CHAPTER 30

BUILDING CODE

Section

30.01 General
30.02 Building Inspector and Permits
30.03 Definitions
30.04 Detached Garages and Accessory Buildings
30.05 Miscellaneous and Violations
30.06 House Numbering
30.07 Private Swimming Pools
30.08 Satellite Receiving Stations

30.01 GENERAL PROVISIONS

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

(2) Title. These regulations shall be known and cited as "Municipal 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.

(3) Invalidity of Part. If any section, subsection, paragraph, clause or provision of this Code shall be adjudged invalid, such adjudication shall apply only to the provisions so adjudged, and the rest of this Code shall remain valid and effective.

(4) Application of "Wisconsin Administrative Building Code." The State of Wisconsin Administrative Code, Chapters DOC 1-79, as adopted and all amendments thereto, is adopted and incorporated into this code by reference.

(5) Application of Code. All buildings and structures hereafter erected, altered, repaired, moved or demolished that are used or designed to be used for the purpose herein defined shall comply in full with the requirements of this code and Ch. DOC 20-25 as adopted and all amendments thereto.

(a) Zoning Laws - No provision of this code shall be construed to repeal, modify, or constitute an alternative to any lawful zoning regulations.

(b) Alterations, Additions, and Repairs. The following provisions shall apply to buildings altered or repaired or additions thereto.

1. Additions and alterations, regardless of cost, made to an existing building shall comply with the requirements of this code for new buildings.

2. Roof Coverings - Whenever more than twenty-five (25) percent of the roof covering of a building is replaced in any twelve month period, all roof covering shall be in conformity with applicable sections of this code.

3. Repairs - Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structures, or which do not effect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy use, shall be deemed minor repairs

4. Alterations When Not Permitted - When any existing building or structure, which for any reason whatsoever does not conform to the regulations of this Code, has deteriorated from any cause whatsoever to an extent greater than fifty (50) percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

5. Alterations and Repairs Required - When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Code are complied with.

6. Extent of Deterioration - The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

7. Use of Unsanitary Building - It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Code have been complied with.

(c) The design of the parking lot shall take into account the safety of vehicle and pedestrian movement. The following principals may be applied where safety or aesthetic conditions require them:

1. Parking shall meet the minimum size requirements

2. The parking lot design should accommodate both vehicular and pedestrian traffic movement to ensure that designated parking spots, drive aisles, and pedestrians do not conflict with each other as much as practical

3. Driveways or entry points should be located as far as practical from adjacent street intersections to avoid conflict with roadway traffic flow when vehicles are entering of exiting the parking area. The city may limit the number of access/exit points to limit turning conflicts on the street.

4. The parking lot must include sufficient space for vehicles to be stacked while waiting in line (for example waiting at a drive-up window)

5. Designated parking areas for individual vehicles should not be located adjacent to exit and entry points to ensure there is no obstruction to visibility or safe movement of vehicles or pedestrians using adjacent pedestrian walk areas.

6. Parking spaces should be located so that they do not conflict with safe access from the street.

7. Lighting should be arranged to that light be shielded or aimed away from residential properties and from the street right-of-way.

(6) Warning and Disclaimer of Liability. The degree to protection intended to be provided by this chapter, Chapters DOC 1-69 of the State Wisconsin Administrative Codes and Chapters H-62 of the Wisconsin Administrative Code are considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This ordinance does not imply that compliance will result in freedom from damages nor shall this ordinance create a liability on the part of, or a cause of action against the City of Stevens Point or any officer or employee for any damage that may result. Lack of enforcement of the standards, rules, and regulations contained therein shall not create a liability on the part of the City or its officers and agents notwithstanding the issuance of permits or inspections of the premise.

30.02 BUILDING INSPECTOR AND PERMITS

(1) Building Inspector. There is hereby created the position of Building Inspector.

(a) Duties. The Building Inspector is vested with the authority and responsibility to enforce all laws controlling safe building construction. He shall have the right to make inspections of existing public buildings to determine their safety.

(b) Rights. The Building Inspector or his 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 therefore. No person shall interfere with or refuse to permit access to any such premises to the above-described representatives of the municipality while in the performance of their duties.

(2) Permits.

