall" is mandatory and not discretionary.

(4) The word "may" is permissive.

(5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) **Adequate.** Shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.
- (2) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (3) **Approved.** Approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter or this Code of Ordinances.
- (4) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the City of Owen and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (5) **Basement.** A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (6) **Boarding House.** See "Lodging House" and "Lodging Room."
- (7) **Building.** A combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (8) **Capacity in Persons.** The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
- (9) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Common Council, City Clerk-Treasurer, Police Department, Building Inspector, or public health authorities, for the purpose of certifying the fulfillment of an official requirement listed in the order.
- (10) **Dwelling.** A place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- (11) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (12) **Endanger(s) Safety.** To threaten to or to injure or damage any person or property, or the life, health and safety of any person.
- (13) **Extermination.** The control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

- (14) **Family.** An individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers. For the purpose of this Subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (15) **Friable Material.** Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (16) **Good Working Condition.** Capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (17) **Habitable Space.** One (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- (18) **Impervious to Water.** Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (19) **Infestation.** The sustained presence of household pests, vermin, or rodents.
- (20) **Living Room.** A room used primarily for living, dining, or cooking purposes.
- (21) **Lodging House.** A dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.
- (22) **Lodging Room.** A portion of a dwelling used primarily for sleeping and living purposes, ~~excluding cooking facilities~~.
- (23) **Mixed Occupancy.** Occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- (24) **Nuisance Vehicles.** Any inoperable, unlicensed, unroadworthy, disassembled or wrecked motorized or unmotorized vehicle or trailer in violation of Sec. 10-5-8.
- (25) **Occupant.** One who occupies or has actual possession of usable space.
- (26) **Open and Accessible Structure.** A structure which has no barrier to unlawful entry.
- (27) **Operator.** Any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- (28) **Owner.** Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal

or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

- (29) **Person.** Any individual, firm, corporation, association, or partnership.
- (30) **Properly.** As deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (31) **Provided.** Furnished, supplied, paid for or under control of the owner.
- (32) **Residential Building.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:
 - a. Single-family dwellings.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Lodging houses.
 - e. Fraternity and sorority houses.(For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)
- (33) **Room.** A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.
- (34) **Rooming House.** See "Lodging House" and "Lodging Room."
- (35) **Screened.** The use of any acceptable screening materials that comply with City Zoning Code requirements and results in a screening that is at least seventy-five (75%) percent opaque.
- (36) **Sleeping Room.** A room used for sleeping purposes.
- (37) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (38) **Structure Unfit for Occupancy.** A structure which is an unsafe structure; or a structure which is unfit for habitation, occupancy or use because of the degree to which the structure is dilapidated, in disrepair or lacks maintenance, or a structure which is unsanitary, vermin or rat infested, contains filth and contamination, or which lacks adequate ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Chapter.

- (39) **Supplied.** Paid for, furnished, or provided by or under control of the owner or operator.
- (40) **Unlawful Structure.** A structure, in whole or in part, occupied by more persons than permitted under this Chapter, or a structure which is erected, altered or occupied contrary to state law or the City Code of Ordinances.
- (41) **Unsafe Equipment.** Any equipment within the structure or servicing the structure which is in such disrepair or condition that such equipment is unsafe for operation and use.
- (42) **Unsafe Structure.** A structure that endangers safety for reason that it is in imminent danger of failure or collapse, or a part of the structure has failed or collapsed, or the structure is in a condition of decay or dilapidation, or the structure has the presence of explosives, toxic or unhealthy fumes or vapors.
- (43) **Vacant Substandard Structure.** A vacant structure that has been damaged by fire, water, wind, animals, or vandalized and/or entered and/or inhabited and unfit for habitation or occupancy.
- (44) **Workmanlike.** Work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and to provide a durable result as intended to ensure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

Sec. 15-5-4 Minimum Standards for Basic Residential Equipment, Lighting, Ventilation, Hearing and Electrical Service.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage, recyclables and other refuse, safe means of egress, provision of light, air, heat, and electrical service.
- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
 - (1) **Basic Plumbing Requirements.** Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Sec. COMM 82.40, Wis. Adm. Code.

