CHAPTER 14

BUILDING CODE

	PAGE NO.
14.01 Scope	14-1
14.02 Title	14-1
14.03 Codes Adopted by Reference	14-1
14.04 Division of Building Inspection	14-1
14.05 Building Inspector; Powers and Duties	14-1
14.06 Permits	14-2
14.07 Construction	14-6
14.08 Regulations for Moving Buildings	14-6
14.09 Razing of Buildings	14-6
14.10 Inspections	14-6
14.11 Stop Work Order	14-7
14.12 Certificate of Occupancy	14-8
14.13 Private Swimming Pools	14-8
14.14 Gas Piping Systems	14-10
14.15 Fees	14-10
14.16 Permits Required	14-10
14.17 Building Restrictions Adjacent to the Schuster Drive Solid Waste Disposal Site	14-11
14.18 Installation and Use of Satellite Earth Stations	14-12
14.19 Alternative Energy Installations	14-14
14.20 Payment of Park Fees Required	14-15
14.21 Public Safety Radio Communications	14-15
14.25 Variances	14-18
14.27 Violations	14-18

14.01 SCOPE.

(1) SCOPE. The provisions of this chapter shall govern the design, construction, alteration, demolition and moving of all buildings and structures.

(2) ZONING LAWS. No provision of this chapter shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations or other provisions of this Code.

14.02 TITLE. These regulations shall be known and cited as "City of West Bend Building Code" and shall be construed to secure their expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

14.03 CODES ADOPTED BY REFERENCE.

(1) WISCONSIN ADMINISTRATIVE CODE BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING REQUIREMENTS. Wisconsin Commercial Building Code Chs. SPS 360-366.

(2) WISCONSIN UNIFORM DWELLING CODE. (Am. Ord. #2910 –01/14/2023) Wisconsin Adm. Code Chs. SPS 320 to 325 and 327, inclusive, are hereby made a part of this chapter by reference. Despite the provisions of SPS 320.05(4), SPS 320 to 325 shall apply to all accessory buildings in the City.

(3) WISCONSIN LICENSE, CERTIFICATION AND REGISTRATION REQUIREMENTS. Wisconsin Adm. Code Ch. SPS 305 is hereby made a part of this chapter by reference.

(4) AMENDMENTS. The adoption of codes by reference in this section shall include any amendments to such codes as may be made from time to time.

14.04 DIVISION OF BUILDING INSPECTION. The Division of Building Inspection shall be under the direction of the Department of Development. The Inspection Superintendent shall act as the head of the Division of Building Inspection and shall be the City's designated "Building Inspector" as that term is used in the Wisconsin Statutes and throughout this Code.

14.05 BUILDING INSPECTOR; POWERS AND DUTIES.

(1) ENFORCEMENT. The Building Inspector is vested with the authority and responsibility to enforce all laws controlling safe building construction. He/she shall make periodic inspection of existing public buildings to determine their safety. He/she shall make inspections at the site of buildings damaged by any cause to determine the safety of buildings affected thereby.

(2) RIGHT OF ENTRY. The Building Inspector or his/her authorized agent shall have the power and authority, at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, plumbing, electrical or heating work being done or the required license therefor. No person shall interfere with or refuse to permit access to any such premises to the above described representative of the City while in the performance of their duties.

(3) RECORDS. The Building Inspector shall keep a record of all applications for building permits and each permit shall be regularly numbered in the order of its issuance. He/she shall keep a record showing the number, description and size of all building erected indicating the kind of materials used and the cost of each building and aggregate cost of all buildings in the various classes. He/she shall keep a record of all inspections made, all removal and condemnation of buildings and all fees collected showing the date of their receipt. The Division of Building Inspection shall make a written report to the City Administrator relative to these matters.

14.06 PERMITS.

(1) REQUIRED. No building or structure or any part thereof shall hereafter be built, enlarged, altered, demolished, moved into, or moved, except as hereinafter provided, unless a permit is first obtained from the Building Inspector. Permits required are as follows:

a. Building

b. Air conditioning

c. Wrecking or razing

d. Heating

e. Moving of buildings

f. Occupancy

g. Other permits as required by the City.

