

CHAPTER 11

BUILDING CODE

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BUILDING CODE

11.01 TITLE AND SCOPE.

(1) Short Title. This Chapter shall be known as the Building Code of the City of Middleton. It may be cited as such and will be referred to as "This Code".

(2) Purpose of Code. The purpose of this Code is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, reconstructed, altered, enlarged, repaired, moved, converted to other uses or demolished and to regulate the equipment, maintenance, use and occupancy of all buildings and structures.

(3) State Codes. The following provisions of the State of Wisconsin Administrative Code, including all subsequent amendments and recodifications thereto, are hereby adopted by reference and incorporated in this code as if fully set forth, exclusive of any penalties or enforcement and abatement procedures. Violations of the provisions hereby adopted shall be subject to penalties, enforcement and abatement procedures as set forth in Section 11.20 of this code. This section shall apply to all additions and alterations to existing structures, except as noted below.

(a) Licenses, Certifications and Registrations, Chapter Comm 5, Wisconsin Administrative Code.

(b) Electrical Code, Volume 2, Chapter Comm 16, Wisconsin Administrative Code.

(c) Uniform Dwelling, Chapters Comm 20-25, Wisconsin Administrative Code [excepting therefrom Comm 20.05(1), (3) and (5)].

(d) Building and Heating Ventilating and Air Conditioning Code, Chapter Comm 50-64, Wisconsin Administrative Code, for maintenance of buildings built prior to July 1, 2002. For new buildings, alterations, and additions started on or after July 1, 2002, Wisconsin Commercial Building Code, Chapter Comm 61-65 and Appendix A.

(e) Uniform Multi-Family, Chapter Comm 66, Wisconsin Administrative Code, for maintenance of buildings built prior to July 1, 2002.

(f) Historic Building Code, Chapter Comm 70, Wisconsin Administrative Code.

(g) Plumbing Code, Chapter Comm 81-86, Wisconsin Administrative Code.

(h) International Fire Code, Chapters 3-10, 12-21, 23-29, 36 and 39-42.

(4) All New Work to Conform.

(a) New Work. No building or structure shall hereafter be constructed, altered, repaired or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with this Code.

(b) Repairs. No building or structure shall be repaired in any manner that would be in violation of the provisions of this code or of any authorized rule or approval of the Building Inspector made and issued hereunder. If repairs in excess of fifty (50) percent of the assessed valuation for tax purposes of an existing building are made within a period of twelve (12) months, such work shall be made to conform to the requirements for new buildings, provided, however, that any buildings existing, which for any reason require repairs in excess of fifty percent of the assessed valuation thereof, not deducting from such valuation any loss caused by fire, flood, explosion, earthquake, war, riot or act of God, shall be made to conform to the requirements of this Code for new buildings or shall be entirely demolished. In the repairs or alterations of an existing building or structure, proof of engineering calculations and other data necessary in conformity with the requirements of the Wisconsin State Building Code shall be accepted as conforming with the requirements of this Chapter.

(c) Changes in Use. If the existing use or occupancy of any existing building is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall be made to conform to the requirements given herein for new buildings; provided, however, that if the use or occupancy of only a portion or portions of an existing building is changed, then only such portion or portions of the building need be made to comply with said requirements; and provided further, that the Building Inspector is hereby given authority to approve any change in the use or occupancy of any existing building, even though such building is not made to fully conform to the requirements of this Code, when it is obvious that such a change in the use or occupancy of the existing building will not extend or increase any nonconformity or hazard of the building.

(d) When Alterations or Repairs to Conform. Every alteration or repair to any structural part or portion of any existing building shall, when deemed necessary in the opinion of the Building Inspector, be made to conform to the requirements in this Code for new work, and not more than twenty-five (25) percent of any roof covering shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of this Code for new buildings.

(5) Affects All Buildings and Structures.

(a) **Application of Code.** The requirements contained in this Code covering the maintenance of buildings, shall apply to all buildings and structures now existing or hereafter erected. All buildings and structures and all parts thereof shall be maintained in a safe condition and all devices and safeguards which are required by this Code at the erection, alteration, or repair of any building shall be maintained in good working order.

(b) **Interpretation.** This section shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized in writing by the Building Inspector.

11.03 DEFINITIONS.

For the purpose of this Code, certain terms, phrases, and words and their derivatives shall be construed in this Chapter to have the following meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Wherever a section, chapter, or part is referred to in this Code number, it shall be understood to refer to section, chapter, or part of this Code.

(1) **Alteration.** “Alter or Alteration” means any change, addition or modification in construction or occupancy.

(2) **Apartment.** “Apartment” means a room or suite of rooms which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes.

(3) **Apartment House.** “Apartment House” means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

(4) **Approved.** “Approved” refers to approval as to materials and types of construction by the Building Inspector as the result of investigation and tests conducted by her or him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(5) **Attic, Attic Story or Half Story.** “Attic, Attic Story or Half Story” means that part of a building between the eaves and the ridge line of pitched roofs, so designed, arranged or built as to be used for business, storage or habitation.

(6) **Automatic Fire Protection System.** “Automatic Fire Protection System” means both automatic fire sprinkler systems and automatic fire suppression systems.

(7) **Automatic Fire Sprinkler System.** “Automatic Fire Sprinkler System” means an integrated system of underground and overhead piping for fire protection purposes, designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(8) **Automatic Fire Suppression System.** “Automatic Fire Suppression System” means a mechanical system designed and equipped to detect a fire, actuate an alarm and suppress or control a fire using water, water spray, foam, carbon dioxide, halogenated agent or other approved suppression agent.

(9) **Building.** “Building” means any structure used or built for the shelter or enclosure of persons, animals, chattels or movable property of any kind. When separated by a fire wall, each portion of such building or structure so separated shall be deemed a separate building.

(10) **Building Inspector.** “Building Inspector” means the officer or person charged with the administration and enforcement of this Code, or her or his duly authorized representative.

(11) **Building Line.** “Building Line” means the line established by law beyond which a building shall not extend, except as specifically provided by law.

(12) **Exterior Wall.** “Exterior Wall” means the outer wall or vertical enclosure of a building other than a party wall.

(13) **Existing Building.** “Existing Building” means a building already erected or one for which a legal permit has been issued prior to the adoption of this code.

(14) **Family**. “Family” means any number of individuals customarily living together as a single housekeeping unit and using common cooking facilities.

(15) **Fire Limits**. “Fire Limits” means that territory or those districts within a municipality described by ordinance in which, with certain specified exceptions, frame construction and unprotected metal construction are prohibited.

(16) **Floor Area**. “Floor Area” means a floor space enclosed by exterior walls, fire walls, or fire partitions or by a combination of them.

(17) **Footing**. “Footing” means the spreading course at the base or bottom of a foundation wall, column or pier.

(18) **Foundation Wall**. “Foundation Wall” means a wall or pier below curb level serving as a support for a wall, pier, column, or other structural part of a building.

(19) **Lot**. “Lot” means a piece or parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied by a building and its accessory buildings, is sufficient to provide the required yards and courts.

(20) **Lot Lines**. “Lot Lines” means the property lines bounding the lot.

(21) **Occupancy**. “Occupancy,” as used in this Code, pertains to and is the purpose for which a building is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

(22) **Owner**. “Owner” includes the duly authorized agent or attorney of the owner, a purchaser, deviser, fiduciary, and a person having a vested or contingent interest in the property in question.

(23) **Person**. “Person” includes a corporation and a co-partnership as well as an individual.

(24) **Repair**. “Repair” means the replacement of existing work with the same kind of material used in the existing work not including additional work that would affect the structural safety of the building, or that would affect or change required exit facilities.

(25) **Residence Building**. “Residence Building,” except when classed as an institutional building, means a building in which sleeping accommodations are provided, including, among others, dwelling, tenements, multi-family houses, hotels, lodging houses, dormitories, convents, studios and club houses.

(26) **Shall.** “Shall,” as used in this Code, means mandatory.

(27) **Structure.** “Structure” means anything constructed, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.

