

CHAPTER 14 – BUILDING REGULATIONS

14.01 (PURPOSE)

This Code provides certain minimum standards, provisions and requirements for safe and stable designs, methods of construction and uses of materials in buildings 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 buildings and structures.

14.02 (A) (SCOPE)

(1) No building or part thereof shall be constructed, reconstructed, remodeled, erected, altered, enlarged, repaired, moved or demolished, or have ground broken for construction in the City of Prairie du Chien, until an application for a permit is filed with the Building Inspection Department and a permit is issued by said department, in accordance with the requirements of this ordinance.

(2) Commencement of any work project prior to application will result in assessment of triple permit fees, and upon refusal to obtain the required permit will result in penalties under Chapter 26 of the Municipal Code, except in emergency situations, as determined by the City Building Inspector's Office. **(HISTORY: Amended by Ordinance 2004-10, approved on May 4th 2004.)**

(3) No project falling under the scope of this ordinance may be commenced until a permit for such work has been obtained from the Building Inspection Department by the owner of the property or his authorized agent. The owner and the person constructing, installing, altering, repairing, moving or demolishing a building or structure shall be jointly and severally liable for compliance with the terms and conditions of this chapter and with any orders of the inspection department issued hereunder.

14.02(B) (DEFINITIONS)

(1) **ADDITIONS.** An extension or increase in floor area or height of a building or structure or installation of additional services or appurtenances.

(2) **ALTERATION.** Changing, modification to or variance of an existing building or structure or part thereof.

(3) **REMODELING.** The replacement or renewal of any part of an existing building or structure or appurtenance thereto, for the purpose of upgrading, modernizing or decorating, other than ordinary building maintenance.

(4) **REPAIR.** The replacement or renewal of any part of, solely for the purpose of its maintenance or to restore such building or structure to a sound state after damage of fire, accident, natural elements, deterioration, inherent vice or vandalism.

(5) **STRUCTURAL ALTERATION.** Any change or internal circulation, fire hazards or exits which involve the members such as columns, beams, support masonry walls, trusses, lintels or any member of the horizontal or vertical framework of the building or structure.

(6) **STRUCTURAL REPAIR.** The replacement or renewal of any part of an existing building or structure which involves members such as columns, beams, support masonry walls, trusses, lintels or any member of the horizontal or vertical framework of a building or structure.

(7) **NONSTRUCTURAL.** Any repair or alteration to an existing building or structure that is not within the scope of the definitions of a structural alteration or structural repair as defined in this chapter.

14.03 (PERMIT REQUIRED)

Permits are required for the following:

(1) Construction, erection or placement of any building or structure in excess of 120 square feet of ground area size; however, the 120 square feet size exemption does not apply to buildings or structures that are subject to the requirements of the of the Wisconsin State Building Codes and Wisconsin Administrative Codes.

- (2) Alteration of or additions to existing buildings or structures.
- (3) Moving of any buildings or structure.
- (4) Demolition or removal of any buildings or structure.
- (5)
 - (a) Installation of but not replacement of exterior perimeter fencing only.
 - (b) Installation or replacement of:
 - 1. Major heating apparatus (including central heating systems, wall furnaces, fireplaces, solid fuel burners, central air conditioning except replacements in owner occupied one (1) and two (2) family dwellings.) **(HISTORY: Revised by Ordinance 769, approved in July 1987.)**
 - 2. Plumbing (except for replacement of existing plumbing fixtures and leakage or stoppage repairs.
 - 3. Electrical (except for repair or replacement of broken or defective sockets, switches or receptacles or installation of additional sockets, switches or receptacles to an existing electrical system.
 - 4. Installation of underground and above ground storage tank for mercantile and industrial properties.
 - 5. Non-residential radio, television and communications towers.
 - 6. Canopies and awnings except on residential properties **(HISTORY: Revised by Ordinance 732, approved in October 1985.)**
 - 7. Marquees.
 - 8. Solar apparatus and building extensions in connection therewith.
 - 9. Building insulation (except attic insulation in dwellings.)
- (6) Repairs to buildings or structures, except the following:
 - (a) Replacement of exterior roof covering, including sheathing (not roof framing) except in City Construction Zone.
 - (b) Exterior siding replacement with the same type as existing siding, repairs only (not replacement of siding on total building.)
 - (c) Door and window replacements.
 - (d) Painting or installation of floor carpeting and floor tile or linoleum.
 - (e) Interior or exterior non-structural repairs not exceeding the cost value of \$1,000.00.
 - (f) Residential non-structural remodeling and alterations not to exceed \$400.00.
- (7) Installation of a Private Fire Protection System.
(HISTORY: Amended by Ordinance 97-10, approved on June 3rd 1997.)