(a) Permits Required - No building or structure or any part thereof shall hereafter be built, enlarged, altered, repaired, or demolished within the municipality or moved into, within or out of the municipality except as herein-after provided, unless a permit therefor shall first be obtained by the contractor, or owner if no contractor is involved.

Permits required are as follows:

1. Building
2. Electrical and/or Plumbing
3. Wrecking or Razing
4. Heating and/or Air Conditioning
5. Moving of Buildings
6. Changing the Use of a Structure
7. Filling or Grading of Land (existing drainage patterns & modifications)

(b) Application for Permits - Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer, and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require. With such application, there shall be submitted to the Building Inspector one (1) complete set of plans and specifications, and one (1) copy of a survey, if required by the Building Inspector.

1. Survey - The survey shall be prepared and certified by a surveyor registered by the State of Wisconsin; and shall bear the date of the survey. The certified survey shall also show the following:

a. Location and dimensions of all buildings on the lot, both existing and proposed
b. Dimensions of the lot
c. Dimensions showing all setbacks of all buildings on the lot
d. Proposed grade of proposed structure, to city or village datum
e. Grade of lot and of road opposite lot
f. Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of road
g. Type of monuments at each corner of lot
h. Water courses or existing drainage ditches
i. Seal and signature of surveyor

2. Plans and Specifications - All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink and shall disclose the existing and proposed provisions for water supply, sanitary sewer conditions and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail may be rejected. A complete set of plans for residential construction shall consist of:

a. All elevations
b. All floor plans
c. Complete construction details
d. Plans of garage when garage is to be built immediately, or location of garage when it is to be built at a later date
e. Additional information or calculations for any proposed work may be required by the Building Inspector.

All plans shall remain on file in the office of the Building Inspector until at least one (1) year after the completion of the building, after which time the Building Inspector may return the same to the owner, keep them for public record, or may destroy them.

(c) Waiver of Some Requirements. At the option of the Building Inspector, plans data, specifications and survey need not be submitted with an application for permit provided the proposed construction is sufficiently described in the application for permit.

(d) Drainage

1. Grading of Lots - The plans shall show the present and/or proposed grades of the lot for which a building permit is sought and of the immediate adjoining property in sufficient detail to indicate the surface water drainage before and after the 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. All premises with discharge, either existing or anticipated, by reason of proposed site alteration as determined by the City, unlike that discharging from the premises in its natural condition, shall be provided with storm drainage facilities to the standards of the City including, but not limited to, specifications in "City of Stevens Point Storm Water Guidelines". Private users shall be allowed to connect to public utilities only with City approval, and the system(s) will not be negatively affected if the use is permitted.

2. Storm Water Drains - No structure shall be erected nor shall existing provisions for conveyance of water from the roof of any structure be altered or replaced unless provision is made to convey water from the roof in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No storm water or surface water drains may be connected with the sanitary sewer system whether installed above or below the surface of the ground.

3. Drainage Ways/Swales/Depressions.

a. Filling Prohibited. In areas of the City not served by storm sewer and curb-and-gutter, no person shall fill or otherwise impede the flow of water in any drainage way/swale/depression areas established by the City which are located in the street right-of-way. In areas where a swale or depression has not yet been constructed, the permittee shall be responsible for establishing a 12" to 18" swale or depression.

b. Violations of subsection (a) above shall subject the property owner to a penalty provided in this ordinance. In addition, any person violating subsection (a) above shall be subject to paying the cost of restoring such drainageway/swale/depression.

(e) Moving Damaged Buildings. No building shall be repaired, altered, or moved within or into the municipality that has deteriorated or has been damaged by any cause, (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) per cent or more of its equalized value, and no permit shall be granted to repair, alter, or move such building within or into the municipality.

(f) Building Inspector to Issue Permit.

1. The Building Inspector shall not issue a permit until the building plans have been conditionally approved. After being conditionally approved, the plans and specifications shall not be altered in any respect which involves any of the ordinances, laws, or orders, or which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.

2. In case inadequate plans are presented, the Building Inspector, at his 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 premise or building or alteration before the 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 thereunder when in violation of any ordinances of the municipality or laws of the State of Wisconsin or lawful orders issued pursuant thereto.

3. For the construction of buildings requiring approval of the Department of Industry, Labor, and Human Relations of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Building Inspector.

(g) Inspector May Revoke Permits.