11.04 BUILDING INSPECTOR.

(1) Appointment; Term. The Building Inspector shall be appointed by the Common Council, for an indefinite term at a salary fixed by the Common Council, and shall hold office, unless sooner removed by the Common Council, until his or her successor shall have been duly appointed and qualified.

(2) Qualifications and Removal. The Building Inspector shall have the necessary ability to supervise the general construction of buildings and other permanent equipment of buildings. He or she shall not be interested, either directly or indirectly, in the construction of buildings, or in the preparation of plans and specifications therefor, or permanent building equipment except as may be authorized by the Common Council. The Common Council may at any time remove the Building Inspector or Inspectors or employees for inefficiency, neglect of duties or malfeasance in office, upon due notice and hearing.

(3) Records to be Kept. The Building Inspector shall keep a record of all applications for building permits and regularly number each permit in the order of its issue. He or she shall keep a record showing the number, description and size of all buildings erected during the term of her or his office, indicating the kind of materials used and the cost of each building and the aggregate cost of all buildings of the various classes. He or she shall keep a record of all inspections made, and of all removal and condemnation of buildings, and a record of all fees collected by him or her, showing the date of their receipt and delivery to the City Treasurer. He or she shall make a semi-annual report and an annual report to the Common Council on the above matters.

(4) Powers and Duties of the Building Inspector. The Building Inspector is hereby authorized and directed to enforce all of the provisions of this Code and for such purpose shall have all the powers of a police officer.

The Building Inspector or her or his authorized representative may enter any building or premises for the purpose of inspection, or to prevent violation of this Code, upon presentation of the proper credentials. Application for, and acceptance of a permit under this Code shall constitute a consent to such entry. Any person interfering with the Building Inspector while in the performance of official duties prescribed in this section shall be

deemed guilty of a violation of this Code and punished accordingly.

Whenever any building work is being done contrary to the provisions of this Code, or is being done in an unsafe or dangerous manner, the Building Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work until authorized by the Building Inspector to recommence and proceed with the work.

Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such uses or occupancy discontinued and the building or portion thereof vacated by serving notice on any person or persons using or causing such occupancy to be continued and such persons shall vacate such building or portion thereof within ten (10) days after receipt of such notice, or make the building or portion thereof comply with the requirements of this Code.

(5) Workmanship. The Building Inspector shall have the power and authority to require that all construction, alteration, repair and removal of buildings be done and performed in accordance with the standard of good workmanship. Such power shall be part of this Code and enforced accordingly.

(6) Alternate Types of Material and Construction.

(a) Allowance For. The provisions of this Code are not intended to prevent types of construction or materials offered as an alternate for the types of construction or materials required by this Code, but such alternate types of construction or materials to be given consideration shall be offered for approval as specified in this Chapter.

(b) Application for Approval. Any person desiring to use types of construction or materials not specifically mentioned in this Code shall file with the Building Inspector good and sufficient proof in support of the claims that may be made regarding the sufficiency of such types of construction and materials and request approval and permission for their use.

(7) Permit Can Not Cancel Provisions of this Code. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except in so far as the work or use which it authorizes is lawful.

(8) Building Inspector Can Require Correction of Errors in Plans. The issuance of a permit upon 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 thereunder when in violation of this Code or of any other ordinance of the City.

11.05 BUILDING PERMITS AND INSPECTION.

(1) Permit Required. No person shall excavate for, erect or construct any building or structure, nor add to, enlarge, move, improve, alter, convert, repair, extend or demolish any building or structure, or cause the same to be done, without first obtaining a building permit therefor from the Building Inspector, nor shall any person install, replace or make any alteration or addition to any heating plant, gasoline tank, oil tank, elevator, toilet room, automatic fire protection system, or make any repairs to buildings or structures damaged by fire or otherwise, without first obtaining a building permit therefor from the Building Inspector.

(2) Minor Repairs; Permit Not Necessary. Notwithstanding subsection (1) no permit shall be required for any repairs that are non-structural including, but not limited to replacement of same or smaller size windows and doors, siding, gutters, and roofing where the total cost of repairs or maintenance is less than \$4,000, however, no heating, plumbing or electrical repairs shall be subject to this exception.

(3) Application and Permit. Any person desiring a building permit as required by this Code shall file with the Building Inspector an application therefor in writing on a blank form to be furnished for that purpose. Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot or block or tract, tax certificate number and street number, if any, or similar general description that will readily identify and definitively locate the proposed building or work. Every such application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the Building Inspector.

Copies of plans and specifications and a plot plan showing the location of the proposed building and of every existing building thereon, shall accompany every application for a permit, and shall be filed in duplicate with the Building Inspector; provided, however, that the Building Inspector may authorize the issuance of a permit without plans or specifications for small or unimportant work. Plans shall be drawn to scale upon substantial paper or cloth and the essential parts shall be drawn to a scale of not less than one-eighth (1/8) inch to one (1) foot.

Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the law will be complied with. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans, shall accompany the plans and specifications when required by the Building Inspector. All plans shall bear the name of the architect, engineer or persons responsible for their preparation, and in no case shall permits be issued when such persons have failed to comply with the requirements of Wis. Stat. s. 101.31 as the same may be amended.

The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Inspector and if found to be in conformity with the requirements of this Code and all other laws or ordinances applicable thereto, the Building Inspector shall, upon receipt of the required fee, issue a permit therefor. When the Building Inspector issues the permit he or she shall endorse in writing, or stamp both sets of plans and specifications "approved". One such approved set of plans and specifications shall be retained by the Building Inspector as a public record, and one such approved set of plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which work authorized thereby is in progress and shall be open to inspection by public officials.

Such approved plans and specifications shall not be changed, modified, or altered without authorization from the building Inspector, and all work shall be done in accordance with the approved plans.

(4) Waiver of Plans. No permit shall be issued where the cost of construction exceeds five hundred dollars (\$500.00) or in the case of alteration one hundred dollars (\$100.00) until duplicate plans and specifications have been submitted to and approved by the Building Inspector, provided that where the cost of the work does not exceed one thousand dollars (\$1,000.00) the Building Inspector may waive the filing of plans and specifications if in his or her opinion the work is sufficiently described in the application.

(5) Permit May Be Refused to Offenders. The Building Inspector is hereby authorized to refuse a permit or permits to any person, firm or corporation who shall be proved guilty, to his or her satisfaction of continued or intentional violation of this Code.

(6) Issuance of Permit. It shall be the duty of the Building Inspector to examine applications for permits, within a reasonable time after filing. If, after examination, he or she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed construction or work will be safe, the Building Inspector shall approve such application, and issue a permit for the proposed work as soon as practicable. If his or her examination reveals otherwise, he or she will reject such application, noting the reasons therefor and findings in

a report to be attached to the application and providing a copy to the applicant.

(7) Approval in Part. Nothing in this section shall be construed to prevent the Building Inspector from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the part and have been found to comply with this Code and the Wisconsin State Building Code.

(8) Posting of Permits. With every permit issued, the Building Inspector shall issue to the applicant a weatherproof permit card properly filled out. It shall be the duty of the applicant to post such card in a conspicuous place on the building or premises where the building is to be erected unobstructed from public view and not more than fifteen (15) feet above the grade level.

(9) Limitation. A permit under which no work is commenced within six (6) months after issuance shall expire by limitation. This does not preclude the renewal of a permit if the conditions under which the permit was originally issued have remain unchanged and there has been no change in the law that would adversely affect the permit.

(10) Revocation. The Building Inspector may revoke a permit or approval issued under the provisions of this Code in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(11) Duty of Police to Report. It shall be the duty of police officers to report at once to the Building Inspector any building which is being carried on without a building permit as required by this Code.

(12) Inspections.

(a) **By Whom.** Inspections required under the provisions of this Code shall be made by the Building Inspector or a duly appointed assistant; provided that he or she may accept reports of inspectors or recognized inspection services, after investigation of their qualifications and reliability. But no certification called for by any provision of this Code shall be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(b) **Inspections.** The Building Inspector, upon notification from the permit holder or his or her agent, shall cause to be made the following inspections of buildings and either approve that portion of the construction which has been completed or shall notify the

permit holder or agent wherein the construction fails to comply with the law, regulations or orders, and it shall be the duty of the permit holder or agent to notify the Building Inspection Department when ready for such inspections. The Building Inspection Department then shall make such inspections as soon as possible and within twenty four (24) hours after notification. Inspections shall be made of all new building, additions and alterations and of buildings where application for new use or public garage occupancy is wanted.