14.04(A) (APPLICATION)

Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land, and also the owner of the building if different, and the legal description of the land upon which the building is to be located, and shall contain such other information as the Building Inspector may require for effective enforcement of this chapter.

14.04(B) (PLANS AND SPECIFICATIONS)

(1) Two (2) complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and other buildings and recorded easements, are required to be submitted with the following types of applications: All new or reconstructed buildings, additions and alterations to building, or structure, including all changes to buildings or structures falling under the scope of the Wisconsin State Building Code, Wisconsin Administrative Code. Heating and Ventilating Code, Wisconsin Uniform Dwelling Code, Wisconsin

Existing Building Code and Wisconsin State Plumbing Code and Wisconsin Flammable and Combustible Liquids Code.

(2) One (1) set of plans and specifications shall remain on file in the Building Inspection Department and the other set shall be returned to the owner upon issuance or denial of a permit. All plans and specification shall be signed by the designer, and all plans requiring Wisconsin Department of Industry, Labor and Human Relations approval as set forth in the Wisconsin Administrative Code, must be stamped approved by the Wisconsin Department of Industry, Labor and Human Relations and a copy of approval correspondence must be submitted with said plans.

14.05 (APPROVAL OF APPLICATION AND PLANS)

(1) If the Building Inspection Department determines that the proposed project will comply in every respect with all ordinances of the City and all applicable laws and orders of the State of Wisconsin, the Department shall officially approve the plans and specifications and return one set to the owner or applicant and shall issue a permit therefore, in the name of the owner, which shall be kept and displayed at the site of the proposed project. After being approved, the plans and specifications shall not be altered in any respect except with written consent of the Building Inspection Department.

(2) Applications requiring a permit shall be acted upon within five (5) days.

(3) Posting. Issuance of a permit shall include a permit placard which shall be posted, by the permittee, in a conspicuous place on the premises in plain view from the street.

14.06 (NOTIFICATION TO BUILDING INSPECTION DEPARTMENT)

Owner is to notify Building Inspection Department of the completion of projects and make all notifications or as required by the Wisconsin Administrative Codes.

14.07 (CONSTRUCTION STANDARDS)

(1) WISCONSIN STATE CODES ADOPTED: Wisconsin Administrative Code, Chapters ILHR 20, 21, 22, 23, 24, 25, 50 through 64, 66, 67, 68 AND 69, ILHR 70 Wisconsin Historic Building Code, and Ind. 160 through 164, Ind. 8 ILHR 10 Flammable and Combustible Liquids, Wisconsin State Plumbing Code, ILHR 81-85 and Wisconsin Electrical Code and all amendments thereto, are hereby adopted by reference and made a part thereof. **(HISTORY: Amended by Ordinance 740, approved in February 1986; amended by Ordinance 91-25, approved on November 5th, 1991; amended by Ordinance 95-10, approved in November 1995.)**

(2) FOAM PLASTIC INSULATION: The use of foam plastic insulation in any building in the City of Prairie du Chien must comply with the requirements of the Wisconsin Administrative Code, Chapters ILHR 20-25 and ILHR 50-64.

(3) WOOD AND SOLID FUEL BURNING EQUIPMENT:

(1) This section includes all heating units, stoves, furnaces, boilers, free standing or used in tandem with other heating systems, that use wood, coal, or other solids, as fuels.

(2) No person shall operate or permit the operation of any heating equipment until inspected and approved by the Fire Inspector.

(3) Installation clearance to combustibles.

(a) Unlisted radiant type space heaters.

(i) Top 36"

(ii) Back 36"

(iii) Side 36"

(iv) Front 36"

(v) Install only on noncombustible or protected floor

(b) Unlisted circulating type heaters.

(i) Top 36"

(ii) Back 36"

- (iii) Side 36"
- (iv) Front 36"
- (v) Install only on noncombustible or protected floor.
- (c) Furnaces central and add on types; boilers central and add on types.
 - (i) Top 18"
 - (ii) Back 18"
 - (iii) Side 18"
 - (iv) Front 48"
 - (v) Install only on noncombustible or protected floor.
- (d) Dual Fuel Furnaces.
 - (i) Top 18"
 - (ii) Back 18"
 - (iii) Side 18"
 - (iv) Front 48"
 - (v) Install only on noncombustible or protected floor.
- (e) Ranges -- cooking stoves.
 - (i) Top 30"
 - (ii) Back 24"
 - (iii) Firing side 24"
 - (iv) Opposite side 18"
 - (v) Install only on noncombustible or protected floor.
- (f) The above clearances apply unless otherwise shown on listed appliances, or approved wall protection is used, subject to reduced clearances being maintained. No barrel stoves or homemade stoves will be used in residential or public buildings.