The Building Inspector **may** authorize minor repairs or alterations valued at less than $1,000 which do not change occupancy area, structural strength, fire protection, exits, light or ventilation and room arrangement of the building without requiring a building permit. No building permit shall be issued by the Building Inspector until all street sewer mains and water mains have been extended in the street adjoining said property so that adequate connection can be made from said sewer mains and water mains to the property of the applicant, except that buildings used for dead storage only may be erected without sewer and water connections.

(2) APPLICATION FOR PERMIT. Application for a building permit shall be made in writing upon a form furnished by the Division of Building Inspection. With such application there shall be submitted to the Building Inspector four (4) complete sets of plans and specifications.

(a) Survey. Any required survey shall be prepared and certified by a surveyor registered by the State of Wisconsin, and shall bear the date of the survey. The surveyor shall set monuments at all proposed building foundation corners.

(b) Plans and Specifications. All plans shall be drawn to a scale not less than one-quarter inch per foot by a process that will not fade or obliterate, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. Plans that do not show all necessary detail shall be rejected.

A complete set of plans for residential construction shall consist of the following:

1. All elevations;

2. All floor plans;

3. Complete construction details; and

4. Fireplace details (three-quarters inch per foot) showing cross section of fireplace and flues.

All plans shall remain on file in the office of the Building Inspector in accordance with the current Wisconsin Municipal Records Manual, after which time the Building Inspector may return the same to the owner, may keep them for public record, or may destroy them.

(3) WAIVER OF REQUIREMENTS. At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations or repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.

(4) SEAL OF REGISTERED ENGINEER OR ARCHITECT. All plans for the new construction of any building or structure or for any construction in connection with existing buildings and structures—other than one- and two-family residences—containing more than 50,000 cubic feet total volume, shall bear the seal of a registered architect or engineer. The plans shall also be stamped as approved as required by the Wisconsin Department of Safety & Professional Services. No permit shall be granted for such structure unless such construction under the supervision of an architect or engineer, as required by the Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer with the Building Inspector with the application for permit

(5) DRAINAGE.

(a) Grading of Lots. The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property unless suitable provision is made for such flow by means of an adequate ditch or pipe which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.

(6) ISSUANCE OF PERMIT.

(a) If the Building Inspector finds that the proposed building will comply in every respect with this chapter and all laws of the State, he/she shall issue a building permit. 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.

(b) If adequate plans are presented, the Building Inspector, at his/her discretion, may issue a permit for a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on there under when in violation of this chapter or the laws of the State.

(c) For the construction of buildings requiring approval of the Wisconsin Department of Safety & Professional Services no permit shall be issued until such approved plans are received by the Building Inspector.

(7) REVOCATION OF PERMITS.

(a) The Building Inspector may revoke any permit, certificate of occupancy or approval issued under 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:

1. Whenever there is a violation of any regulation of this chapter or of any other ordinance, law or lawful orders or Wisconsin Statute relating to the same subject matter;

2. Whenever the continuance of any construction becomes dangerous to life or property;

3. Whenever there is any violation of any condition or provision of the application for permit, or of the permit;

4. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site;

5. 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; or

6. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector.

(b) The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, the owner of the premises and his agent, if any, and on the person having charge of construction.

(c) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.

(d) 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 regulations of this chapter.

(8) FEES. Before receiving a building permit, the owner or his/her agent shall pay the fee specified in sec. 14.15 of this chapter.

14.07 CONSTRUCTION.

(1) A card signed by the Building Inspector indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this chapter.

(2) No work shall be done after a permit has expired unless a new permit is obtained.

14.08 REGULATIONS FOR MOVING BUILDINGS. See sec. 8.15 of this Code.

14.09 RAZING OF BUILDINGS.

(1) The Building Inspector is hereby authorized to act for the City under the provisions of §66.0413, Wis. Stats., relating to the razing of buildings.

(2) Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

14.10 INSPECTIONS.

(1) NOTIFICATION. Upon notification from the permit holder or their agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:

(a) Inspection prior to pouring concrete to determine if construction of footings is in compliance with approved plans, terms of permit and other requirements.