(c) **Inspection Types.** In general, the following inspections shall be completed for all building projects whenever applicable:

1. **Footing Inspection** – To be completed after forms and required reinforcing are in place but before concrete is poured.
2. **Foundation Inspection** – To be completed after forms are removed but before backfilling. Drain tiles (when required) shall be in place and foundation waterproofing and insulation shall be applied.
3. **Rough Inspection** – To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction and framing work. Inspections shall be completed after all rough work is finished but before it is covered or concealed.
4. **Insulation/Energy Inspection** – To be completed after insulation and vapor barrier are in place but before they are covered or concealed.
5. **Final Inspection** – To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction work after all work is finished but before use or occupancy of the building or part thereof.

(d) **Inspection Disclaimer.** Inspection findings are intended to report conditions of apparent noncompliance with code standards that are apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building or premises. No guarantee or warranty of the premises, operation, use, or the durability of equipment or materials is expressed or implied.

(e) **Stop Work Order.** Upon notice from the Building Inspector that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, such work may be ordered immediately stopped. The Stop

Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the building or structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be deemed guilty of a violation of this code and shall be subject to penalties and forfeitures as described in section 30.04 of this code.

(13) Certificate of Occupancy.

(a) Requirement For. No building shall be occupied in any part thereof or used for storage, model home or display unless or until a Certificate of Occupancy has been issued by the Building Inspector. The Building Inspector shall, after an application therefor has been filed by the owner or agent, issue a Certificate of Occupancy for such building, if after inspection it is found that such building complied with the provisions of this Code and all other requirements of law or ordinances applicable thereto. Such inspection shall also be made as to whether curbs or sidewalks have been damaged during construction. In the event that curbs and sidewalks are cracked or broken from construction activity at the time of an inspection for a Certificate of Occupancy, the applicant for the building permit shall repair such damaged curb or sidewalk within thirty (30) days. Such Certificate of Occupancy shall show the use to which the structure may be put and the maximum allowable floor loads for each floor thereof. A temporary Certificate of Occupancy may be issued by the Building Inspector for temporary use of a portion of a building prior to the completion and occupancy of the entire building, provided that such temporary occupancy or use will not jeopardize life or property.

(b) Change of Use. The use or occupancy of any building shall not be changed until a Certificate of Occupancy permitting the new use or occupancy is issued by the Building Inspector when the new occupancy is such as to require alterations or repairs of the building, as specified in this Code. No such Certificate of Occupancy shall be issued unless the building shall comply with the requirements of this Code.

(14) Permit Fees. A Permit Fees Schedule setting forth the fee for all permits issued by the Building Inspection Department is hereby adopted. The Permit Fee Schedule shall follow this chapter and is incorporated by reference as if fully set forth herein. No permit fees shall be required for buildings and structures owned by the City of Middleton.

**CITY OF MIDDLETON
BUILDING INSPECTION DEPARTMENT
PERMIT FEE SCHEDULE**

NEW CONSTRUCTION, ADDITIONS AND TENANT BUILD-OUTS

(a) Building Permits. Building permit fees shall be the sum of:

- | | | |
|-------------------------------------|---|------------------------|
| 1. | Base Fee | \$100.00 |
| 2. | Erosion Control Fee | |
| (New residential construction only) | | |
| a. | Single Family | \$100.00 |
| b. | Two-Family | \$200.00 |
| 3. | Fee Determined by Building Group and Size | |
| a. | Group I | \$.075 per square foot |
| b. | Group II | \$.120 per square foot |
| c. | Group III (up to 10,000 sq ft) | \$.080 per square foot |
| | (each additional sq ft) | \$.070 per square foot |

(b) Electrical Permits. Electrical permit fees shall be the sum of:

- | | | |
|----|---|------------------------|
| 1. | Base Fee | \$40.00 |
| 2. | Fee Determined by Building Group and Size | |
| a. | Group I | \$.040 per square foot |
| b. | Group II | \$.060 per square foot |
| c. | Group III | \$.020 per square foot |

(c) Plumbing Permits. Plumbing permit fees shall be the sum of:

- | | | |
|----|---|------------------------|
| 1. | Base Fee | \$40.00 |
| 2. | Fee Determined by Building Group and Size | |
| a. | Group I | \$.040 per square foot |
| b. | Group II | \$.060 per square foot |
| c. | Group III | \$.020 per square foot |
| 3. | Air Admittance Valves | \$50.00 each |

**(d) Heating/Ventilating/Air Conditioning Permits.
Fees shall be the sum of:**

- | | | |
|----|---|---------|
| 1. | Base Fee | \$40.00 |
| 2. | Fee Determined by Building Group and Size | |

- | | | | | |
|----|-----------|----|------|-----------------|
| a. | Group I | \$ | .040 | per square foot |
| b. | Group II | \$ | .060 | per square foot |
| c. | Group III | \$ | .020 | per square foot |

(e) General Notes

1. Building Groups are defined below.
2. Areas included for fee calculation purposes shall include all floor levels, basements, attached garages, porches and all spaces enclosed and under roof. The Building Inspection Department will be responsible for calculating the square footage of all buildings.
3. All fees are rounded to the nearest dollar.

MINOR ALTERATIONS AND REPAIRS TO EXISTING BUILDINGS

(f) Building permits. Fees shall be the sum of sub 1. and 2., minimum as shown:

- | | | | |
|---------------------------------------|---------------------------------|----|-----------------------|
| 1. | Base fee | \$ | 40.00 |
| 2. | Fee Determined by Building Cost | \$ | 5.00 per \$1,000 cost |
| (rounded up to nearest \$1000) | | | |
| 3. | Minimum fee: | | |
| a. | Residential | \$ | 50.00 |
| b. | Commercial | \$ | 100.00 |

(g) Electrical Permits. Fees shall be the sum of:

- | | | | |
|----|----------------------|----|--------------------|
| 1. | Base fee | \$ | 40.00 |
| 2. | Permanent Service | \$ | 15.00 each 100 AMP |
| 3. | Feeders or Circuits: | | |
| | 0-30 AMP | \$ | 3.00 each circuit |
| | 31-60 AMP | \$ | 6.00 each circuit |
| | 61-100 AMP | \$ | 10.00 each circuit |
| | 101 AMP and greater | \$ | 14.00 each circuit |

(h) Plumbing Permits. Fees shall be the sum of:

- | | | | |
|----|---|----|------------|
| 1. | Base fee | \$ | 40.00 |
| 2. | Water service | \$ | 20.00 |
| 3. | Sewer or Storm Sewer – if less than 100' | \$ | 20.00 |
| 4. | Sewer or Storm Sewer – if greater than 100' | \$ | 30.00 |
| 5. | Meter Couplings | \$ | 15.00 each |
| 6. | Fixtures | \$ | 6.00 each |
| 7. | Lawn Sprinkler | \$ | 25.00 |
| 8. | Air Admittance Valves | \$ | 50.00 each |

- (i) **Heating/Ventilating/Air Conditioning Permits.**
 Fees shall be the sum of:
- | | | |
|----|---|-------------------------|
| 1. | Base fee | \$40.00 |
| 2. | Fee Determined by Building Cost
(rounded up to nearest \$1000) | \$4.00 per \$1,000 cost |
| 3. | Gas Connections | \$6.00 each |
- (j) **General Notes**
1. Construction cost includes labor and materials.
 2. The Building Inspector shall be responsible for estimating construction costs utilizing information provided by permit applicants.
 3. All permit fees are rounded to the nearest dollar.