- (2) **Water Heating Facilities.** Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
- (3) **Refuse Storage.** Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location of which is in compliance with City regulations, specifically Title 8, Chapter 3 "Refuse Disposal and Collection", and Title 8, Chapter 4 "Recycling", of the City of Owen Code of Ordinances.
- (4) **Egress.** Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet. All stairways and platforms shall be protected with hand-rails and guardrails as specified in Secs. COMM 21.04(2) or COMM 51.161 and COMM 51.162, Wis. Adm. Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.
- (5) **Plumbing.** Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- (6) **Windows and Ventilation.**
 - a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Secs. COMM 21.05 or COMM 57.13, Wis. Adm. Code, as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with COMM Codes may remain in use with the granting of a variance by the Board of Appeals.
 - b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is

- greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.
- c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.
 - d. All exterior door and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15th, but no later than November 15th annually.
 - e. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.
- (7) **Electrical.** Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the capacity of the smallest wire size in the circuit:
- a. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area [air conditioners, ranges, space heaters and motor driven equipment one-eighth (1/8) hp. or over excluded.]
 - b. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room and furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at the center of the room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for the ceiling or wall fixture in the dining room.)
 - c. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves)
 - 1. Living Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 - 2. Dining Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]

3. Kitchen: One (1) per eight (8) feet or fraction of countertop and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each eight (8) feet or less of length. Separate outlets shall be provided for refrigerators.
 4. Dining Areas in Kitchen: One (1) per seventy-five (75) square feet or major fraction.
 5. Bedroom: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 6. Laundry: One (1) when laundry equipment is present.
 7. Bathrooms and Lavatories: One (1) [may be part of wall fixture if seventy-two (72.0) inches or less from floor].
 8. Other Habitable Rooms: Minimum of two (2).
- d. Fixed appliances exceeding one-eighth (1/8) hp. or three hundred (300) watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to present use of extension cords (NEC 400-8).
 - e. All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring, shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
 - f. Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted.
 - g. Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least two and one-half (2-1/2) foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2-1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.
 - h. When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be one hundred (100) amps for the first two (2) dwelling units in a building and fifty (50) amps for each additional unit. Where electric heat and air conditioner over twenty (20) amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electrical Code.
- (8) **Heating.**
- a. All habitable rooms shall be provided with a permanently connected heating system complying with the City ordinances.

- b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the City shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
 - c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.
- (9) **Lighting.**
 - a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
 - b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.
- (10) **Cooking Areas Restricted.** The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.
- (11) **Emergency Work Information.** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Sec. 15-5-5 Safe and Sanitary Maintenance of Property Exteriors.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City of

Owen and provide a suitable environment for increasing physical and monetary values.

- (b) **Exterior Premises Maintenance Requirements.** Every owner, operator, occupant or tenant shall improve and maintain all property under his/her control to comply with the following minimum requirements:

- (1) **Drainage.** All courts, yards, or other exterior areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
- (2) **Weeds.** All exterior property areas covered with grasses and vegetation shall be kept properly trimmed and free from noxious weeds as required by Sections 8-1-4, 8-1-5 and 8-1-6 of the City of Owen Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Weed Commissioner or other appropriate City official shall perform said weed/grass cutting, pursuant to Section 8-1-6, and process the charge therefor as a special charge against the benefitted property.
- (3) **Debris.** Pursuant to this Chapter and Section 8-1-2 "Public Safety and Health Hazards/Nuisances Regulated", Section 8-1-8 "Unhealthy, Hazardous or Unsightly Materials on Public or Private Property", Section 10-5-8 "Junked Vehicles and Appliances on Private Property", and Title 11, Chapter 6 "Public Nuisances", of the City of Owen Code of Ordinances, all exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, junk rubbish, recyclables or garbage; physical hazards; inoperable vehicles; rodent harborage and vermin infestation; and animal feces. Exterior property areas shall be kept free from rubbish, debris and garbage which are not contained as required under Title 8, Chapters 3 "Refuse Disposal and Collection" and Chapter 4 "Recycling" of the City of Owen Code of Ordinances. Specifically, all exterior property areas shall be maintained:
 - a. Free from refuse, rubbish and garbage which are not properly contained as required by Title 8, Chapter 3 "Refuse Disposal and Collection" for purposes of storage and collection.
 - b. Free from recyclable materials which are not properly separated and contained as required by Title 8, Chapter 4 "Recycling" for purposes of collection and storage, provided such outside storage of recyclables is for not longer than fourteen (14) days or to accommodate collection, whichever is first.
 - c. Free from inoperable or nuisance vehicles, boats, recreational vehicles, trailers, building materials, scrap metals, appliances, furniture or other debris in violation of Section 10-5-8, "Junked Vehicles, Refuse and Appliances on Private Property".
 - d. In a condition so as not to become infested with rodents or a rodent harborage as required by Section 8-1-9 "Rodent Control".