(4) Mounting of unit.

- (a) On noncombustible floor, unit must be mounted on a firm level base.
- (b) On combustible floors, all units without legs shall be mounted on four inch thick hollow concrete or tile blocks covered with 24 U.S. gauge sheet metal. Such protection shall extend not less than eighteen (18) inches around the perimeter of unit, equivalent protection will be acceptable.
- (c) Units with legs on combustible floors. All units that have eighteen (18) inches or more of open space under the base of the unit may be mounted on combustible floors provided the floor is protected by a stove board extending eighteen (18) inches in front, twelve (12) inches to side and rear.
- (d) Units with shorter legs may be mounted on combustible floors with approved protection.
- (e) Above clearances apply unless otherwise shown on listed appliances.

(5) Type and size of chimney. Solid wood heating appliances must have their own independent flue and vent connector. The chimney shall be sized so that the cross sectional area is not smaller than the cross section area of the flue collar of the equipment to be connected to it. All masonry chimneys shall be constructed in accordance with State building code requirements and factory built all fuel chimneys bearing a listing by a nationally recognized testing laboratory will be considered approved subject to NFPA Chapter.

(6) Chimney connector (stove pipes and vents).

- (a) Vent connectors shall not be less than 24 gauge steel. Galvanized pipe is not acceptable.
- (b) Vent connectors shall have an internal cross sectional area not less than that of the flue collar of the equipment.

- (c) Vent connectors shall have a rise in the horizontal portion of not less than 1/4 inch to the running foot so that the connection at the chimney is higher than the end at the equipment.
- (d) The vent connector shall be well supported and fastened together with screws or rivets.
- (e) The vent connector shall have eighteen (18) inches clearance to combustibles.
- (f) The vent connector shall have a cast iron damper to control the draft if recommended by the manufacturer's specifications.
- (g) The vent connector shall be connected to the masonry chimney with a metal or burned fire-clay thimble that is cemented to the liner with a cement designed for that purpose.
- (h) Vent connectors that pass through combustible partitions must use listed wall or floor pass throughs.

(7) Dual Fuel equipment shall be installed as per manufacturers specifications.

(8) Smoke detectors to be installed when installing solid fuel burning equipment.

(9) The penalty for violations of the provisions herein contained shall be as provided in Section 14.21.

(D) Foundations for relocated dwelling units and additions to mobile homes that fall under the scope of ILHR 20, Wisconsin Uniform Dwelling Code shall require a Wisconsin Uniform Dwelling Permit. Fees shall be in accordance with the fee schedule as set forth in Section 14.13 of the Municipal Code and such construction is subject to inspections as set forth in ILHR 20, Wisconsin Administration Code.

(HISTORY: Repealed and recreated by Ordinance 92-10, approved on April 14th 1992.)

14.08 (UNSAFE BUILDINGS)

Whenever the Building Inspection Department finds any building or part thereof within the City to be, in the department's judgment, so old dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Department 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 Section 66.05 Wisconsin Statutes.

14.09 (FIRE PREVENTION CODE)

ILHR 14 - General Hazard Fire Prevention Code and any amendments thereto is adopted by reference and made a part of this code.

14.10 (FLAMMABLE AND COMBUSTIBLE LIQUIDS)

(1) The Wisconsin Administrative Code ILHR 10(Flammable and Combustible Liquids Code) and any amendments thereto, issued by the Wisconsin Department of Industry, Labor and Human Relations, is hereby adopted by reference as part of this chapter, and it shall be the duty of the Building Inspector and Fire Chief to enforce the provisions thereof.

(2) Storage of Motor Fuels at Filling Stations.

(a) Definitions.

1. Motor Fuels. For the purpose of the construction of this section, the definition of motor fuels as set forth in Section 78.04 Wisconsin Statutes is hereby, by reference, incorporated into and made a part of this section.

2. Filing Station. A filling station is a place where motor fuels for operating motor vehicles are offered for sale to the public and deliveries are made through pumps or meters into the tanks of motor vehicles.