MISCELLANEOUS FEES AND REQUIREMENTS

- | | | |
|-----|---|-----------------------|
| (k) | Swimming Pool
(Building Permit Only; Electrical and Plumbing Permits also required.) | \$60.00 |
| (l) | Moving of Building/Structure | \$250.00 per building |
| (m) | Demolition, whole building or interior | \$100.00 per building |
| (n) | Permit to Start Construction | |
| | 1. Residential | \$100.00 |
| | 2. Commercial | \$500.00 |
| (o) | Failure to obtain any required occupancy permit prior to occupancy | |
| | 1. Residential | \$100.00 |
| | 2. Commercial | \$500.00 |

(p) Automatic Fire Suppression System and/or Fire Alarm System

BUILDING AREA (SQUARE FEET)	FIRE ALARM SYSTEM PLANS	FIRE SUPPRESSION SYSTEM PLANS
Less than 2,500	\$30.00	\$30.00
2,501-5,000	\$60.00	\$60.00
5,001-10,000	\$80.00	\$80.00
10,001-20,000	\$150.00	\$150.00
20,001-30,000	\$200.00	\$200.00
30,001-40,000	\$300.00	\$300.00
40,001-50,000	\$500.00	\$500.00
50,001-75,000	\$700.00	\$700.00
75,001-100,000	\$1,000.00	\$1,000.00
100,001-200,000	\$1,300.00	\$1,300.00
200,001-300,000	\$3,100.00	\$3,100.00
300,001-400,000	\$4,500.00	\$4,500.00
400,001-500,000	\$5,900.00	\$5,900.00
Over 500,000	\$6,700.00	\$6,700.00

(q) Blocking Sidewalk Street or Alley **\$30.00**
Permit is valid for up to 30 days. Permit renewal with additional permit fee is allowed up to six months total. Permit also applies to temporary enclosure or canopy use of street, alley or other public space.

(r) Wisconsin Uniform Building Permit Seal **\$50.00 per seal**

(s) Fences or sheds **\$25.00 each**

(t) Additional and Miscellaneous Inspections **\$40.00 each**

(u) Residential Plan Review
1. **Single family** **\$100.00**
2. **Two-family** **\$200.00**

(v) Commercial Plan Review
1. **0-2,000 square feet** **\$150.00**
2. **2,001 – 5,000 square feet** **\$200.00**
3. **5,001 square feet and greater** **\$300.00**

- (w) **Premature Inspections.** Any developer/contractor who calls for an inspection and the work is not ready for inspection may be assessed forty dollars (\$40.00) per inspection.
- (x) **Delinquent Permit Penalty.** A penalty equal to the amount of the permit fee at the time of application shall be assessed whenever the required permit is not obtained prior to commencing work.

BUILDING GROUPS – NEW CONSTRUCTION AND ADDITIONS

- (y) 1. **Group I – All residential buildings, single family, two-family and multifamily dwellings, residential garages and storage sheds. (This group does not include hotels, motels or institutional buildings).**
2. **Group II – General and professional offices, barber shops, beauty parlors, bowling alleys, dry-cleaning establishments, clinics, natatoriums, shelters, hotels and motels, taverns, restaurants, cafeterias, retail establishments, commercial garages, service stations, churches, assembly halls, theaters, exhibition buildings, educational institutions, hospitals, nursing homes, places of detention, gymnasiums, arenas, laboratories, lodge halls, funeral homes, libraries, skating rinks, dance halls, and armories.**
3. **Group III – Warehouses, freight terminals, storage buildings, refrigeration storage, factories, machine shops, electric sub-stations, sewage treatment plants, heating plants, steam & electric generating plants, transformer vaults and other building not classified in Groups I – II.”**

(15) Elevation of Buildings. In order to safeguard the public health and safety from hazards arising from the construction of steep and dangerous driveways and sidewalks extending from lots and parcels of land into public streets and sidewalks in the City and in order to prevent the construction of buildings and other structures at elevations significantly above or below the elevations of other structures in the immediate neighborhood or significantly above or below abutting streets or sidewalks which structures would if erected at such elevations cause a substantial depreciation of the property values of said neighborhood, all plans required by this Code to be approved by the Building Inspector shall show thereon the elevation of the base of the basement or ground floor thereof, giving the number of feet and inches which said which said base is above or below the center point of the street at the lot line nearest to any existing or proposed private driveway or sidewalk. If the Building Inspector, after an examination of

the premises, shall find the proposed elevation to be neither higher nor lower than in his or her judgment the public safety and protection of property values in the immediate neighborhood require, he or she shall place his or her signature and the date of signing the same thereon. If the Building Inspector, after an examination of the premises, shall find the proposed elevation to be either higher or lower than in his or her judgment the public safety and the protection of property values in the immediate neighborhood require, he or she shall refuse to issue a building permit and shall immediately advise the applicant of this decision. Thereupon, the applicant may appeal from the decision of the Building Inspector to the Zoning Board of Appeals, pursuant to the Zoning Code.

(16) Impact fees.

(a) **Law Enforcement Facilities Impact Fee.** At the time a building permit is issued, except where collection is deferred pursuant to Wis. Stats. § 66.0617(6)(g) or any City Ordinance adopted in accordance therewith, for construction of new single family, two family, multi-family, commercial or industrial development, or for an addition to any residential building adding additional dwelling units or for any additions to any commercial or industrial development, an impact fee shall be collected.

The impact fee shall be calculated as follows:

Type of Development	Impact Fee
Single Family or Two Family	\$742.00 per dwelling unit
Multi-Family	\$556.00 per dwelling unit
Studio and one bedroom apartment	\$371.00 per dwelling unit
Commercial Development	\$0.23 per square foot
Industrial Development	\$0.14 per square foot.

(b) **Fire Facilities Impact Fee.** At the time a building permit is issued, except where collection is deferred pursuant to Wis. Stats. § 66.0617(6)(g) or any City Ordinance adopted in accordance therewith, for construction of new single family, two family, multi-family, commercial or industrial development, or for an addition to any residential building adding additional dwelling units or for any additions to any commercial or industrial development, an impact fee shall be collected.

The impact fee shall be calculated as follows:

Type of Development	Impact Fee
Single Family or Two Family	\$238.00 per dwelling unit
Multi-Family	\$179.00 per dwelling unit

Studio and one bedroom apartment	\$119.00 per dwelling unit
Commercial Development	\$0.07 per square foot
Industrial Development	\$0.05 per square foot.

(c) **EMS Facilities Impact Fee.** At the time a building permit is issued, except where collection is deferred pursuant to Wis. Stats. § 66.0617(6)(g) or any City Ordinance adopted in accordance therewith, for construction of new single family, two family, multi-family, commercial or industrial development, or for an addition to any residential building adding additional dwelling units or for any additions to any commercial or industrial development, an impact fee shall be collected.

The impact fee shall be calculated as follows:

Type of Development	Impact Fee
Single Family or Two Family	\$260.00 per dwelling unit
Multi-Family	\$195.00 per dwelling unit
Studio and one bedroom apartment	\$130.00 per dwelling unit
Commercial Development	\$0.08 per square foot
Industrial Development	\$0.05 per square foot.”

11.06 GENERAL BUILDING RESTRICTIONS.

(1) Building Zone Restrictions. The restrictions of the zoning code with respect to the location of trades and industries, the use and occupancy of buildings, and the areas of yards, courts and other spaces, shall not be deemed to be modified by any provision of this Code; and such restrictions shall be controlling except insofar as this Code imposes greater restrictions by reason of the type of construction used, in which case the provisions of this Code shall control.

(2) Public Garages.

(a) Permit Required. It shall be unlawful to conduct any business under the classification of a public garage unless a permit to conduct a public garage is first obtained from the Building Inspector.

(b) Conditions. No building which does not conform to the Wisconsin State Building Code requirements for public garages and which has not been used continuously since 1918, shall be used or occupied as a public garage, provided that public garages built since 1918 which at the time of construction conformed to code requirements and have

been used continuously as a public garage since that time, may continue to be so used and occupied.

(c) **Converting Use.** Any building which has been used for other occupancies shall not become a public garage again unless it be made to comply with the rules and regulations for new buildings.

