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## **CHAPTER 16: BUILDING AND ELECTRICAL CODES**

### **16.0100 BUILDING CODE**

#### **ARTICLE A: SOUTHEASTERN WISCONSIN BUILDING CODE ADOPTED**

##### **16.0101 WISCONSIN UNIFORM BUILDING CODE ADOPTED**

The provisions, rules, and regulations governing the design, construction, installation, supervision and alteration of buildings and structures as provided in The Wisconsin Uniform Building Code prepared by the Building Inspector Association of Southeastern Wisconsin, as amended, is hereby adopted by reference by the City of Marinette and shall govern the design, construction, alteration, demolition, and moving of all buildings and structures in the City of Marinette.

**16.0102 RESERVED FOR FUTURE USE**

**16.0103 RESERVED FOR FUTURE USE**

**16.0104 RESERVED FOR FUTURE USE**

**16.0105 RESERVED FOR FUTURE USE**

**16.0106 RESERVED FOR FUTURE USE**

**16.0107 RESERVED FOR FUTURE USE**

**16.0108 RESERVED FOR FUTURE USE**

**16.0109 RESERVED FOR FUTURE USE**

**ARTICLE B: BILL BOARDS AND SIGNS**

(Reserved For Future Use)

- 16.0110 RESERVED FOR FUTURE USE**
- 16.0111 RESERVED FOR FUTURE USE**
- 16.0112 RESERVED FOR FUTURE USE**
- 16.0113 RESERVED FOR FUTURE USE**
- 16.0114 RESERVED FOR FUTURE USE**
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- 16.0117 RESERVED FOR FUTURE USE**
- 16.0118 RESERVED FOR FUTURE USE**
- 16.0119 RESERVED FOR FUTURE USE**

## **ARTICLE C: FENCES, RETAINING WALLS, AND HEDGES**

### **16.0120 DEFINITIONS: FENCES, RETAINING WALLS AND HEDGES**

A. Decorative Fence

A fence not exceeding a height of thirty-six (36) inches, measured from adjacent sidewalk grade or when no sidewalk is available from center of street; material other than poured concrete.

B. Fence

Any enclosure or barrier, solid or otherwise, made of wood, wrought iron, stone, chain link, brick, decorative concrete block (or products created to resemble these materials), or a combination of any of these materials. Plywood, particleboard, sheet metal, concrete slabs, or concrete barriers shall not be used for fencing.

C. Hedge

A row of bushes or small trees planted close together which may form a barrier, enclosure, or boundary. Shrubs and trees planted for the purpose of creating a hedge shall be planted so that the trunk or main stem of the plant is no closer than three (3) feet from any property line. Hedges three (3) feet in height or less, from sidewalk level, may be kept in the front setback area. Hedges shall be trimmed and maintained.

D. Picket Fence

A fence having a pointed post, stake, pale, or peg placed vertically with the point or sharp part pointing (must provide a 5/8" flat top surface) upward to form a part of the fence.

E. Retaining Wall

A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this section.

F. Setback Area

Setback area is defined in the Municipal Code Section 13.0103.

G. Responsibility of Owner

Any person erecting a fence shall do so on his own property. The responsibility of establishing a property line shall rest with the property owner erecting the fence.

### **16.0121 FENCE PERMIT REQUIRED**

A zoning permit is required to construct a new or replacement fence. Fees are outlined in MMC 9.1302, Schedule A. (Ord. 2014-2302 adopted 11-5-14)

### **16.0122 FENCE SETBACK IN RESIDENTIAL ZONED DISTRICTS**

A. No fence or portion of a fence shall be constructed within the front setback area of a building in a residentially zoned district except as follows:

1. A decorative fence may be constructed in the front setback area as limited by Section 16.0123.

B. Other than an allowable decorative fence, a fence may be constructed along an

interior lot property line, not to extend into the front setback area.

- C. No fence or segment of a fence shall be constructed nearer than four (4) feet of any property line adjacent to an alley. (*Ordinance 2005-2028 adopted 1-4-05*)
- D. Vision Triangle: On a corner lot no fence shall be allowed in the setback area of a corner lot at the intersection of the adjacent side street and rear alley property lines described as follows: A triangle formed by the corner point of the lot on the rear and side lot line, ten (10) feet in from the corner.

#### **16.0123 FENCES IN ALL DISTRICTS**

- A. No fence or segment of a fence shall be constructed nearer than four (4) feet of any rear property line, except that in I-1 Light Industrial and I-2 Heavy Industrial may have a fence constructed on any property line, provided that no fence in the front setback obstructs vision to an extent greater than fifty-percent (50%).
- B. Unless otherwise provided herein, no fence shall be constructed with any point higher than six (6) feet above ground level; however, that fences in Light and Heavy Industrial zoned areas shall not be higher than eight (8) feet above ground level, excluding devices for holding barbed wire.
- C. No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in Light and Heavy Industrial zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground and project toward the fenced property and away from any public area.
- D. All fences shall be maintained and kept safe and in a state of good repair and the finished side or decorative side of a fence shall face adjoining property.
- E. Any fence necessary at any school, public park or other public recreational facility to accommodate recreational activities shall be exempt from the maximum height requirements of this section.
- F. In B-3 Highway Business Districts only, a fence not to exceed 14' in height shall be allowed in the rear setback for the purpose of outside storage for home improvement merchandise stores.