(b) Underground and Above Ground Storage Tanks. Underground and above ground storage tanks at filling stations shall be installed and maintained as per the requirements of ILHR 10 and any amendments thereto, and any additional location or setback requirements as per Chapter 17, Zoning Code. All installations for tanks under this section shall be approved by the local Fire Department prior to installation. All above ground flammable liquid tanks are prohibited in the city construction zone.

14.11 (PERMITS REQUIRED)

(1) GENERAL PERMIT REQUIREMENT. No building, plumbing or electrical work shall be performed in the City unless a permit therefore is obtained as required in the provisions of this Ordinance.

(2) PUBLIC IMPROVEMENT POLICY. Except in the case of a Plant Relocation Agreement of similar agreement executed in conjunction with a Tax Incremental Finance District, an approved Subdivision Plat with a sufficient bond filed in connection therewith for construction of public improvements or a sidewalk replacement program instituted by the City, it shall be and is the policy of the City that all public improvements constructed in the City, including but not limited to street grades and surfacing, curbs, gutters, sidewalks, sanitary sewer, water mains and storm sewers shall be constructed at the exclusive expense of the land owner or owners to be benefited thereby. The City has no specific or general intentions to construct any such public improvements in any area of the City and no reliance should be placed by any land owner upon the City to make any such improvements or to take the initiative or responsibility therefore. This policy statement shall not apply to any contract agreements entered into by the City prior to the effective date of this policy statement which are contrary to this statement.

(3) NOTICE. Prior to or concurrent with the issuance of any permit under this Section, the Building Inspection Department shall require that the owner or owners of the land subject to a permit receive and acknowledge receipt in writing of a confirmed copy of the provisions of subparagraph (2) of this Section.

(HISTORY: Repealed and recreated by Ordinance 95-05, approved on March 7, 1995.)

14.12 (PAYMENT OF PERMIT FEES)

All permit fees shall be paid to the City Treasurer and Treasurer's receipt showing that the fees prescribed by ordinance have been paid, presented to the Building Inspection Department before the Building Inspection Department shall issue the owner, or his agent, any permit required by this Chapter.

14.13 (PERMIT FEES)

The fees for permits shall be as follows:

BASIS FOR FEE

(1) Buildings. \$25.00 plus \$.02 per square feet, plus \$.02 per square foot for plumbing, plus \$.02 per square foot for electrical, plus \$.02 per square foot for HVAC plus a \$25.00 fee per inspection.

(2) Dwellings subject to Wisconsin Uniform Dwelling Code:

(a) New construction, including on site construction (Minimum deposit). \$360.00

(b) Additions and alterations to dwellings subject to Wisconsin Uniform Dwelling Code. (Minimum deposit). \$100.00

(3) Permits to start construction (Per building). \$ 15.00

(4) Moving of buildings. \$25.00

(5) Demolition of building or structures. \$25.00

(6) Fencing. \$25.00 **(HISTORY: Revised by Ordinance 732, approved by September 1985; amended by Ordinance 2004-10, approved by May 4th 2004.)**

(7) Tanks

- (a) Flammable or Combustible Liquids Storage Tanks.
 - (1) Under 60-5000 gallon per tank capacity. \$ 50.00
 - (2) Exceeding 5000 per tank gallon capacity. \$100.00
 - (b) Propane/liquified Petroleum Gas Tanks
 - (1) Under 125 Gallons. \$ 10.00
 - (2) 125 - 1999 Gallons. \$ 50.00
 - (3) 2000 Gallons and Up. \$100.00
 - (c) Storage Tanks for Other Purposes. \$ 50.00
 - (8) Other permits
 - (a) Sewer connection/disconnection permit (Per building). \$25.00
 - (b) Private Fire Protection System (Per Building). \$ 5.00
- (HISTORY: Amended by Ordinance 97-10, approved on June 3rd 1997.)**

14.14 (PERMIT EXPIRATIONS)

(1) A permit as required by this chapter shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof, or the project work is suspended or abandoned for a period of 90 days. Before such work can be recommenced, a new permit shall first be obtained and the fee therefore shall be one half (1/2) the amount required for a new permit.

(2) Permits issued for the demolition of buildings shall expire within ninety (90) days of issuance. Any building not completely demolished within this period of time is hereby declared a public nuisance and the City may then enter upon the premises and complete the demolition in accordance with the requirements of this Code. The cost of such demolition shall be charged against the real estate upon which such building is located and shall be a lien upon such real estate, and shall be assessed and collected as a special tax.