- e. Free from building materials as required by Section 10-5-8 "Junked Vehicles and Appliances on Private Property", unless such materials are temporarily stored on the property for use with a building project pursuant to a valid City building permit.
 - f. Free from animal feces as required by Section 7-1-13 "Animal Feces."
 - g. Free from physical hazards.
 - h. Free from appliances, furniture, furnaces, water heaters, air conditioners, etc., which are not integrated into a structure within ten (10) days of being placed on the premises.
 - i. Free from any accumulation of combustible materials which are not used as an integral part of an authorized business lawfully carried out on the premises.
- (4) **Walks; Parking Areas.** Sidewalks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Proper walks shall provide convenient all-weather access to buildings.
- (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) **Yard Areas.**
- a. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.
 - b. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby the appearance and value of the neighborhood and City. The City, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.
 - c. The unpaved public terrace area, as defined in Section 6-4-2, abutting private property shall be maintained by the abutting property owner, specifically conforming to Sections 8-1-4, 8-1-5, and 8-1-6 of the City of Owen Code of Ordinances.

- (7) **Removal of Debris.**
- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
 - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c. All vacant lands within the City shall be leveled off to permit the mowing of weeds as outlined within this Code. This includes the removal of stones, bottles, wires and other debris that will interfere with mowing operations.
 - d. All lands in the City of Owen shall be kept free of weeds and maintained so there is no detrimental influence to the public health, safety, comfort or general welfare of the immediate neighborhood or community.
- (8) **Accessory Buildings/Structures.** All accessory structures and buildings, including windows, doors and roofs which are a part thereof, shall be maintained structurally sound, in good repair, reasonably watertight and rodent-proof. Factors indicating a state of disrepair include, but are not limited to, defective or collapsed roofs, missing windows, and/or deteriorated or missing siding.
- (9) **Fences.** Pursuant to Section 13-1-202 "Fences and Hedges", all fences shall be maintained in good repair, be structurally sound and plumb. Fence surfaces shall be free of rust corrosion, deterioration, decay, missing parts, and peeling, flaking or deteriorated paint. Wood surfaces, other than decay-resistant wood, shall be protected from the elements and decay by painting, staining or other protective covering or treatment. Fences shall not be of a type prohibited by Section 13-1-202.
- (10) **Graffiti.** In accordance with Section 11-3-12, the owner, occupant, operator, or tenant of any building or accessory building/structure shall be responsible for removing all graffiti therefrom within fifteen (15) days following receipt of a City notice to remove the graffiti.
- (c) **Hazardous Conditions.** Every dwelling shall be structurally sound and shall be free of conditions which constitute a substantial hazard to the health and safety of the occupant(s) or which create an unreasonable risk of personal injury resulting from any reasonably foreseeable use of the dwelling (other than negligent use of the dwelling by the occupants). Violations include, but are not limited to, sewage in the basement, excessive damage to the interior which may pose a health problem, or excessive solid waste accumulation inside the structure which may pose a health problem.
- (d) **Public Areas.** Every owner of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.