(3) Mercantile Buildings. All buildings and additions to existing buildings with are hereafter built for, and are to be used as, mercantile establishments where commodities are bought or sold and used for the display, sale or storage of goods, wares or merchandise, for the supplying of food, drink, goods, wares or merchandise, for the supplying of food, drink, or other bodily needs or comforts shall have brick walls or the equal thereof in fire resistance, and a fire resistive roof covering material composed of three or more thicknesses, or ply, or approved asphalt saturated fiberglass felt, or three or more thicknesses, or ply, of approved asphalt or tar saturated ragfelt with gravel, or equal surfacing, or approved asphalt composition shingles, approved fiberglass shingles, tin, sheet iron, clay tile, concrete tile, concrete or other approved incombustible material. The first floor over the basement shall be constructed of reinforced concrete, protected steel construction or equal. Where steel joist construction is used, the top slab or floor construction resting on the steel joists shall be of approved concrete, reinforced with approved steel bar or fabric reinforcement fastened to the joists and designed in conformance with the requirements of the Wisconsin State Building Code. The thickness of the reinforced floor slab shall not be less than two inches. The underside of steel joist assembly shall be protected by a ceiling of expanded metal lath and Portland cement mortar not less than 3/4 inch thick. The top floor slab and the protection for the underside of steel joist shall create air space, or spaces, between or around the steel joists completely isolated from the open atmosphere.

Steel joists shall not be used in first floor panels having less than five feet in height of well ventilated air space below, nor in floor panels over damp basements.

Beams, girders and columns supporting steel joists shall be protected with approved incombustible base and approved plaster not less than 3/4 inch in thickness, a continuation of the under joist protection.

In buildings of more than one story, the ceilings shall be semi-fire proof and the floor and roof joist shall be supported by incombustible walls or partitions, or by semi-fireproof partitions, or by columns and girders. If a bearing partition is supported by a steel beam or girder, such beam or girder shall be covered with metal lath and plaster or other approved fireproofing.

The stairs leading to the basement shall be constructed of incombustible materials and the partition enclosures of such stairways shall be semi-fireproof construction.

The term "mercantile buildings" as used in this section shall not be deemed to include factory buildings or warehouses and shops used in connection therewith.

(4) Substitutes for Buildings.

(a) **Prohibited Substitutes.** The placing, erection or maintenance upon any lot or parcel of ground within the corporate limits of the City, of any wagon, car, tent, trailer, shed or any other substitute for a building, used or to be used for the display or sale of food or of other merchandise or used for any business or residential purposes is hereby prohibited, except for temporary accessory uses permitted by the Zoning Code.

(b) **Tourist Trailers.** Tourist trailers may be used only as temporary places of abode and shall be placed only at special designated places such as tourist camps, etc., set aside and assigned for such parking purposes.

(5) Habitable Rooms.

(a) **What Constitutes a Habitable room.** Habitable room means a room occupied by one or more persons for living or sleeping and includes individual households, but does not include serving apartments, kitchenettes, bathrooms, water closet compartments, laundries, serving and storage pantries, cellars and spaces that are not used frequently or during extended periods.

(b) **Windows Required.** Every habitable room shall have one or more windows opening directly on a street, alley, or required yard or courts conforming to the requirements of this section.

(c) **Minimum Dimensions.** Such rooms shall not be less than six feet wide in any part, and shall contain not less than sixty square feet of clear floor area. Such rooms shall have a clear height of not less than seven feet six inches for at least sixty square feet of floor area.

(d) **Use of Partitions.** It shall be unlawful to divide a habitable room or enclose a part thereof by curtains, portiers, fixed or movable partitions or other contrivances or devices, unless each part of the room so divided or enclosed shall separately conform to the requirements of this section.

(e) Construction Materials. Every habitable room as defined in this Chapter shall have all walls, ceilings and partitions plastered or covered with incombustible wallboard, except that wood and plywood may be used as a surface covering and applied direct to wood frame construction adequately fire stopped. This also applies to corridors, passageways and stairway enclosures in one and two family residences.

Soft textured pulp or fibre boards and similar materials shall not be used as an interior surface covering for walls, partitions and ceilings in habitable rooms unless applied over 1/2 inch thick plaster or incombustible wall board not less than 3/8 inch thick, except that when applied over incombustible construction such wallboards may be used and applied to wood nailing strips adequately firestopped without the backing as required above.

Attics, recreation rooms and playrooms in basements, dividing non-bearing partitions within stores and office buildings, etc., may be finished with approved wallboards applied direct to wood frame, omitting the plaster or incombustible wallboard backing unless otherwise required by the Wisconsin State Building Code.

(6) Toilet Room. A room containing one toilet shall contain not less than ten (10) square feet of floor area. A room containing one toilet and one lavatory shall contain not less than fourteen (14) square feet of floor area.

(7) Repairs. Every building and structure heretofore, or hereafter erected shall be kept in good repair to maintain the conditions of safety and habitability prescribed by this Code; and rain water shall be drained and conveyed therefrom so as to prevent dampness in the walls and ceilings.

(8) Damaged Buildings. Every building that may be damaged by fire or otherwise shall be examined by the Building Inspector before a permit is issued to repair or replace the same, and such parts of said buildings as in his or her opinion are unsafe, or damaged to an extent that will impair the safety of the reconstructed building shall be taken down.

(9) Excavations. Excavations started and not made use of within six (6) months from the date of issuance of the building permit shall be deemed to constitute a nuisance, and shall, (unless extensions are granted) be restored to the original grade level by back filling, and the owner shall upon notification from the Building Inspector in writing cause such excavations to be properly filled and leveled off within ten (10) days after receiving such notice. Upon failure to comply with such notice the Building Inspector may enter upon the premises with such assistance as may be necessary causing the existing condition to be corrected and the cost thereof charged against the property and shall be a lien thereon and shall be assessed and collected as a special tax.

(10) Roofed Passageways. Whenever in the opinion of the Building Inspector it is necessary for the protection of the public, the owner or contractor shall erect a roofed passageway in front of every building being constructed on or near the lot line of any street. Said passageway shall be built in front of the building under construction and also on the side of said building when such building is being erected on a corner lot. Such passageway shall extend over the sidewalk for a distance of not less than six (6) feet from the working line of the building. The roof of said passageway shall be made double.

(11) Means of Egress.

(a) **Requirements in General.** Buildings hereafter erected shall be provided with exit facilities in accordance with the requirements of the Wisconsin State Building Code and the Building Code and Minimum Housing and Property Maintenance Code of the City.

(b) **Future Alterations.** No building shall be altered so as to reduce the number or capacity of exits to less than required for buildings of similar construction and occupancy hereafter erected. Exits hereafter installed shall conform to the requirements for exits in new buildings, except when such exits are installed to comply with a specific order of the Building Inspector.

(c) **Existing Deficiencies.** Every existing building which is not provided with exit facilities as prescribed in this section for new buildings and in which the existing exit facilities are inadequate for the safety of the occupants, shall be provided with such means of egress as shall be directed in a written order by the Building Inspector.

(d) **Exits Shall Include.** Exits shall consist of interior stairways, fire towers, horizontal exits, exterior stairways, fire escapes, passageways or doorways, constructed and arranged as required by the Wisconsin State Building Code and the Building Code of the City.

(e) **Minimum Requirements.** Minimum exit requirements for small dwellings used exclusively as a residence for one or two families, or a boarding or rooming house serving not more than ten (10) persons with meals or sleeping accommodations or both shall have at least two (2) exits as far from each other as the plan of the building will permit, and so arranged that they are accessible through public passageways from each room or group of rooms without passing through any other room or group of rooms. At least one-half (1/2) of such exits shall be enclosed stairways, the other half may be either horizontal exits or fire escapes.

(13) Private Garages Combined With Dwellings. When a garage is located beneath or attached to a dwelling, the following regulations as to its construction shall be observed:

(a) The floor and ceiling construction above the garage when it is located beneath the building, or the roof of the garage when it is attached to the building shall consist of wood joists, fire stopped, and a ceiling tightly sheathed.

(b) The outside walls of and partitions between the garage and dwelling shall consist of wood studs covered with a tight sheathing.

(c) Opening from a dwelling into a garage shall be restricted to a single doorway. The doorsill shall be raised at least one half (1/2) foot above the garage floor level.

(d) Garage floors shall be made of concrete or equally fire resistive and impervious material.