14.15 (REVOCATION)

If the Building Inspection Department shall find at any time that this section, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, the Building Inspection Department shall revoke the permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work there under until the permit is reissued, excepting such work as the Building Inspection Department may order to be done as a condition precedent to the reissuance of the permit, or as may be required for the preservation of human life and safety or property.

14.16 (REPORT OF VIOLATIONS)

All police officers shall report at once to the Building Inspection Department any work which is being carried on without a permit as required by this section.

14.17 (RECORDS)

The Building Inspection Department shall keep a record of all permits and fee and shall make an annual report thereon to the Common Council.

14.18 (CITY CONSTRUCTION ZONE)

(1) Construction District Limits. All that part of the described territory, shall be known as the City Construction Zone. A parcel 666 feet in width lying 333 feet on each side of the centerline of Blackhawk Avenue, and extending from the east line of Main Street to the centerline of Marquette Road. **(HISTORY: Revised by Ordinance 729, approved in June 1985; revised by Ordinance 94-08 Reg. Meeting 8/02/94)**

(2) Definitions. The terms Class 1 - Fire Resistive Type A, Class 2 - Fire Resistive Type B, Class 3 - Metal Frame Protected, Class 4 - Heavy Timber, Class 5A - Exterior Unprotected, Class 6 - Metal

Frame Unprotected, Class 7 - Wood Retardant Roofing shall have the meaning as defined in the Wisconsin Administrative Code, Section ILHR 51 of the Wisconsin State Building Code.

(3) REGULATIONS WITHIN THE CITY CONSTRUCTION ZONE.

(a) Requirements:

- (1) Every building hereafter erected, enlarged or moved within or into the city construction zone shall be of Class I thru Class 6 construction as provided in Chapter 51 of the Wisconsin State Building Code except as otherwise provided by this ordinance. All construction shall be subject to review by the Wisconsin Department of Industry, Labor and Human Relations for state code compliance prior to construction.
- (2) Bearing or non-bearing enclosing walls located less than ten (10) feet from an interior property line, division walls, and party walls, shall be a minimum of two (2) hour non-combustible construction and shall be unpierced. No building or addition thereof of wood or pole frame construction shall hereafter be built within or moved into the city construction zone.
- (3) Building alterations, change of use, or change of occupancy, of exiting or exiting patterns, occupant loading, structural strength, or heating and ventilating, shall be subject to review by the Wisconsin Department of Industry, Labor, and Human Relations for State code compliance prior to occupancy or construction of any components or changes.
- (4) Any required sprinkler systems, fire rated enclosures, fire separations or other fire protection equipment and fire alarm systems shall be installed prior to occupancy.

(b) Exceptions. No new building of wood or pole frame construction shall be constructed within the City Construction Zone except the following, and no such building or structure shall be located within five (5) feet of any lot line or within ten (10) feet of another structure on the same lot.

- (1) Temporary one-story frame buildings for use of builders during construction projects.
- (2) Private garages for not more than two (2) non-commercial automobiles, if not over fifteen (15) feet high and not more than 750 square feet in area, having exterior walls of metal, concrete or masonry, located on the same lot with a dwelling.
- (3) Seasonal mobile commercial structures if not over ten (10) feet high and not more than three hundred (300) square feet in area may be allowed upon application and approval by the Plan Commission on an annual conditional permit basis, for legal pre-existing commercial enterprises provided the approval of the City Fire Inspector and City Building Inspector is first obtained as to type of construction and exact location with reference to neighboring lot lines or structures. The Commission and/or Fire Inspector and/or Building Inspector may require more than five (5) foot distance from neighboring lot lines or structures. **(HISTORY: Created by Ordinance 805, approved on February 7th 1989.)**
- (4) A Class 7 Wood Frame Protected Building that meets all State Building Codes, containing a National Fire Protection Association (NFPA) approved sprinkler system in all occupied areas and has exterior walls covered with metal, concrete or masonry. **(HISTORY: Created by Ordinance 98-20, approved on November 20th 1998.)**
- (5) Single Family Homes. Additions or improvements thereto if located more than one hundred (100) feet from the back property line of any commercial building located within the City Construction Zone. **(HISTORY: Amended by Ordinance 2004-18, approved on November 23rd 2004.)**

(4) BULK OIL TANKS PROHIBITED. The storage of Class 1A, Class 1B and Class 1C flammable and combustible liquids as defined in ILHR 10, in above ground tanks is prohibited within the City Construction Zone. **(HISTORY: Created by Ordinance 91-25, approved on November 5th 1991.)**

(5) RAZING OLD OR DAMAGED BUILDINGS. Any existing wood or pole frame building within the City Construction Zone which may hereafter be damaged or which has deteriorated to an amount greater than one-half (1/2) of its equalized value, exclusive of the foundation, shall not be repaired or rebuilt (except as allowed under Chapter 14.18 (3) (b)) but shall be ordered removed under the provisions of Section 66.05 Wisconsin Statutes by the Building Inspection Department.