Sec. 15-5-6 Minimum Quantity, Location, and Use of Space in Residential Buildings.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (b) **Size of Dwellings and Rooms.**
 - (1) **Detached Single-Family Dwellings.** Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
 - (2) **Size of Rooms.**
 - a. **Apartments.** The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - b. **Lodging Rooms.** The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
 - (3) **Excluded Spaces.** The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
 - (4) **Hallways.** Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
 - (5) **Cellar Space.** No cellar space shall be used as a sleeping room.
 - (6) **Basement Use as a Sleeping Area.** No basement space shall be used for a sleeping room unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.
 - (7) **General Interior Requirements.**
 - a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject

- to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
- b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
 - c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.
- (8) **Stairs.** Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in Secs. COMM 21.04 or 51.16, 51.161, 51.162 and 51.164, Wis. Adm. Code, as dictated by the type of occupancy in the building.
- (9) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (10) **Bathrooms.** Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (11) **Supplied Facilities.**
- a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
 - c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (12) **Equipment Removal Restricted.** No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs are in process, or during

temporary emergencies when discontinuance of service is approved by an authorized inspector.

- (13) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building.

(c) **Exterior Walls and Surfaces; Repairs.**

- (1) **Good Repair Requirement.** All building exterior walls and surfaces, including, but not limited to, decorative features and overhang extensions, doors, door and window frames, cornices, porches and trim, shall be maintained in good repair. All exterior surfaces shall be free from decay, missing parts, rot, serious cracking, irregularities and peeling.

(2) **Adequate Paint/Stain to be Maintained.**

- a. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting, staining or other protective covering or treatment. Peeling, flaking and chipped paint shall be corrected and affected surfaces restored and repainted in a workmanlike manner.
- b. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and watertight. All surface repairs shall be completed to closely match the existing surface color and texture.

- (d) **Structural Members.** All structural members shall be maintained structurally sound in good repair, and be capable of safely supporting the imposed loads.

- (e) **Roofs and Drainage.** The roof and flashing shall be maintained structurally sound and not have defects that admit water. The roof coverings shall be in good repair, free from missing components, storm damage and missing components. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance.

- (f) **Overhang Extensions.** All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.

- (g) **Porches, Decks, Ramps, Balconies and Stairways.** Every exterior stairway, deck, porch, ramp and/or balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Any new or replacement stairways, decks, porches, ramps and/or balconies shall be installed in accordance with the requirements of COMM 20-25, Wis. Adm. Code.

- (h) **Windows.** Every window, storm window, skylight and/or screen window, including frames, shall be kept in sound condition, good repair and weathertight. All window glazing shall be maintained free from holes and cracks.

- (i) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good working condition and good repair.

- (j) **Animals – Unsanitary Conditions.** No occupant of a residence shall keep any animals or pets in a dwelling or rooming unit, or on any premises, in such a manner as to create unsanitary conditions, including, without limitation, accumulation of excrement.

Sec. 15-5-7 Fixing the Responsibility of Residential Owners, Operators, Tenants, and Occupants.

- (a) **Purpose.** Except as otherwise specified herein, each owner, operator, tenant and/or occupant shall be responsible for the maintenance of structures and premises under this Chapter, and shall be subject to any penalties for conviction of any violation of this Chapter.
- (b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:
 - (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
 - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his/her refuse, recyclables, and garbage as required by this Code of Ordinances.
 - (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.
 - (4) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his/her dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.
 - (5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 - (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.
 - (7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily

accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

- (8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

Sec. 15-5-8 Inspection.

- (a) **Inspection Authorization; Right of Entry.** The Building Inspector is authorized and empowered to inspect all residential buildings within the City for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- (b) **Reinspections.** Every owner, occupant, operator and tenant of a premises shall cooperate with and facilitate reinspections of premises at reasonable times to determine Chapter compliance with an order to repair. Failure of said owner, occupant, operator and/or tenant to cooperate with and facilitate such reinspection(s) by the Building Inspector shall be a violation of this Chapter.
- (c) **Right of Tenant to Provide Entry.** No owner, occupant, occupant, or tenant of a residential or commercial building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

Sec. 15-5-9 Designation of Unfit Dwellings and Legal Procedure Therefor; Condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (a) **Condemnation Criteria.** Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.

- (2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
 - (4) One which, because of its general condition, location or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.
- (b) **Vacation of Dwelling.** Any dwelling, dwelling unit, building or structure designated and placarded as unfit for human habitation and in need of repair by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- (c) **Unfit Dwelling Not to be Reoccupied.** No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.
- (d) **Removal of Condemnation Placard.** No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.
- (e) **Legal Proceeding for Razing.** Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the City Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter.
- (f) **Vacant Damaged Buildings.** Any building which has been vacant for more than sixty (60) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage:
- (1) The building's utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
 - (2) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

Sec. 15-5-10 Enforcement; Service of Notices and Orders; Hearings.