(15) Sanitation. Until permanent provisions are made, suitable and adequate temporary toilet facilities shall be provided during the erection, alteration or repair of a building.

(16) Wooden Shingles. Outside the fire limits, dwellings, private garages and barns, separated by at least twelve (12) feet from other buildings may be roofed with approved vertical grain or edge-grain wooden shingles. The combined thickness of each five (5) shingles measured at the butts shall be not less than two (2) inches. The exposure of such wooden shingles to the weather shall not exceed, on roofs greater than one-third (1/3) pitch, five (5) inches for sixteen (16) inch shingles, five and one-half (5 1/2) inches for eighteen (18) inch shingles and seven and one half (7 1/2) inches for twenty four (24) inch shingles; nor on roofs with less than one third (1/3) pitch but not less than one fourth (1/4) pitch, four (4) inches for sixteen (16) inch shingles, four and one half (4 1/2) inches for eighteen (18) inch shingles, and six and one half (6 1/2) inches for twenty four (24) inch shingles. Such shingles shall be firmly nailed to the roof deck with non-corrodible and rust resistive nails according to accepted good practice. The American Lumber Standards established in Simplified Practice Recommendations R16-29 of the U. S. Department of Commerce, shall be accepted as means of establishing the grade of shingles. Roof boards under wooden shingles may be spaced not to exceed three fourths (3/4) inches between boards.

(17) Marquises. Marquises at entrances to buildings may extend beyond the building line and across the sidewalk a distance of two (2) feet from the curb line; provided they are not less than ten (10) feet above the curb level at all points, and, within the fire limits, are constructed of iron and glass or other incombustible materials. They shall be securely supported from the building, and shall be properly drained. No marquise shall extend along the street wall of the building for more than fifty (50) percent of the length of such

wall, nor in any case more than twenty five (25) feet, and there shall be a clear distance of not less than four (4) feet between any two (2) marquees on the same building.

(18) Rainwater. It is unlawful within the City to allow downspouts or rainwater leaders from roof gutters to be disconnected, spilling the water in such a manner as to overflow the adjacent property of the neighborhood. Anyone found guilty of causing such conditions to exist, shall upon notice in writing cause such conditions to be corrected within ten (10) days after receiving such notice. In case of failure to do so the owner of the property shall be guilty of violating this Code and prosecuted accordingly. This applies to and includes all new and existing buildings.

(19) Demolition of Buildings and Structures.

(a) **Permit Required.** No person, firm, or corporation, agent or servant shall demolish or cause to be demolished any building, structure or part thereof without applying for and obtaining a permit from the Building Inspector.

(b) **Process to be Used.** Whenever a building shall be demolished the roof and each upper story shall be taken down before the demolition of the next lower story is begun, and no material shall be placed to overload any part of such building in the course of demolition, and all brick, stone, timbers and structural parts of each story shall be lowered to the ground immediately upon displacement, and all dry mortar, lime, brick dust or other flying material shall before and during removal be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property, and all sidewalks shall be protected by fences and scaffolds as required by the ordinances of the City relating to the protection of the sidewalks during the erection of buildings.

(c) **Grading and Fencing.** The building site of any building hereafter demolished shall be properly cleared of all debris and rubbish and shall be properly graded and leveled off so as not to spoil the appearance of a neighborhood, or the excavations shall be fenced in with a board fence for the protection of the public, such fence to be not less than four (4) feet in height.”

(20) Bill Posting on Building Enclosures. It shall be unlawful to post or allow to be posted any bills on fences and enclosures erected and used in connection with the erection or wrecking of buildings and structures, except that architects, engineers and contractors represented in the construction work within such enclosures, may post or paint on such fences and enclosures the names and addresses of their respective firm as permitted in Chapter 22 (Sign Code).

(21) Exterior Lighting Required on Multi-Family Dwellings. In all buildings containing four (4) or more dwelling units adequate security lighting of all exterior parking and service walk areas shall be provided so that visibility will be maintained

11.08 LAND GRADING.

(1) Permit Required. No person shall excavate, grade, regrade, or fill any building site or other parcel of land without first obtaining a permit therefor from the Building Inspector.

(2) Application. Any person desiring a grading permit as required by this section shall file with the Building Inspector an application therefor in writing on a form to be furnished for that purpose. Every application for a permit shall describe the land upon which the proposed excavating, grading or filling is to be done, either by lot and block or tract, tax parcel number and street number, if any, or any similar description which will readily identify and definitively locate the parcel of land. In addition, the applicant shall submit with the application a topographic map of the existing site and a topographic map of the site as it is intended to exist after the proposed grading or filling changes are made therein, said maps to be prepared by a professional engineer or registered land surveyor. The application shall not be eligible for approval if the topographic map showing the elevations of the site after grading or filling indicates slopes in excess of one foot of elevation to two lateral feet. The application shall likewise set forth the following:

(a) A proposed schedule of the work, indicating the date for completion thereof.

(b) A description and dates of installation of erosion control structures which shall be adequate, as determined by the City Engineer, to prevent the run-off of earth, silt, and water onto adjacent parcels or land, streets, highways and waterways.

(c) A detailed landscaping plan, showing the proposed areas of surfacing, planting, seeding, sodding and screening on the site, and a precise time schedule for the completion of these improvements.

(3) Permit Issuance. Upon payment of the fee under sec. 11.05(14) and when the Building Inspector finds that the application complies with the requirements of this section, the Building Inspector shall approve the application and issue a permit to the applicant. Such permit shall provide that it has been issued on the condition that no work will be done on the site during any period of time when the wind velocity exceeds twenty (20) miles per hour and that work which produces dust or other harmful air borne substances in sufficient quantities to endanger health or safety in violation of the standards as set forth in Chapter NR 154, Wisconsin Administrative Code, or substantially annoy the public shall be prohibited, and that top soil will be replaced and surface protection applied on all

disturbed areas within three (3) weeks after the date of completion of the work specified in the application. In the event that a building permit or building permits for the graded area applied for and issued within said three week period, the required replacement of top soil and application of turf on all disturbed areas may be deferred until completion of the construction for which the building permit was issued.

(4) Revocation. The Building Inspector shall revoke any permit granted under this section in case he or she shall find that the holder of the permit has misrepresented any material fact or has failed to make the improvements set forth in the application, or in the event that the holder has violated any of the conditions with respect to wind control or restoration of the site under which the permit was issued.

(5) Penalty. Any person who shall excavate, grade, regrade or fill any building site or other parcel of land for which a grading permit has not been issued under this section, shall be subject to a penalty as prescribed in s. 30.04 of this Code. Any person who shall excavate, grade, regrade or fill any building site or other parcel of land for which a grading permit has been issued, after such permit has been revoked as hereinabove provided, shall be subject to a penalty as prescribed in s. 30.04 of this Code for each day such violation continues. In addition to the penalties hereinabove provided and in the event that the holder of a grading permit issued as hereinabove provided shall fail to make any of the improvements set forth in the application in accordance with the time schedule therein stipulated, and twenty days after a notice of revocation of said permit has been mailed to the holder thereof at the address shown in the application, the Department of Public Works may enter upon the site and do such minimal grading, filling and sodding as is necessary to eliminate dust arising from the surface and to prevent erosion which may affect adjoining properties, streets or waterways. Whenever the Department of Public Works shall do such work, a detailed account shall be kept of the time and materials required, and the total thereof shall be entered on the tax roll as a special tax against the property and collected with any other taxes levied thereon for the year in which the work is completed.

11.11 HEATING SYSTEM REQUIREMENTS.

(1) Heating Capacity. Any dwelling or building designed or intended to be used for dwelling purposes shall be equipped, maintained and operated with a heating system capable of maintaining a minimum temperature of 70 degrees Fahrenheit.

(2) Free Standing Heaters. Freestanding circulating heaters are banned for all use as of June 30, 1975.

(3) Installation and Operation of Room Heaters, Stoves and Freestanding Fireplaces.

(a) **Application.** This section applies to radiant heating units installed in the City. No person may install a radiant heating unit which fails to comply with the requirements of this section.

(b) **Definitions.** "Radiant Heating Unit" is a room heater, stove or freestanding fireplace not intended for duct connections used to heat a room or rooms using the combustion of solid fuel such as wood or coal as a source of heat.