(6) FIRE-RETARDANT ROOFING.

(a) Every roof hereafter constructed within the City Construction Zone including all buildings and/or additions listed in subparagraph (3) above shall be covered with a roofing having a fire resistive rating equivalent to Class "B" or better of the Underwriter's Laboratories, Inc. classifications.

(b) No roofing on an existing roof shall be renewed or repaired to a greater extent than one tenth (1/10th) of the roof surface except in conformity with the requirements of paragraph (a) above.

14.19 (WISCONSIN UNIFORM DWELLING CODE)

(1) ADOPTION OF WISCONSIN UNIFORM DWELLING CODE.

(a) Chapter Ind 22, Wisconsin Administrative Code, Energy Conservation Standards of the One-and Two-Family Dwelling Code, as adopted and effective December 1, 1978, and Chapters Ind 20, 21, 23, 24 and 25, adopted and effective June 1, 1980, and all amendments thereto, are adopted and incorporated in this code by reference.

(b) The office of the Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code.

(c) Any existing ordinances pertaining to the construction of new dwellings that conflict with the Uniform Dwelling Code are hereby repealed as they relate to construction covered by this section.

(d) Application made and permits issued in compliance with this section shall be in lieu of and shall suffice in place of any other applications, permits or requirements of this chapter.

(2) BUILDING PERMIT REQUIRED. No person shall build or cause to be built any one-or two-family dwelling without first obtaining a state uniform building permit for such dwelling. Such building permit shall be furnished by the City Building Inspector. Copies of such permit shall be filed with the City Clerk.

(3) BUILDING PERMIT FEE. The building permit fee shall be determined by the City Council.

(4) PENALTIES. The Council shall provide for the enforcement of the section and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures pursuant to Chapter 26 of this code, and in juncture action. (As according to Wis. Statutes Chapter 62.23(9).)

(5) SEVERABILITY. If any section, clause, provision or portion of this ordinances or Wisconsin Administrative Code Chapters Ind. 20, 21, 22, 23, 24 and 25 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

14.20 (ADDITIONAL BUILDING PERMIT REQUIREMENTS FOR DEVELOPMENT NOT SUBJECT TO THE REQUIREMENTS OF CHAPTER 18 OF THIS CODE)

(1) PUBLIC IMPROVEMENTS. NO building permits shall be issued nor shall any development be allowed on any land except those subject to the requirements of Chapter 18 of this code unless the following conditions are met: The following improvements must be installed prior to issuing a permit, or a performance bond (as described in Section 6 of this Chapter) is posted guaranteeing that the improvements will be completed within 1 year of receiving a permit:

(A) The proposed development must front on an opened and improved street. An improved street consists of:

(1) Street grading and paved surfacing

- (2) Curb and gutter
- (3) Street lights. **(HISTORY: Amended by Ordinance 2002-11, approved by October 1st 2002.)**

(B) Be served by public sanitary sewer including laterals to the property line.

(C) Be served by public water supply including laterals and curb stops at the property line.

(D) Complete storm sewer system is installed including mains, catch basins, and lift stations if needed. Any improvements required to make a parcel of land eligible for development as required above shall be paid for by the party wishing to develop said property. All property fronting on an officially opened street at the time of the adoption of this Ordinance are exempt from Items A and D as listed above.

(2) **PROCEDURE.** If a parcel of land does not qualify for a building permit as defined above, the following procedures will be followed to bring the property into compliance with the Ordinance.

(A) A development plan consisting of a map of the area to be developed showing existing adjoining public improvements and proposed extensions of the public improvements into the area to be developed. The development plan will be filed with the City Clerk.

(B) The City Engineer and Plan Commission will review the development plan and act on same within 30 days of the filing date. If the plan is approved, the developer will proceed with obtaining State approval for water and sanitary sewer plan and submit to the City Clerk plans for street improvements and storm sewer plans. If the development plan is not approved, it will be returned to the developer with a written report as to the objections and items which must be changed before proceeding. If the developer submits a letter in writing to the City Clerk that he will make the changes as required, he may proceed with obtaining State approval of water and sanitary sewer plans and submitting street improvements and storm sewer plans.