1. The Building Inspector may revoke any permit or approval issued under the regulations of this code and may stop construction or use of approved new materials, equipment, methods of construction, devices, or appliances for any of the following reasons:

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

b. Whenever the continuance of any construction becomes dangerous to property.

c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.

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

e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings data specifications, or certified lot or plot plan on which the issuance of the permit or approval was based.

f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices, or appliances.

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

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

4. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction 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 code, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this code.

(h) Approved Plans.

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 permit, the approved plans shall not be altered unless proposed change is first approved by the Building Inspector as conforming to the provisions of this code.

(i) Permit Period

1. The permit shall become void unless operations are commenced within four (4) months from the date thereof, or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of sixty (60) days.

2. Before any work is commenced or re-commenced after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within eighteen (18) months from the date of issuance of the permit.

(j) Sidewalks

1. No main building shall be erected without, prior to occupancy, having a sidewalk installed along that part of any public street that fronts the lot boundaries required for the development. Such sidewalk installation requirement may be waived by the Building where there is no City plan for sidewalk installation.

(3) Regulations for Moving or Razing Buildings

(a) General. No person shall move any building or structure upon any of the public ways of the municipality or raze any building without first obtaining a permit therefor from the Building Inspector and upon payment of the required fee. Every such permit issued by the Building Inspector shall designate the route to be taken, the conditions to be complied with, and shall limit the time during which said operations shall be continued.

(b) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(c) Street Repair. Every person receiving a permit to move or raze a building shall, within one day after completion, report that fact to the Building Inspector who shall thereupon, in the company of the Public Works Director, inspect the streets and highways and ascertain their condition.

If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted.

(d) Conformance with Code. No permit shall be issued to move a building within or into the municipality and to establish it upon a location with the said municipality until the Building Inspector has made an investigation of such building at the location from which it is to be moved, and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code. A complete plan of all further repairs, improvements, and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements, and remodeling are in conformity with the requirements of this Building Code, and that when same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the municipality to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(e) Bond.

1. Before a permit is issued to move or raze any building in this municipality, the party applying therefor shall give a bond or cash deposit in the City's name or a letter of credit, to the municipality in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand ($5,000) Dollars; said bond to be executed by a corporate surety or two person sureties to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the municipality for any costs or expenses incurred by it in connection with any claims for damages to any person or property, the payment of any judgment together with the costs and expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued and the completion, at the expense of the owner, of improvements to the property which was a condition of the moving or razing of the building.

2. Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by (a) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein. In any event, the excavation shall be filled with solid fill to match lot grade within 5 days of removal of the structure. Any excavation shall be protected with appropriate fences,

barriers, and/or lights.

(f) Insurance. The Building Inspector shall require in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than One Hundred Thousand ($100,000) Dollars and for one accident in a sum not less than Two Hundred Thousand ($200,000) Dollars, together with property damage insurance in a sum not less than Fifty Thousand ($50,000) Dollars, or such other coverage as deemed necessary.

(g) Review.

1. No such permit shall be issued unless it has been found as a fact by the Building Inspector, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered, will not be at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by the zoning ordinances of the municipality, or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the municipality, which shall not be less than $1,000 to be executed in the manner provided in paragraph (3) hereof to the effect that he will within a time to be set by the Building Inspector, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the municipality.

2. Upon application being made, the Building Inspector may, if he desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time, and within forty-eight (48) hours after the close of the hearing, the Building Inspector shall, in writing, make or refuse to make, the finding required by subparagraph 1. hereof.

(h) Utility Notification and Backfill. 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.

(4) Fees. Schedule of Fees. Before receiving a permit, the owner or his/her agent shall pay the amount as indicated in the most recently Common Council adopted Department of Community Development Fee Schedule. In applying the provisions of this Code in respect to new work existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs, or as otherwise provided in the local ordinances.

- Recreational Impact Fee. The City of Stevens Point hereby determines the construction of residential dwelling units creates a demand for recreational facilities within the City. Therefore, it is the policy of the City to assess a portion of the costs for those facilities to the builders of new multiple family housing in the City. New multiple family housing shall be assessed an amount as indicated in the most recently Common Council adopted Department of Community Development Fee Schedule. Newly-approved mobile home parks shall be assessed an amount as indicated in the most recently Common Council adopted Department of Community Development Fee Schedule. This fee shall be due before issuing a building permit. This fee shall only apply to new construction and shall not apply to remodeling or existing units or the moving of existing mobile homes.