(c) **Permit.** No person may install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspection Department. The Building Inspection Department shall give to each permit applicant the following information: It is recommended that:

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

(d) **Plan and Data Approval.** Plans and data for each radiant heating unit installation shall be submitted to the Building Inspection Department for approval before a permit may be issued. The following data is required to be submitted with each application:

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

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

(f) **Installation Clearance.** The clearances from combustibles for the radiant heating units shall conform to Table A herein and Table B herein.

(g) **Mounting of the Unit.**

1. On combustible floors the units shall be mounted on a firm, level base of brick, cement, concrete or other incombustible material.
2. On combustible floors the units shall be mounted on a four (4) inch thick concrete block base with circular or rectangular holes or equivalent

incombustible material so arranged that the holes will be parallel to the smaller dimension and be covered with sheet metal of not less than 24 US gauge. The above specified floor protection shall extend not less than eighteen (18) inches around the perimeter of the unit.

- 3. Units with legs on combustible floors. Units which have eighteen (18) inches or more of open space under the base of the unit may be mounted on combustible floors provided that the floor under the unit is protected with not less than one fourth (1/4) inch of fire resistant millboard and covered with sheet metal of not less than No. 24 US gauge. The above specified floor protections shall extend not less than eighteen (18) inches around the perimeter of the unit. If there is less than eighteen (18) inches of open space under the base of the unit, the unit shall be mounted on two (2) inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 US gauge. The above specified floor protection shall extend not less than eighteen (18) inches around the perimeter of the unit.**

(i) Size and Type of Chimney. An approved chimney shall be used for solid fuel burning equipment. The chimney shall be sized so that the cross sectional area of the chimney is not smaller than the cross sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the chimneys constructed according to the requirements of Chapter 11 of this Code and factory built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters Laboratories will be considered as approved.

(j) Chimney Connector. The chimney connector shall have a cast iron damper to control the draft.

(l) Combustion Air. If the Heating Inspector, after examination of the radiant heating unit and the furnace, deems it necessary to add combustion air, the size of the opening shall not be less than the cross sectional area of the flue collar size of the unit.

(m) Blower. A blower where used shall have adequate protection such as a screen or other material to prevent material from entering the blower assembly.

(n) Electrical Connections. The electrical connections, controls and wiring where used shall conform to the Electrical Code (Chapter 12) and to the Wisconsin Electrical Code.

(o) **Thermostat Control.** The thermostat control where used shall activate the blower motor at a temperature of one hundred (100) degrees Fahrenheit to one hundred twenty (120) degrees Fahrenheit.

(p) **Penalty.** Any person who fails to comply with the provisions of this section shall be subject to the penalty provisions of s. 30.04.

11.12 MOVING OF BUILDINGS.

(1) Permit. Every application for a permit to move a building shall set forth in detail a description of the construction at the present time, its use and location, also the new location, and any existing building thereon, the substructure that is to be placed upon, the use intended in the future, and the route to be traversed in the moving.

(2) Bond. The applicant shall file with the application a bond in the sum of five thousand dollars (\$5,000.00) payable to the City, with good and sufficient sureties to be approved by the Mayor and the City Attorney, conditioned to save and keep the City of Middleton harmless from all liability, and will indemnify the City against any and all judgments, claims, or every nature whatsoever, costs and expenses resulting from the moving of said proposed building. In lieu of or in addition to the bond referred to herein, the Mayor and City Attorney may require a policy of liability insurance naming the City as additional insured, in an aggregate amount not less than one million dollars (\$1,000,000.00).

(3) Protection of Property While Moving Building. The removal of a building shall be continuous during all hours of the day, and day by day, and at night if the Building Inspector so orders, until completed, with the least possible obstruction to thoroughfares. No building shall be allowed to remain over night upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant. Lighted lanterns displaying a red light shall be attached to every building being moved along a street during the period from thirty (30) minutes before sunset to thirty (30) minutes after sunrise.

(4) Protection of Streets and Improvements. Every person receiving a permit to move a building shall within one (1) day after said building reaches its destination, report to the Building Inspector, who shall notify the City Engineer. The City Engineer shall thereupon inspect the streets over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to the streets, the house mover shall forthwith place them in as good repair as they were before the permit was granted. Upon the failure of the permit holder to repair such damage within ten (10) days thereafter to the satisfaction of the City Engineer, the City Engineer shall repair the damage done to such streets and hold the applicant and or the sureties on the bond given by the permit holder

responsible for the payment of the same.

11.13 STORING MATERIALS ON STREETS AND SIDEWALKS.

(1) Permits Required. No building material or machinery or equipment shall be placed upon any street, sidewalk or parkway without a permit from the Building Inspector, who may issue such permit as provided herein.

(2) Application. Application for a permit to place material, machinery, etc., connected with the operation and construction of buildings, in a street, alley or on public property shall be in writing and it shall describe the premises by Lot, Block, Street and Street number in front of which it is desired to store such materials, and shall specify for which the permit is desired.

(3) Storage Regulations.

(a) Roadway Required. A continuous roadway shall be maintained with a minimum width of not less than two thirds (2/3) of the total width of the roadway between curb lines, nor less than eighteen (18) feet, and no material or machinery shall be placed within fifteen (15) feet of any public fire hydrant.

(b) Walkway Required. A continuous width of five (5) feet shall be maintained for the use of pedestrians and where such passages are other than the regular public sidewalks such temporary walks shall be guarded with railings on both sides and shall be provided with sufficient light so they may be safely used at all hours.

(c) Roof Protection May be Required. Whenever in the opinion of the Building Inspector it is necessary for the protection of the public, adequate roofs shall be constructed over any public street or sidewalk.

(d) Type of Storage Allowed. No material harmful to the pavement or sidewalk shall be placed or deposited thereon. No material or machinery shall be deposited on the street in front of any other premises without the consent of the owner.

(e) Unreasonable Interference. No such permit shall be issued where the placing of any such material or machinery upon the sidewalk, street, or public property will unreasonably interfere with the public safety and convenience, or where there is sufficient room on the lot, accessible from any street or alley for storage of any such material or machinery.

(f) Warnings Required. All materials and machinery, enclosures, temporary walks and passageways, etc., shall be adequately protected by danger signs, lanterns and torches, etc., as required by law.

(4) Bond. Before a permit is granted, the applicant therefor shall execute to the City and have on file with the Building Inspector a bond of undertaking in the sum of five thousand dollars (\$5,000.00) with surety or sureties to be approved by the Mayor and City Attorney, conditioned to save and keep the City harmless from all liability which may be incurred by the deposit or maintenance of such materials, machinery, etc., in the street, alley or public property by the applicant or his or her contractors, servants, agents or employees whether such deposit shall be placed within or beyond the limits specified in this Chapter.

11.14 MODIFICATIONS.

The Building Inspector shall have power to vary or modify any provisions of this Code or of any existing law or ordinance relating to the construction, alteration or removal of buildings or structures erected or to be erected within the City, upon an application to him or her therefore in writing by the owner of a building or structure, or duly authorized agent, where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, and public safety secured and substantial justice done. The particulars of each such application and of the decision thereon shall be entered upon the records of the Building Inspection Department, and if the application is granted a certificate therefor, together with a statement of the reasons for such decision, shall be issued by the Inspector. A record of all modifications properly indexed under section numbers of this Chapter shall be kept at the office of the Building Inspection Department.

Modifications of this Code made under the provision of this section shall in no manner serve to lower the standards of construction which this Code prescribes. The Building Inspector shall have the power to allow the use of any materials and type of construction approved by F.H.A. upon written and definite proof of such approval.

11.15 SURVEY OF PLOT.

If the Building Inspector deems it necessary he or she may require that the plot upon which a building or structure is to be erected be surveyed and properly staked out by a competent surveyor. The owner, lessee, contractor or agent shall give the Building Inspector all necessary assistance and information in determining that the rules and regulations of the City have been complied with.

It is unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions has been filed and approved.

11.16 NO ASSUMPTION OF LIABILITY.

This Chapter shall not be construed as assuming any liability on the part of the City for damages to any one injured or any property destroyed, by a defect in any building or equipment or any electric wiring or equipment.