(C) Four (4) copies of the construction plans and specifications for the following public improvements will be submitted to the City Clerk following approval of the development plan:

- (1) Street grading and surfacing
- (2) Sanitary sewers including house laterals to the property line
- (3) Water mains and house laterals to the property line
- (4) Curb and gutter
- (5) Storm sewer drainage system.

(D) Action by the City Engineer. The City Engineer shall review or cause to be reviewed the plans and specifications as outlined in Section C for conformance with good engineering standards and compliance with this Section. Said review will be completed within twenty days of receiving the plans and specifications. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans and specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve them in writing and so notify the Plan Commission so that it may approve the plans and specifications for transmittal to the City Council. The City Council shall approve the plans and specifications before the improvements are installed. The Plan Commission will approve and send the plans to the City Council within 30 days of receipt from the City Engineer. The Council will act on approving the plans at the next regular scheduled meeting.

(E) Construction and Inspection.

(1) The developer may elect to construct the public improvements in stages to meet the time table of developing the entire parcel of land. Such staged improvements will be in an orderly fashion subject to approval of the City Engineer.

(2) Prior to starting any of the work covered by the plans approved as above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods described in paragraphs (5) of this Section.

(3) During the course of construction, the City Engineer shall make such inspections

as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the City for such inspections. The fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to insure satisfactory work.

(F) "As-Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the developer shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains, and such other facilities as the City Engineer shall require. This map shall be in black ink or Mylar or equal and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be condition of final acceptance of the improvements and release of the surety bond assuring their completion.

(3) DESIGN STANDARDS.

(A) Streets.

(1) Major Thoroughfares. Shall have a right-of-way width as established on the Official Map or as designated in Sec. 18.08. In lieu of building pavements to standards required for this class of street, the owner shall pay the City a sum of money equal to the cost of improving the street to standards established in paragraph 3 for local streets.

(2) Collector-Distributor Streets. Shall have a right-of-way width as established on the Official Map, or as designated in Section 18.08. In lieu of building pavements to standards required for this class of street, the owner shall pay to the City a sum of money equal to the cost of improving the street to standards established in paragraph 3 for Local Streets.

(3) Local Streets. Shall have right-of-way width of not less than sixty (60) feet, except for short dead-end streets which may be fifty (50) feet wide. They shall be provided with one (1) thirty-six (36) foot wide pavement. The pavement shall consist of a seven (7) inch water bound crushed stone or gravel base course with a two and one-half (2 ½) inch hot-mix bituminous wearing surface or a six and one-quarter (6 ¼) inch Portland cement concrete pavement or other design thicknesses as deemed necessary based on soil conditions.

(4) Turn-Arounds. At the end of dead-end streets, shall be paved as provided for local streets with a thirty-six (36) foot wide pavement, with an outside diameter of the turn-around of eighty-four (84) feet and an inside diameter of twenty-six (26) feet, and be connected by smooth curves to the pavement of the main portion of the street.

(B) Alleys. Alleys provided to serve business, commercial or industrial areas shall be provided with a pavement of not less than sixteen (16) feet in width. The pavement shall consist of an eight (8) inch Portland cement concrete pavement; or an eight (8) inch water bound macadam base with a three (3) inch plant mix bituminous concrete wearing surface. Alleys in residential areas shall be not less than sixteen (16) feet wide and shall be of crushed stone surfacing. Thickness shall be approved by the Director of Public Works based on soil conditions.

(C) Curb and Gutter. All major thoroughfares, collector-distributor or local streets shall be provided with curb and gutter in accordance with the standard specifications of the City.

(D) Sanitary Sewerage System. There shall be provided a sanitary sewerage system in conformity with the Master Plan of Sewers as approved by the City Council. The cost of providing and installing sewer pipe, manholes, house laterals to the property line and lift stations (if needed) will be paid for by the developer. If the City deems it in its best interest to have larger lines or larger lift stations installed than are needed for the development, the City will share the cost of materials to increase the pipe to the sized deemed necessary for future expansion. The cost of the larger pipe will be recovered by special assessment to adjoining owners when they connect to the main or through hookup fees for extending the main into the

next development. Minimum size shall be eight (8) inch and minimum laterals shall be four (4) inch. Materials to be approved by the Director of Public Works.