(5) Unusual Construction. When applications for unusual technical design or magnitude of construction are filed, the Building Inspector may refer such plans and specifications to the Department of Industry, Labor and Human Relations, State of Wisconsin, Safety and Building Division for analysis and recommendations as to the safety of design in compliance with this code.

(6) Inspections.

(a) Notification. Upon notification from the permit holder or his agent, required inspections of the construction of any buildings, structures, or equipment may be made as follows:

1. Inspection to determine if the location on the premises is in compliance with approved certified lot or plot plan of the premises and the terms of the permit.

2. Inspection to determine if the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundation walls is in compliance with approved plans, data, and the terms of the permit.

3. Inspection of all wall, floor and roof framing, fire stopping, and bracing when completed, and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before such work is covered, enclosed or concealed by other construction.

4. Inspection prior to laying concrete for basement floor to inspect subgrade, drain tile, and forms.

(7) Appeal. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the Public Protection Committee within the time the Building Inspector has established for conformance with the order. Such appeal is to be in writing, setting forth the order appealed from, and the respects in which said person feeling himself aggrieved claims that said order or ruling is erroneous or illegal. The said Public Protection Committee, after consideration thereof, shall recommend to affirm, reverse, or modify said ruling to the Common Council as is just in the premises. The Common Council may accept, modify, or reject the recommendation of the Committee. The ruling or order of the inspection shall be enforced until changed by said Public Protection Committee.

(8) Stop-Work Order. Whenever the provisions of this Code or of the plans approved thereunder 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.

(9) Final Inspection

(a) Inspections

1. Upon completion of any building, structure, equipment, or construction for which a permit was issued and before the same is occupied or used, a final inspection shall be made by the Building Inspector, and until such building, structure, or equipment is in compliance with all the requirements of this Code and terms of the permit, the structure shall not be used.

2. No structure or premises, nor part thereof, shall be used or occupied until such final inspection has been made.

3. The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the municipality, in all cases of hardship as in his judgment and discretion warrant occupancy before final stage of completion as set forth in the Code. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed, such time should not exceed one hundred twenty (120) days.

(10) Structure Contrary to Code

1. Whenever any structure or premises or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or occupancy discontinued and the building or premise or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or premise 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.

(11) Use Discontinued.

1. Any building, structure, or premises, or any part thereof, here-after vacated for a continuous period of six (6) months by any cause whatsoever so as to jeopardize public safety or health, shall not thereafter be occupied or used until approved by the Building Inspector.

30.03 DEFINITIONS.

For the purpose of this Code, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases defined in state statute, administrative code, or other municipal code shall be as defined therein. Words and phrases not otherwise defined, shall have the meanings accepted by common usage.

Accessory Building Or Use - A building, use, or activity which is conducted or located on the premises of the principal use served, clearly incidental to, subordinate in purpose to, and clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupant, employee, customer, or visitor of or to the principal use.

Addition - Any new construction whereby an existing building or structure, or building or structure in course of construction, is increased in area, or cubical content.

Adjoining Lot Line - The line between adjoining lots, plots of land, or parcels of land of different or same ownership.

Alteration - Any change, or modification in construction or occupancy.

Approved - As to materials and types of construction refers to approval by the Building Inspectors Association as the result of investigation and tests conducted by said association or by reason of accepted principles or tests by national authorities or technical or scientific organizations.

Building Inspector - The officer charged with the administration and enforcement of this Code or his regularly authorized duty. Same for Building Official.

Conditional Approval - Approval granted by the department with the condition that the proposed building shall meet all regulations of this code, other municipal ordinances and all laws of the State of Wisconsin.

Cubic Contents - The actual cubic contents enclosed within the outer surfaces of the outside of enclosed walls, outer surfaces of the roof and the finished surfaces of the lowest floors of a building or structure. Does not include the contents of courts which are open to the sky.

Dwelling - A building or portion thereof designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings, multiple-family dwellings and apartment hotels.

Established Grade - The grade of the street as established by ordinance at the center line of the street.

Fire Limits - All areas zoned Central Business Zoning District and the South Side Business District. (As defined by Map #1180)

Footings - That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

Foundation - The supporting structure as a whole, below the lowest floor upon which rests the superstructure of a building or structure.