11.17 MONEY TO BE PAID TO CITY TREASURER.

All moneys received or collected for license fees and for permits pursuant to the provisions of this Chapter shall be paid into the City Treasury and be placed in the general fund. The City Clerk shall keep an account of the same and make a report thereof once a year to the Common Council.

11.18 UNSAFE BUILDINGS.

(1) Authority of Building Inspector. If the Inspector finds that any building, structure, or part thereof is dangerous to life, health, or adjoining property, by reason of bad condition, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he or she shall notify the owner or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he or she shall affix a notice of such order in a conspicuous place on the outside wall of the building, and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe or to be removed, as ordered; and if any such building is used for any purposes requiring a license, the Building Inspector may revoke such license until the building is made safe, or removed, to the satisfaction of the Building Inspector. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises, with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the City in an action against the owner or tenant. The Fire Department shall give all reasonable assistance to the Building Inspector in such work. If the owner or tenant of any such building or structure is dissatisfied with the decision of the Building Inspector, as to the unsafe character thereof, the question shall be referred to the Common Council, whose decision shall be final.

(2) Enforcement of Wis. Stat. s. 66.05(5). The Building Inspector is designated to carry out the provisions of Wis. Stat. s. 66.05(5).

11.19 ISOLATION OF FIRE HAZARDS.

(1) Basement Storage Facilities.

(a) Where tenant or owner storage areas are provided in lodging houses or multi-family dwellings, the area shall either be enclosed with not less than one hour rated construction with heat sensing devices installed, or if the storage area enclosure is not constructed of a one hour rated construction, automatic sprinklers shall be installed. The requirements of this section do not apply to row housing as specified in Wisconsin Administrative Code s. IND. 57.25. The heat sensing devices and/or automatic sprinklers may be omitted provided that the area of the one hour rated enclosure is not more than 200 square feet. Where openings are provided in the fire rated walls, such openings shall be protected with door assemblies with the equivalent of not less than a glued solid wood core flush door, 1 3/4 inches thick. The door shall be equipped with an approved self closing device and lock. The lock shall satisfy the functions as follows:

1. A rotating inside knob that will retract a live bolt.
2. An outside knob permanently fixed.
3. Lock to open from the outside with a key.
4. Inside knob always free for immediate exit.
5. Latch bolt returns to locked position when door is closed.

(b) The heat sensing device shall be a type tested and listed by Underwriters Laboratories or other approved national testing service. An open circuit fixed temperature fire alarm thermostat calibrated at 135 degrees Fahrenheit is acceptable. The thermostat shall be made operable with the building fire alarm system where one is installed or required and where a fire alarm is not required, it shall actuate an audible horn or bell located outside of the storage area and placed in a location so that the occupants may be alerted in case of a fire. The thermostats shall be installed on the ceiling and the spacing shall be not in excess of 20 feet and not more than 10 feet from any partition or wall. Where solid partitions are installed between storage lockers, a heat sensing device shall be installed in each compartment. The use of heat sensing devices and detectors may be used if the proposed installation does conform with the minimum performance standards of this section, provided that the storage area is not more than 2,500 square feet and the design is approved by the Building Inspector.

(c) The sprinkler heads shall be located to effectively cover the storage area and spaced to include a ceiling area not in excess of 130 square feet applied to open wood joists and 200 square feet applied to smooth ceilings of non-combustible materials. The water supply may be from the domestic supply or other source adequate to satisfy the demand. The minimum number of sprinkler heads required and pipe size shall not be less than that shown on the following table:

Open Joist Square Feet	Heads Required	Covered Ceiling Square Feet	Heads Required	Gal/Min @ 15 lbs.	Meter Size	No. Heads Permitted
130	1	200	1	22	3/4"	
260	2	400	2	22	1"	
390	3	600	3	22	1 1/2"	
520	4	800	4	22	1 1/2"	
650	5	1000	5	22	1 1/2"	
780	6	1200	6	22	2"	
910	7	1400	7	22	2"	
1040	8	1600	8	22	2"	
1170	9	1800	9	22	2"	
1300	10	2000	10	22	2"	
1430	11	2200	11	22	3"	
1560	12	2400	12	22	3"	
1690	13	see note below for these sizes		22	3"	

1820	14	22	3"	
1950	15	22	3"	
2080	16	22	3"	
2210	17	22	3"	
2340	18	22	3"	
2470	19	22	3"	

NOTE: Sprinkler systems for areas exceeding 2,500 square feet shall be designed in accordance with the standards published by National Fire Protection Association Bulletin No. 13 and the design shall be approved by the Building Inspector.

The pipe size from the meter shall be continuous to the first nozzle and may be reduced in size if 15 pounds pressure can be maintained when 50% or not more than 4 sprinkler heads are operating.

Automatic sprinklers shall be used having a temperature rating of not more than 170 degrees Fahrenheit. A water flow alarm shall be installed whenever automatic sprinklers are used. The alarm shall actuate an audible horn or bell located outside of the storage area and placed in a location so that the occupants may be alerted in case of a fire.

The spacing and sprinkler discharge capacity may be varied if the proposed installation does not conform with the minimum performance standards of this section and the design is approved by the Building Inspector.

(d) All basement storage facilities in existing buildings shall be made to conform with the requirements of this section as of April 1, 1974.

(2) Attic Spaces.

(a) The attic spaces of all buildings, except where roof and attic are of noncombustible or fireproof construction, shall be divided into areas not exceeding three thousand (3,000) square feet by means of approved fire stops of not less than the equivalent of 1/2" gypsum sheet rock applied to both sides of combustible structural members.

(b) There shall be installed in each unit of all residential buildings an approved smoke or ionization fire detection device, installed in conformance with N.F.P.A. booklet Automatic Fire Detection 72E, 1974 Edition and 74, 1975 Edition, Household Warning Equipment and N.F.P.A. 101 Life Safety Code, 1993 Edition, or any amended or successor versions of the above cited codes.

11.21 AGRICULTURAL FARMING.

(1) Definition. "Agricultural Farming" means the cultivation or harvesting of any crop, including native grasses, or the keeping or grazing of any livestock on a parcel of land consisting of one or more acres within the corporate limits of the City.

(2) Required Cooperation. No person, firm, or corporation shall engage in agricultural farming or rent or lease any land for agricultural farming purposes within any zoning district of the City without first becoming a cooperator with the Dane County Soil Conservation District, and shall implement a soil and water resource plan under the guidelines of the United States Department of Agriculture, Soil Conservation Service's Technical Guide.

(3) Time For Compliance. Every individual, firm or corporation which is presently engaged in agricultural farming or who presently or in the future rents or leases land for agricultural farming purposes within the City shall become a cooperator at the commencement of the agricultural farming operation, and shall have developed a plan approved by the Soil Conservation Service within one year of becoming a cooperator and shall thereafter in good faith comply with the requirements of the approved plan as specified therein, provided, however, that major components or improvements in any parcel of land specified in an approved plan which are eligible for federal funding shall not be required to be completed on any date provided in the plan if funds are not available for compliance therewith under any federal program.

(4) Exception. This ordinance shall not apply to any person engaged in agricultural farming or who rents or leases land for agricultural farming, if such person obtains and files with the Director of Public Works a notification from the Soil Conservation Service specifically identifying a particular parcel of land as being exempt from the operation of any federal erosion control program.

(5) Penalty. Any person, firm, or corporation who fails to comply with any of the provisions of this ordinance is subject to a penalty as provided in s. 30.04 of this Code.

11.22 PENALTY.

Any person who violates any of the provisions of this Chapter, or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed, altered or repaired a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, or in violation of any provision of any of the said sections, shall be subject to a penalty as prescribed by s. 30.04 of this Code. The owner of a building, structure or premises where anything in violation of any provision of any of the said sections shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be subject to a penalty as provided herein. Nothing contained in this section shall be construed as making a penalty under s. 30.04 of this Code the exclusive remedy for violation of this Code. Other penalties, abatement actions, or required repairs may be imposed in addition to the penalty set forth in s. 30.04.