(E) Water Supply System. There shall be provided a water supply system in conformity with the Master Plan of the Water System as approved by the City Council. The cost of providing and installing the mains, valves, hydrants, curb stops, house laterals, and other necessary appurtenances shall be paid by the developer. If the City deems it in its best interest to have larger mains installed than necessary to serve the development, the City shall pay the cost of the materials to enlarge the main to the size necessary for future expansion. The cost to the City will be recovered by special assessment to adjoining owners when they wish to connect to the main or hookup fees for future extensions of the main. Minimum main size will be six (6) inch and laterals to be minimum 3/4 inch copper. (F) Storm Water Drainage. Storm sewer will be installed where deemed necessary by the City. The cost of all pipe, manholes, catch basins, grates, and lift stations will be paid by the developer. If the City deems it in its best interest to have larger lines or lift stations installed, it will share in the cost of materials to enlarge the pipe or lift stations. This cost to the City will be recovered by hookup fees to extend the system or special assessments to benefited lands.

(G) Sidewalks. Shall be provided to serve the following areas:

(1) Commercial Property. Shall be provided with concrete sidewalks at least eight (8) feet wide and four (4) inches thick.

(2) Residential Property. When required by the Plan Commission, shall be provided along. Each side of the street with a concrete sidewalk five (5) feet wide and four (4) inches thick.

(4) FINAL CONSTRUCTION PLANS. Shall be legible prints of a size acceptable to the City Engineer and shall include the following:

(A) Map of plat or subdivision of lands, including title of plat or map.

(B) Layout of streets.

(C) Layout of sanitary sewers.

(D) Layout of water supply system.

(E) Plans and profiles of streets and sewers at a scale of not more than forty (40) feet per inch horizontal and four (4) feet per inch vertical.

(F) All necessary details.

(5) MATERIAL STANDARDS. All improvements constructed under this Chapter shall be of the standards, where applicable, established by the Wisconsin State Highway Commission "Standard Specifications for Roads and Bridges". Where the Highway Commissions specifications do not apply, the standards shall be approved by the City Engineer.

(6) CONSTRUCTION OF PUBLIC IMPROVEMENTS.

(A) Upon notification by the City Clerk that the development plan has been approved by the City Council, the owner shall construct and install the required public improvements at his expense without cost to the City.

(B) In lieu of A above, the owner may post, with the City, cash, negotiable securities or a surety bond running to the City, in value sufficient to cover the full estimated cost as certified by the City Engineer to assure the satisfactory installation of said improvements within one (1) year, as outlined in this Section and contained in the plans and specifications. Said surety bond shall be approved by the Mayor and City Council.

(C) Guarantee of Materials and Workmanship. The owner shall provide a surety bond running to the City for a period of one (1) year after completion of construction, in the amount of twenty percent (20%) of the cost of the improvements to guarantee workmanship and materials of construction and to save the City harmless from the cost to repair or replace the improvements.

(D) The requirements of Section 18.08(2) of the Municipal Code of the City of Prairie du Chien, Wisconsin, are hereby made a part of this Section by reference so that a developer shall be required to comply with Section 18.08(2) of the Municipal Code in the same manner as a subdivider. This subsection shall apply only to Residential Development not Commercial or Industrial or other. **(HISTORY: Revised by Ordinance 624, approved in April 1981; revised by Ordinance 648, approved in March 1982.)**

(E) The owner of any development made in accordance with this ordinance shall be required to certify to the Director of Public Works the cost of any sewer and water main extensions within thirty (30) days from the completion of the construction of said extensions.

(HISTORY: Revised by Ordinance 624, approved in April 1981.)

(7) EXCEPTIONS. In exceptional cases, where topography or other physical conditions would cause unnecessary hardship to the owner, and not provide the City substantial benefit, the Plan Commission may recommend to the City Council special provisions to relieve such hardship. Any exception needed shall be requested in writing by the owner. If recommended by the Plan Commission, it shall be so endorsed by the Secretary and transmitted to the City Council. The City Council if it approves, shall do so by motion or resolution and instruct the City Clerk to notify the Plan Commission and the owner.

(8) EXISTING STRUCTURES. This Ordinance will not prevent the Building Inspector from issuing permits to repair or remodel buildings which are in place at the time of adoption of the Ordinance and do not meet the requirements of this Section.

14.21 (PENALTY)

Any person who shall violate any provisions of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 and Section 26 of the City Municipal Code. The Building Inspection Department shall enforce the provisions of this Section.