(b) Inspection prior to backfilling to determine if construction of foundation walls is in compliance with approved plans, terms of the permit and other requirements. Prior to the inspection of the foundation walls, the Building Inspector shall be provided with a signed and sealed certification by a registered land surveyor of the elevation of the top of the foundation wall to U.S.G.S. datum and of the horizontal location of all foundation walls in relation to property lines and right of way lines, prior to continuing construction above the foundation.

(c) Inspection of the following when in place, but before such work is covered, enclosed or concealed by other construction:

1. All wall, floor and roof framing;

2. Fire stopping and bracing; and

3. All pipes, electrical work, chimneys ventilating and other ducts, shafts and equipment.

(d) Inspection prior to laying concrete for basement floor to inspect, sub-grade, drain tile and forms.

(2) FINAL INSPECTION. A final inspection shall be made by the Building Inspector upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same is occupied or used. Until such building structure or equipment is in compliance with all the requirements of this chapter and terms of the permit, no occupancy shall occur. If the construction conforms to the requirements of this chapter, a certificate of occupancy shall be issued.

(3) COORDINATED INSPECTIONS. All provisions of the laws and regulations of the City and of legally adopted rules of City fire and health officials in respect to the operations, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all building shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement official discloses any violation of the provisions of this Code or of any other rules, regulations or laws, h/she shall immediately notify the administrative officer having jurisdiction of the violation.

(4) CERTIFIED REPORT. The Building Inspector may require a certified report of all required inspections as regulated by this chapter from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state, in detail, that all construction work has been executed in accordance with all of the regulations of this chapter, approved plans, specifications, and terms of the permit; and, further, that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

14.11 STOP WORK ORDER. When the provisions of this chapter or of the plans approved there under are not complied with, a stop work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

14.12 CERTIFICATE OF OCCUPANCY.

(1) INSPECTIONS.

(a) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this or any other ordinance are found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used.

(b) No building nor part thereof shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

(2) USE DISCONTINUED.

(a) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall:

1. Order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued, and

2. Such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of this Code.

(b) Any building, structure or premises, or any part thereof, hereafter vacated or damaged by any cause so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy until an application has been filed and a new certificate of occupancy issued.

(3) CHANGE. It shall be unlawful to change the use of any building, structure, premises or part thereof without first obtaining from the Building Inspector an approval of such change in the occupancy or use, and a certificate of occupancy therefor.

14.13 PRIVATE SWIMMING POOLS.

(1) DEFINITION. A manufactured or field constructed equipment designed to contain water on a permanent or semi-permanent basis and used for swimming, wading, immersion, or therapeutic purposes.

(2) PERMITS REQUIRED.

(a) All pools of 1,000 gallons or more capacity shall require a building permit from the Building Inspector.

(b) An electrical permit is required to be issued to a licensed electrical contractor prior to issuing a building permit for a pool.

(3) FENCING REQUIREMENTS.

(a) In-ground pools shall be completely fenced, before filling, by a permanent, sturdy fence not less than 4 feet or more than 6 feet in height. Access to any such pool shall be through a grate or gates in the fence, equipped with a lock or self-closing, self-latching device placed at the top of the gate. There shall be no gaps between the bottom of a fence and the ground or apron of the pool that will pass a 4-inch sphere.

(b) Above-ground pools having a height of less than 42 inches above grade or any device which can be used to climb up and enter the pool shall be fenced the same as in-ground pools, or covered when not in use by a sturdy and secure pool cover, or emptied.

(4) PLANS AND SPECIFICATIONS. The plans and specifications filed in connection with an application for a building permit for a swimming pool shall show details, in addition to that as may be required in sec. 14.06 of this chapter and Chapter 17.11(3) (j) of the City Zoning Code.

(5) EQUIPMENT. Equipment such as circulating pumps and filters shall be located and operated so as not to create a nuisance or a noise problem and, if necessary, shall be shielded or built behind a protective barrier.

(6) NUISANCES PROHIBITED.