(a) **Notice of Violation.**

- (1) Whenever the Building Inspector or Chief of Police determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, notice shall be given of such alleged violation to the person or persons responsible therefor (owner, occupant, operator and/or tenant) as hereinafter provided. Such notice shall:
 - a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his/her agent, or the occupant/tenant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant/tenant, if a copy thereof is served upon him/her personally; or if a copy thereof is sent by first class registered mail to his/her last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he/she is served with such notice by any other method authorized or required under the laws of this state.
- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.

- (b) **Notice of Subsequent Violations.** Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant/tenant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction or condemnation action in a court of record.

- (c) **Hearing.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in the

Building Inspector's judgment, the petitioner has submitted a good and sufficient reason for such postponement.

- (d) **Post-Hearing Determination; Permit Revocation.** Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice given pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is provided. Following a hearing in the case of any notice suspending any permit required for this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.
- (e) **Written Record.** The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (f) **Further Appellate Actions.** Determinations of the Building Inspector and/or Chief of Police under this Section may be appealed to the Board of Appeals using the procedures prescribed in Sections 13-1-260 through 13-1-262 of this Code of Ordinances.
- (g) **Emergency Situations.** Whenever the Building Inspector and/or Chief of Police finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, the Building Inspector and/or Chief of Police may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the Building Inspector and/or Chief of Police deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector and/or Chief of Police shall be afforded a hearing as soon as possible. After such hearing, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector and/or Chief of Police shall continue such order in effect, or modify it, or revoke it.
- (h) **Penalties.** In addition to injunctive relieve and/or other corrective remedies permitted by state law, violators under this Chapter are subject to the penalties prescribed in Section 1-1-7 of the City of Owen Code of Ordinances. In addition to forfeiture and injunctive remedies, the City or its agent may also, in the event of non-compliance, remove the refuse from the parcel at the owner's expense as a special charge pursuant to Sec. 66.0627, Wis. Stats.

Title 15 ► Chapter 6

Grievances Regarding Access to Public Buildings, Programs, Services and Employment

15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

Sec. 15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

(a) **Statement of Purpose.**

- (1) The City of Owen, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all City programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Common Council and is available from the City Clerk-Treasurer. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the City Clerk-Treasurer.
- (2) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Mayor, subject to confirmation by the Common Council, at the Council's organizational meeting. The ADA Compliance Committee shall consist of five (5) members, and shall, if possible, have representatives from the following fields:
 - a. Business and/or non-profit organization.
 - b. Education.
 - c. Disabled representative.
 - d. Elected official.
 - e. Health/medical.
- (3) In the alternative to the committee structure in Subsection (a)(2) above, the Common Council may designate a Council standing committee or the Plan Commission to serve as the ADA Compliance Committee.
- (4) City letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
- (5) An ADA Committee meeting shall be treated as any other City committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

(b) **Complaint Procedure.**

- (1) Complaints shall be filed with the ADA Coordinator, in care of the City Clerk-Treasurer.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
- (6) The City Clerk-Treasurer shall maintain the files and records of the City relating to the complaints filed.

(c) **Appeals.**

- (1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
- (2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Common Council and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Council shall be final. An open, public meeting of the Common Council shall precede the vote.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

Title 15 ► Chapter 7

Historic Preservation

15-7-1	Declaration of Public Policy and Property
15-7-2	Definitions
15-7-3	Power and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts
15-7-4	Criteria for Determining Eligibility
15-7-5	Register of Historic Sites, Structures, Landmarks and Districts
15-7-6	External Alteration of Designated Property
15-7-7	Transfer of Historically Designated Property
15-7-8	Review of Permits
15-7-9	Designation of Repository for Documents

Sec. 15-7-1 Declaration of Public Policy and Property.