Garage - A building or portion thereof in which a motor vehicle containing gasoline, distillate, or other volatile, flammable liquid in its tank is stored, repaired, or kept.

Garage, Private - A detached accessory building or portion of a main building housing the automobile of the occupants or owner of the one or two family dwelling.

Grade, Lumber - The classification of lumber in regard to stress and grade.

Lintel - The beam or girder placed over an opening in a wall which supports the wall construction above.

Loads. Dead Load - The weight of walls, floors, partitions, roofs, and other structural parts of a building or structure.

Live Load - All imposed, transient, moving loads, or loads due to impact, and including movable partitions in a building or structure other than dead loads.

Masonry, Solid - Masonry built without hollow spaces.

Person - The word "person" shall mean any individual, firm, association, corporation, or body politic, and includes any receiver, assignee, or similar representative thereof.

Principal Building - A single main building or structure on a lot for specific use or occupancies.

Repair - The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The words "repair" or "repairs" shall not apply to any change of construction.

Stairway - Three or more risers shall constitute a stairway.

Square Footage of Building - The actual area in square feet enclosed by the exterior perimeter of the building walls on each separate floor level.

Unusual Construction - Any construction methods or materials not covered in this code.

30.04 DETACHED GARAGE AND ACCESSORY BUILDINGS

(1) Definition

(a) A detached private garage shall mean a private garage entirely separated from the principle building.

(b) Detached garages and accessory buildings shall be designed and constructed in accordance with DOC 20.18, 21.02, 21.03, 21.04, 21.10, 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.19, 21.20, 21.21, 21.22, 21.23, 21.24, 21.25, 21.26, 21.27, 21.28, and Chapter 23 inclusive.

(2) Size

(a) The sum of all detached private garages or accessory buildings shall not total more than 900 square feet per zoning lot. In addition, one open-sided accessory building of up to 170 square feet is allowed on zoning lots that are 20,000 sq. ft. or larger. An open-sided building is defined as a structure with no more than one side enclosed by a wall or other materials.

(b) One attached garage shall be allowed per residence. The maximum size shall be 1,200 sq. ft. The maximum garage door opening(s) shall be 8 ft. high. All attached garages exceeding these requirements shall be reviewed by the Plan Commission and approved by the Common Council. Standards used in the review shall include, but not be limited to, the size,

proportions, finish materials, and the size of the garage in comparison to the square footage of the residential structure.

(3) Fences.

A. No fence or accessory structure or planting shall rise over two (2) feet in height above the level of the public sidewalk or land surface within twenty (20) feet of any corner so as to interfere with traffic visibility across from any corner. Fences, walls, or shrub plantings shall not be permitted within ten (10) feet of any street or alley right-of-way in such manner as to interfere with traffic visibility. In no case shall a fence, wall or planting with less than 50 percent of its surface uniformly open and unobstructed in any area exceed three feet in height in that part of a yard within ten feet of a street or alley right-of-way.

B. A maximum fence height of ten (10') feet in the rear yard. On corner lots, a maximum six (6') foot high fence in the rear yard street setback shall be permitted with at least a two (2') foot setback along the portion of the rear yard adjoining the street. Clear vision triangles along streets, alleys, and driveways must be adhered to.

C. Corner side yard, rear yard, and setback are defined in Chapter 23 of the Revised Municipal Code. Fences not prohibited above are permitted in a required side or front yard provided such fence or wall, other than a retaining wall, shall not be higher than six (6') feet.

D. No fences shall be constructed of materials that may be hazardous to children of tender years (including barbed wire, razor wire, electric fences).

E. Fences and walls must be sound and well maintained. Broken materials, peeling paint, rotted wood are not permitted. Use of scrap or salvaged materials or materials that are not uniform or homogenous are not allowed. The applicant may appeal to the council if there is a disagreement about the quality of the fence.

F. Existing fences shall be grandfathered with the exception of materials or conditions.

30.05 MISCELLANEOUS AND VIOLATIONS

(1) Violations. It shall be unlawful for any person to erect, use, occupy, or maintain any building or structure in violation of any provisions of this Code, or to violate any other provisions, or to cause, permit or suffer any such violations to be committed. Any person violating any of the provisions of this Chapter shall, upon conviction, be subject to a forfeiture of not less than One Dollar ($1.00) or more than Two Hundred Dollars ($200), together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid. It shall be the responsibility of the offender to abate the violation as

expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Building Inspector constitute a defense.