(a) All pools shall be maintained in such a way as to not create a nuisance, hazard, eye sore or otherwise result in a substantial adverse effect on neighboring properties, or to be in any way detrimental to public health, safety or welfare.

(b) In-Ground Pool excavations and liners shall remain dry until permanent fencing is installed. A pump may be installed to serve this purpose.

(c) Drainage or draining of any pool cannot be discharged onto abutting property, but must be absorbed on its own site or discarded onto or into the streets or City gutters which would then empty into the City storm sewer system.

(7) PERMIT FEE. See sec. 14.15 of this chapter.

14.14 GAS PIPING SYSTEMS.

(1) INTERNATIONAL FUEL GAS CODE. Gas piping systems, extending from the point of delivery to the connection with each gas-fired appliance or device, shall conform to the adopted edition of NFPA 54, International Fuel Gas Code, and the manufacturer's installation requirements at the time of installation or modification.

(2) AUTHORITY TO DISCONNECT. The Building Inspector or the gas utility may disconnect, or have disconnected, any gas equipment or gas piping which is found not to conform to the requirements of this section or which is found defective and in such condition as to endanger life or property. Where such a disconnection is made, the person causing the disconnection shall attach a notice to such equipment or gas piping stating that the same has been disconnected and the reason therefor. No person shall remove the notice or reconnect the equipment or piping until authorized by the Building Inspector.

14.15 FEES

(1) The fees for permits, inspections, reports, variances, applications and any other matter under this chapter shall be as determined from time to time by the Common Council. A schedule of such fees shall be kept on file in the office of the Building Inspector.

(2) REFUNDS. No fees paid under this chapter shall be refunded unless the Building Inspector determines that the fees were not owed to the City. Any related costs incurred by the City, including the cost of making the refund, may be deducted from a refund made under this section if the Building Inspector determines that the person to whom the refund is made bears some fault in creating the conditions requiring the refund.

14.16 PERMITS REQUIRED.

(1) TIMELINESS. Except as provided in sub. (2), no person shall do any work for which a permit is required under this chapter, and no person shall permit or suffer any such work to be done on property owned by or under the control of the person, unless all necessary permits therefor have been issued and are in force at the time the work is done.

(2) EMERGENCY WORK. In the case of an emergency, work may be commenced prior to the application for or issuance of a permit if all of the following conditions are met:

(a) It is necessary to start the work prior to issuance of a permit to protect property or human health or safety;

(b) The work conforms to the requirements of this chapter; and

(c) A sufficient application for all necessary permits for the work is submitted as soon as possible and not later than the next business day.

(3) LATE PERMITS. Except as provided in sub. (2) of this section, if work is started before a permit is issued, the fee for the permit, if issued, shall include a penalty fee in accordance with the fee schedule approved pursuant to sec. 14.15. Issuance of a permit after the work is started shall not relieve the person performing the work or the owner or person in control of property from liability for penalties for commencing the work without a permit.

14.17 BUILDING RESTRICTIONS ADJACENT TO THE SCHUSTER DRIVE SOLID WASTE DISPOSAL SITE

(1) REGULATED AREA. Buildings located within 500 feet of the boundary of the disposal site shall be constructed as herein required to make them more resistant to landfill gas intrusion.

(2) CONSTRUCTION PRACTICES AND SAFETY PRECAUTIONS.

(a) Subject to pars. b. and c. below, the building construction practices and safety precautions described in par. e. below shall be implemented by the owner of any building located within the limits described in sub. (1) above. The owner and any subsequent owner of an affected building shall maintain the gas resistant integrity of the building during any period of ownership.

(b) A building permit application for new construction subject to this section shall include on the building plans a description of the approved construction practices to be used to make the building more resistant to underground landfill gas intrusion.

(c) A building permit application for below-grade additions, alterations or enlargements which increase the below-grade area of a building subject to this section in excess of 50%, shall state on the building plans a description of the approved construction practices to be used to make the building more resistant to underground landfill gas intrusion. The building plans shall also include a description of the building construction practices described in par. e. 2., 3. and 4. below. Said building construction practices, where building foundation cracks, joints and exterior walls are accessible, shall be concurrently completed for the existing below-grade building structure.