The Common Council hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

- (a) Safeguard the cultural resources of the City of Owen by preserving sites, structures, landmarks and districts which reflect elements of the City's cultural, social, economic, political, visual or architectural history.
- (b) Protect and enhance the City's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- (c) Foster civic pride in the beauty and notable achievements of the past.
- (d) Enhance the visual and aesthetic character, diversity and interest of the City of Owen.
- (e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the City with respect to the cultural, civic, architectural and historic heritage of the City of Owen.

Sec. 15-7-2 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (a) **Committee.** The Historic Preservation Committee created hereunder, or other body assigned such responsibilities.
- (b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the City, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- (c) **Historic District.** An area of the City which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the City zoning map.
- (d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Common Council; this includes prehistoric aboriginal sites.
- (e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
- (f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the City of Owen.

Sec. 15-7-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.

- (a) **Composition.**
 - (1) The Common Council shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the City. In this role, the Historic Preservation Committee will act in an advisory capacity to the Common Council in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the City of Owen.
 - (2) Unless the Plan Commission is designated to serve as the Committee, Historical Preservation Committee members shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a. Active interest in the historic preservation of the City of Owen.
 - b. Knowledge of the history of the City and its environs.
 - c. Expertise and knowledge concerning architecture and archeology.
 - d. Ability to utilize authoritative resources concerning historic preservation.
 - (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new

appointment or reappointment shall be made by the Common Council for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Council for consideration for new appointments.

- (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (5) The Historic Preservation Committee shall hold meetings upon the call of its chairperson. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
 - (6) The Plan Commission and City Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the City's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Common Council shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the City for consideration for placement on the historic register of the City. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-7-4 below.
 - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Plan Commission with the approval of the Common Council. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
 - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
 - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the City Assessor of such covenant and the conditions thereof.
 - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of City designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
 - (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.

15-7-3

- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the City in the interest of historic preservation.
- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the City. Funds for such purposes shall be placed in a special City account.

Sec. 15-7-4 Criteria for Determining Eligibility.

In determining the eligibility of any area, site, place, building, structure or district within the City as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- (a) Its character, interest or value as a part of the history or cultural heritage of the City, State or United States.
- (b) Its association with the persons or events which have made a significant contribution to the cultural heritage.
- (c) Its potential to yield information important in history or prehistory.
- (d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- (e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the City.

Sec. 15-7-5 Register of Historic Sites, Structures, Landmarks and Districts.

The City of Owen, in cooperation with local historical societies, shall maintain a register of historic sites, structures, landmarks and districts.

Sec. 15-7-6 External Alteration of Designated Property.

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in *The Secretary of the Interior's Standards for Rehabilitation*.

Sec. 15-7-7 Transfer of Historically Designated Property.

- (a) The City Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.

- (b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

Sec. 15-7-8 Review of Permits.

- (a) Notification of every application for building, zoning or demolition permits for properties on the City register shall be given by the City Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Plan Commission concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Plan Commission within thirty (30) days. The Plan Commission shall consider this review and make their recommendations to the Common Council. The Common Council, will vote to decide if the permit will be issued or denied.
- (c) The Plan Commission, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Plan Commission shall consider the following factors:
 - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- (d) The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Common Council before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

Sec. 15-7-9 Designation of Repository for Documents.

The office of City Clerk-Treasurer is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.

Title 15 ► Chapter 8

Fair Housing

15-8-1 Fair and Open Housing

Sec. 15-8-1 Fair and Open Housing.

- (a) **Statutory Authority.** Pursuant to the authority granted by Sec. 66.1011, Wis. Stats., the Common Council of the City of Owen adopts by reference Sec. 106.50, Wis. Stats., and all subsequent amendments thereto.
- (b) **Municipal Assistance.** Officials and employees of the City of Owen shall assist in the orderly prevention and removal of all discrimination in housing within the City of Owen by implementing the authority and enforcement procedures set forth in Sec. 106.50, Wis. Stats.
- (c) **Filing of Complaints.** The City of Owen Clerk-Treasurer shall maintain forms for complaints to be filed under Sec. 106.50, Wis. Stats., as amended, and shall assist any person alleging a violation thereof in the City of Owen with filing a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Sec. 106.50, Wis. Stats., as amended.

State Law Reference: Secs. 66.1011 and 106.50, Wis. Stats.