(2) Failure to Obtain a Permit. It shall be unlawful to commence work prior to obtaining a permit therefore. Failure to obtain a permit prior to the commencement of any work requiring a permit, will require the payment of a fee in the amount indicated in the most recently Common Council adopted Department of Community Development Fee Schedule.

(3) Fire Limits. All areas zoned Central Business Zoning District and the South Side Business District as identified on Map 1180 filed in the office of the City Engineer.

30.06 NUMBERING HOUSES AND BUILDINGS.

(a) There is established a uniform system of numbering houses and buildings fronting on all streets, avenues, and public ways in the City of Stevens Point, and all houses and buildings shall be numbered in accordance with the provisions of this ordinance.

(b) A line running east and west and along the south line of Maria Drive and any extension thereof shall constitute the base line for numbering along all streets running north and south; the baseline for numbering along streets lying east of the Wisconsin River and running east and west shall be a line running north and south parallel to and 6,300 feet west of Division Street and the base line for numbering along all streets being west of the Wisconsin River and running easterly and westerly shall be the Wisconsin River. The numbering of houses and buildings shall begin as follows:

1. The numbering of houses and buildings north of Maria Drive shall begin with "100 north".

2. The numbering of houses and buildings south of Maria Drive shall begin with "100".

3. The numbering of houses and buildings east of the base line for streets being east of the Wisconsin River shall begin with "100".

4. The numbering of houses and buildings west of the Wisconsin River shall begin with "100 West".

5. All houses and buildings on diagonal streets shall be numbered the same as north and south streets if the diagonal runs more from the north to the south, and the same on east and west streets if the diagonal runs more from the east to the west.

(c) The numbering of each street shall begin at the base line. The numbers in each succeeding block shall increase from the baseline in units of 100, namely, the first block shall be "100" to "199", the second block shall be "200" to "299", the third block shall be "300" to "399", etc. Where blocks of different lengths occur on opposite sides of a street, the numbers of both sides shall be assigned on the basis of the shorter block, unless the Building Inspector shall otherwise determine.

(d) All houses and buildings on the north and west sides of all streets shall be numbered with even last digit numbers, each commencing with the "100" assigned to the block, and ending with the last digits as assigned by the Building Inspector or his delegated assistants.

(e) All streets not extending through to the base line shall be assigned to the same relative numbers as if the said street had extended to the said base line.

(f) A "proper entrance" shall be defined as that entrance which is designated by the Building Inspector or his designated assistants as the main entrance from the exterior to the interior of said house or building which leads to the living quarters, storage, or office space inside of any building located in the City of Stevens Point. There shall be designated only one proper entrance for each residence and the only one proper entrance for each storage space or business office located in any one building.

(g) There shall be assigned to the proper entrance for each house and building located on any street, avenue, or highway in the City of Stevens Point, by the Building Inspector or his designated assistants, a number under the uniform system provided by this ordinance.

(h) If the owner, occupant, or agent of any house or building fails to attach and maintain the proper number assigned to said house or building, the Building Inspector shall serve notice to the property owner requiring him to properly display his assigned number on the house or building within ten (10) days after the serving of said notice. If the property owner neglects to do so, he shall be deemed to have violated this ordinance.

(i) Penalty. Any person or corporation who fails to comply with any provision of this ordinance shall, upon conviction thereof, forfeit not less than one dollar ($1.00) and not more than ten dollars ($10.00) together with the costs of prosecution for each violation and in default of payment shall be imprisoned in the County Jail until payment of such forfeiture and costs, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

30.07 PRIVATE SWIMMING POOLS AND AQUARIUMS.

(a) No swimming pool shall be erected to the front of the residence of the owner or occupant of the premises connected therewith. In the case of lots bordered on two sides by public streets, no area between the setback lines of the main building and the street right-of-way line; in no case less than 5 feet from any lot line or building wall.

(b) A swimming pool, within the meaning of this ordinance, shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below the ground in which water of more than 12 inches in depth is contained and which is used primarily for the purpose of bathing or swimming, except temporary pools with an area of 150 square feet or less shall not come within the provision of this ordinance.

(c) A child of tender years, within the meaning of this ordinance, shall be any child who has not obtained the age of 10 years.