(d) All building permit applications for restoration of damaged buildings are not subject to these provisions, except when below-grade restorations are undertaken. When below-grade restorations are planned, the building plans shall include a description of the building construction practices in par. e. 2., 3. and 4. below. Said building construction practices, where building foundation cracks, joints and exterior walls are accessible, shall be concurrently completed for the existing below-grade building structure.

(e) The approved construction practices and safety precautions shall include all of the following:

1. A clay cutoff shall be installed as near to the property line as feasible in utility trenches which emanate from the direction of the boundary of the disposal site lot or parcel.

2. All foundation walls shall be treated with hand-applied foundation sealing material or an equivalent treatment.

3. All foundation penetrations shall be plugged using concrete or other approved material that will not disintegrate with age

4. All basement floor openings, except drains, such as box outs for backflow devices, clean-outs and sump pump systems shall be sealed or fitted with a cover and gasket in accordance with specifications established by the Building Inspector.

5. A high-grade silicone or equivalent sealant shall be applied along all basement floor cracks and joints, including the construction joint between the basement floor and the foundation wall.

6. To minimize future cracks, new concrete basement floors or slabs on grade shall be at least 4 inches thick using a 5-bag mix with no more than a 5-inch slump.

7. A 4-mil plastic membrane or an equivalent treatment shall be installed beneath the basement floors or interior slabs on grade.

8. The use of a chimney-vented heating appliance shall be considered where natural gas service is available.

9. Other measures deemed advisable by a building design professional may be used to accomplish the above-stated purposes. The design professional's report, if any, shall be submitted to the Building Inspector and the City Engineer for approval prior to the issuance of a building permit.

14.18 INSTALLATION AND USE OF SATELLITE STATIONS.

(1) SATELLITE STATION DEFINED: A dish shaped antenna designed to receive television broadcasts or internet signals from earth orbiting communication satellites. Satellite Station shall not include any dish that is less than 36 inches at its widest point.

(2) INSTALLATION RESTRICTIONS. No Satellite Station shall be installed in any residential zoning district as defined in secs. 17.15 to 17.245 of this Code. Satellite Stations installed in any other zoning district within the City shall comply with the following provisions:

(a) Not more than one Satellite Station may be allowed per individual recorded lot, except additional stations may be permitted upon application for a variance in nonresidential zones.

(b) Satellite Stations shall be allowed in rear and side yards; however, Satellite Stations in side yards may not be any closer to the street line than the established setback of the principal building or structure.

(c) Satellite Stations shall not exceed 12 feet in diameter, except for stations used to provide community antenna television services.

(d) Side and rear yard setbacks shall be equal to or greater than the required side and rear yard setbacks for the accessory structure within the respective zoning district, but not less than the total vertical height of the Satellite Station.

(e) Satellite Stations attached to the wall or roof of any principal or accessory structure shall be permitted subject to the structure being constructed to carry all imposed loading. The Building Inspector may require engineering calculations.

(f) Ground mounted Satellite Stations shall meet the height requirement for structures in the zoning district in which they are located. Building mounted Satellite Stations shall not exceed the maximum height regulation of the zoning district in which they are located.

(g) All Satellite Stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of 80 m.p.h.

(h) No form of advertising or identification is allowed on the dish, panel or framework of Satellite Stations other than the customary manufacturer's identification plates.

(i) Portable or trailer mounted Satellite Stations are not allowed, except that temporary installations for onsite testing, temporary use and demonstration purposes may be allowed for periods not to exceed two (2) days.

(j) Electrical installations in connection with Satellite Stations, including grounding of the system, shall be in accordance with the Wisconsin State Electrical Code.

(k) All cable used to conduct current or signals from the Satellite Station to the receivers shall be installed underground unless it is determined by the Building Inspector that site conditions preclude underground installation.

l. No Satellite Station shall be erected within the City without first obtaining a permit from the Building Inspector.

(m) Application for a permit shall be accompanied by sufficient information to allow the Building Inspector adequate review of the proposed installation to ensure compliance with this section.