(d) Every person, every member of a partnership and every corporation that owns, directly or indirectly, or operates or uses or has custody or control of or has the right to use any swimming pool located in the City of Stevens Point, shall erect and maintain a fence or suitable barrier around such swimming pool of such size and construction as to safeguard a child of tender years to prevent such child from falling into such swimming pool or shall install and maintain a cover or other protective device over such swimming pool or shall install and maintain a cover or other protective device over such swimming pool of such design and material that the same can be securely fastened in place, and when in place, shall be capable of sustaining a person weighing 250 pounds. Such cover or other protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for bathing or swimming purposes.

(e) No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank, nor to overflow or cause damage to any adjoining property. Provision may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval of the Supervisor of Building Construction. In all cases where a private swimming pool is to be constructed on premises served by a private sewage disposal system, approval of the State Board of Health shall be necessary before the construction of any such pool may commence.

(f) All private swimming pools within the meaning of this ordinance must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(g) All installations of swimming pools, drains, or other equipment made under the provisions of this ordinance shall be subject to periodic inspection by the Supervisor of Building Construction of the City of Stevens Point.

(h) All swimming pools of a permanent type shall have the sides and bottom of a smooth finish and no sand or dirt bottom shall be permitted.

(i) Every person, every member of a partnership and every corporation that owns, directly or indirectly, or operates or uses or has custody or control of or has the right to use any aquarium located in the City of Stevens Point shall erect and maintain a fence or suitable barrier around such aquarium of such size and construction as to safeguard a child of tender years to prevent such child from falling into such aquarium.

30.08 SATELLITE RECEIVING STATIONS.

(a) Satellite receiving stations one (1) meter (39.37") or less in diameter. Satellite receiving stations shall not be placed in the yard between the building and the street, on the front or side walls of the structure, or on any portion of the roof that faces a public street. In the case of lots bordered on two or more sides by public streets, no satellite receiving station shall be placed between the setback lines of the main building and the street right-of-way line. In no case shall any satellite receiving station be located less than three (3) feet from any property line. Compliance with the location requirements may not impose unreasonable expense or delay or preclude reception of an acceptable quality signal.

Owners or tenants who demonstrate an inability to comply with satellite receiving station installation location requirements due to unreasonable expense, delay, or lack of acceptable quality signal may locate the antenna in alternate locations in the following order: (1) roof facing a public street, (2) mounted on the side of the structure, (3) side yard facing a public street, (4) mounted on the front of the structure, (5) front yard facing a public street. Satellite receiving stations located in the side or front yards facing public streets shall be screened as approved by the Inspection Department.

Installation of satellite receiving stations in locations other than the rear yard located in any historic district or on any property included in, or eligible for inclusion on the National Register of Historic Places shall require approval of the Historic Preservation Design Review Commission. Restrictions necessary for historic preservation may be permitted even if they impair installation, maintenance, or use of the antenna.

(b) Satellite receiving stations greater than one (1) meter (39.37") in diameter used in residential districts shall be placed in the rear yard and not higher than fifteen (15) feet above the ground.

(c) Satellite receiving stations greater than one (1) meter (39.37") in diameter used in Business districts shall not be placed in the yard between the building and the street or on the front or side walls of the structure. In the case of lots bordered on two or more sides by public streets, no satellite receiving station shall be placed between the setback lines of the main building and the street right-of-way line. In no case shall any satellite receiving station be located less than three (3) feet from any property line. Compliance with the location requirements may not impose unreasonable expense or delay or preclude reception of an acceptable quality signal.

Owners or tenants who demonstrate an inability to comply with satellite receiving station installation location requirements due to unreasonable expense, delay, or lack of acceptable quality signal may locate the antenna in alternate locations in the following order: (1) roof or roof facing a public street, (2) mounted on the side of the structure, (3) side yard facing a public street, (4) mounted on the front of the structure, (5) front yard facing a public street. Satellite receiving stations located in the side or front yards facing public streets shall be screened as approved by the Inspection Department.

Installation of satellite receiving stations in locations other than the rear yard located in any historic district, or on any property included in or eligible for inclusion on the National Register of Historic Places, shall require approval of the Historic Preservation Design Review Commission. Restrictions necessary for historic preservation may be permitted even if they impair installation, maintenance, or use of the antenna.