(n) The permit fee shall be as stated in sec. 14.15 (1) of this chapter.

14.19 ALTERNATIVE ENERGY INSTALLATIONS

(1) ALTERNATIVE ENERGY INSTALLATION DEFINED. Any means of generating energy on site independent of any outside utility.

(2) INSTALLATION RESTRICTIONS. Alternative Energy Installations installed in any zoning district within the City shall comply with the following provisions:

(a) Not more than one of each type of Alternative Energy Installation may be allowed per individual recorded lot, except additional units may be permitted upon application for a variance in nonresidential zones.

(b) Alternative Energy Installations shall be allowed in rear and side yards; however, Alternative Energy Installations in side yards may not be any closer to the street line than the established setback of the principal building or structure.

(c) Side and rear yard setbacks shall be equal to or greater than the required side and rear yard setbacks for the accessory structure within the respective zoning district, but not less than the total vertical height of the Alternative Energy Installation.

(d) All Alternative Energy Installations shall meet the maximum allowable height requirement for structures in the zoning district in which they are located. Alternative Energy Installations shall not exceed in total height three (3) times their distance from the nearest lot line.

(e) All Alternative Energy Installations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of 80 m.p.h.

(f) No form of advertising or identification is allowed on the Alternative Energy Installation other than the manufacturer’s trade name and identification.

(g) Portable or trailer mounted Alternative Energy Installations are not allowed, except that installations for on-site testing, or demonstration purposes may be allowed for periods not to exceed five (5) days.

(h) Electrical installations in connection with Alternative Energy Installations, including grounding of the system, shall be in accordance with Wisconsin State Electrical Code.

(i). All cable/piping used to conduct current, heat or cooling from the Alternative Energy Installation to its respective equipment shall be installed underground unless it is determined by the Building Inspector that site conditions preclude underground installation.

(3) PERMIT REQUIRED. No Alternative Energy Installation shall be erected within the City without first obtaining a permit from the Building Inspector and paying a fee as stated in Section 14.15(1) of this Chapter. Application for a permit shall be accompanied by sufficient information to allow the Building Inspector adequate review of the proposed installation to ensure compliance with this section.

14.20 PAYMENT OF PARK FEES REQUIRED

A permit under sec. 14.06 or certificate of occupancy under sec. 14.12 of this Chapter shall be issued only if all park fees have been paid as required by sec. 20.05 of this Code.

14.21 PUBLIC SAFETY RADIO COMMUNICATIONS

(1) DEFINITIONS:

(a) Channel Performance Criterion or CPC is defined as the minimum performance level in a faded channel pursuant to TSB-88, clause 4.2.

(b) Delivered Audio Quality or DAQ is defined as the telecommunication industry's standards for audio quality over a telecommunications system. The individual DAQ levels are defined as set out in Table 1.

TABLE 1 – Delivered Audio Quality Definitions

DAQ	Subjective Performance Description
1	Unusable, speech present but unreadable.
2	Understandable with considerable effort. Frequent repetition due To Noise/Distortion.
3	Speech understandable with slight effort. Occasional repetition Due to Noise/Distortion.
3.4	Speech understandable with repetition only rarely required. Some Noise/Distortion.
4	Speech easily understood. Occasional Noise/Distortion.
4.5	Speech easily understood. Infrequent Noise/Distortion.
5	Speech easily understood.

(c) TSB-88 is defined as the "Telecommunication System Bulletin" published by the Telecommunications Industry Association.

(2) MINIMUM STANDARDS. Except as otherwise provided, no person, government or organization shall maintain, own, erect or construct any building or structure which is used, entirely or in part, for commercial, multi-family, or institutional use or cause the same to be done which fails to support adequate radio coverage to public safety service workers, including but not limited to firefighters and law enforcement officers. For the purpose of this ordinance, adequate radio coverage shall include all of the following:

(a) A minimum performance level of DAQ 3.4 available in 95% of the area of each floor of the building when transmitted from the Washington County Communication System;

(b) A minimum performance level of DAQ 3.4 received at the Washington County Communication System when transmitted from 95% of the area of each floor of the building, via a portable radio, worn at the waist on a belt, using a public safety lapel microphone;

(c) A CPC rated at a DAQ level of 3.4 which shall be attainable by public safety radio systems in 95% of the area of each floor of a building subject to this ordinance; and

(d) The frequency range which must be supported shall be 150.000MHz to 160.000MHz from the Washington County Communications System.

(3) TESTING PROCEDURES. The Fire Department is hereby given the authority to inspect and test structures in the City to assure compliance with this section. Upon receiving reasonable notice of the City's intent to inspect and test a structure, the structure's owner shall provide access to the structure so the inspection and tests can be conducted.

(a) Initial Tests. A representative from the Fire Department shall perform the initial tests to confirm a structure is in compliance with this section. During construction of a new structure, tests shall occur prior to construction, during construction when the exterior walls are in place and upon completion of the structure. A certificate of occupancy shall not be issued to any new structure if the structure fails to comply with this section.

(b) Periodic Tests. A representative from the Fire Department may perform annual or periodic tests on individual structures within the City as deemed necessary by the Fire Chief or Police Chief.

(4) INTERFERANCE AND AMPLIFICATION.

(a) Structures which cannot independently support adequate radio coverage as required by the minimum standards herein shall be equipped with amplification equipment as

needed in order to achieve the required adequate radio coverage. Amplification equipment includes a radiating cable system or an internal multi-antenna system with or without FCC type-accepted signal amplifiers. The installation of the amplification equipment shall not be detrimental to the operation of the Washington County Communications System. Amplification equipment shall be kept in a water resistant enclosure.

(b) The radiating cable system, coaxial cable system or other types of cabling used in support of the in-building communications system must be installed in protected areas to provide extended survivability in the event of fire. The installation shall follow the applicable sections of the National Fire Protection Association (NFPA) regulations and the National Electric Code (NEC) that have been adopted by this Code.

(c) In the event the public safety communications system within the structure is diminished, interfered with or disrupted by other radio signals distributed by others operating within the structure, the owner of the structure shall have the non-public safety radio signals within the structure disabled until such time as the interaction with the public safety system is acceptable to the Police Department and Fire Department.

(d) If any part of an installed system contains electrically powered components, the system shall be capable of operating on an independent battery or generator system for a period of at least twelve hours without external power. Any battery system shall automatically recharge with an external power source.

(e) Circuits supplying power to amplification equipment must comply with the requirements of the National Fire Protection Association as found in NFPA 72, which is hereby adopted by reference, as amended from time to time.

(f) The owner of a structure shall maintain any amplification equipment required by this section in an operating condition. The amplification equipment in commercial structures may be inspected periodically as deemed necessary by the Fire Chief or Police Chief.

(5) EXEMPTIONS.

(a) This ordinance shall not apply to one- or two-family structures not put to commercial or institutional use.

(b) For purposes of this ordinance, basements and other areas below grade, parking garages, stairwells, and utility tunnels must meet the minimum standards of this section, but elevators may be excluded. A parking structure adjacent or separate from the building is considered to be a stand-alone structure and will be tested accordingly.

(c) The owner of any structure with a valid occupancy permit on the effective date of this section that is not in compliance with the requirements of this section shall be required to meet the minimum standards of this section only under the following circumstances:

1. The interior of the structure has a DAQ of 1 or less in 95% of the structure, as determined by the Fire Inspector; or

2. Upon remodeling of the structure or a change in the use of the structure, as determined by the Building Inspector.

(6) INJUNCTIVE RELIEF. In addition to the other penalties allowed under this Code, the City Attorney may seek injunctive relief if appropriate to bring structures into compliance with this section.

14.22 to 14.24 (RESERVED)

14.25 VARIANCE JURISDICTION. The Wisconsin Department of Safety & Professional Services has exclusive jurisdiction to grant variances as provided in sec. SPS 320.19, 361.22 & 316.005 of the Wisconsin Administrative Code.

14.26 (RESERVED)

14.27 VIOLATIONS. Any person that violates the provisions of this chapter shall be subject to a municipal citation at the current adopted bond schedule rate. Each day the violation continues shall constitute a new violation.