#### **16.0124 FENCES AROUND SWIMMING POOLS**

In-ground swimming pools, and swimming pools having an above ground side wall height of eighteen (18) inches or more either permanently installed or kept filled for periods of overnight or longer, shall be either guarded or fenced as follows:

- A. Fencing shall be a minimum of four (4) feet above the top of the ground and the fence and/or surrounding structures shall enclose the entire pool area; fence gates protecting pools shall be automatically closed and locked upon release. Gates shall not be capable of opening from the outside and shall be secured to prevent entry when the pool is not in use.

Fence material shall be a cyclone type fence, vertical slats, or other members built to prevent the through passage of a sphere with a diameter of three (3) inches or larger and the maximum distance from the underside of the fence to grade and to discourage or impede climbing; all areas adjacent or near the fence shall be cleared of material which might be used for climbing purposes; or

- B. Barriers of metal, wood, hard plastic, canvas, tarp or other durable material designed and employed to prevent use of, or entry into, the pool (rather than to control heat loss or keep out dirt or insects) shall be acceptable guarding for a pool if the same can be secured (including but not limited to, tie-down/stake down of a tarp covering said swimming pool when not in use) to prevent such entry or use; or (Ordinance 2007-2109 adopted 10-2-2007).
- C. Pools which have an above ground deck which surrounds all the pool and which deck, alone or with walls, is a minimum of four (4) feet above the pool water level, and which has sides to impede climbing shall also be a sufficient pool guard.

**16.0125 HEDGES**

The height and setback for hedges shall be the same as outlined for fences in Sections 16.0122 and 16.0123 hereof; provided, however, hedges three (3) feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four (4) feet of any street or alley. Hedges shall be trimmed and maintained.

**16.0126 TEMPORARY FENCES**

Fences erected to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with all setback requirements. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

In cases of national emergency and/or increased security threat level to a parcel of property, the Common Council shall have, upon request of the owner or tenant, the discretion to extend said forty-five (45) day time limit for such time as the Common Council deems appropriate.

**16.0127 NONCONFORMING FENCES AND HEDGES**

Any fence or hedge existing on December 3, 1996, and not in conformance with this Chapter may be maintained, but no alteration, modification, or improvement of same shall be permitted unless as a result of such alteration, modification, or improvement said fence shall comply with this Chapter.

**16.0128 FENCE NOT TO CREATE A TRAFFIC HAZARD**

- A. It is unlawful to erect, maintain, suffer or permit any fence in such a manner as to create a traffic hazard or restrict visibility.



**16.0129 RESERVED FOR FUTURE USE**

**16.0130 RESERVED FOR FUTURE USE**

**16.0131 RESERVED FOR FUTURE USE**

**16.0132 RESERVED FOR FUTURE USE**

**16.0133 RESERVED FOR FUTURE USE**

**16.0134 RESERVED FOR FUTURE USE**

**16.0135 RESERVED FOR FUTURE USE**

**16.0136 RESERVED FOR FUTURE USE**

**16.0137 RESERVED FOR FUTURE USE**

**16.0138 RESERVED FOR FUTURE USE**

**16.0139 Regulating Removal of Salvageable Non-Structural Materials from Vacated Buildings**

A. **PURPOSE.** The purpose of this Ordinance is to regulate the removal of salvageable materials from vacated buildings, not otherwise occurring as part of an approved demolition plan or for the purposes of remodeling, for any purpose other than personal re-use by the owner or personal re-use or required removal by a tenant of the property from which it was removed, without immediate functional replacement thereof.

B. **AUTHORITIES.** Building Inspector.

C. **DEFINITIONS.**

**Owner.** The term “owner” shall mean the title holder(s) to real property on which stands any vacated building or structure from which any salvageable material is removed.

**Tenant.** The term “tenant” shall mean a person or entity entitled by written agreement, to occupy the building or structure, or portion of the building of structure, from which any salvageable material is removed.

**Operator.** The term “operator” shall mean any person, corporation or other business entity or holder of a security interest that undertakes the removal of salvageable material from a Vacated Building within the jurisdictional limits of the City of Marinette, or which directs or allows such removal.

**Salvageable Material.** Real or tangible personal property that:

1. is man-made;
2. is affixed to real property or any improvement to real property;

3. is detachable from real property or any improvement to real property;  
and
4. is removed for potential or intended re-use, repurposing or scrap.

Such materials shall include any such materials that were detached from real property or any improvement to real property without a permit after the effective date of this ordinance.

**Vacated Building.** A building or structure, or portion of a building or structure, that had a principal non-residential use as its most recent use allowed by law, which principal use has ceased. The cessation of the primary activities constituting the principal use shall be determinative of whether the principal use had ceased. The presence of personnel in the building or structure is not determinative of whether the use has ceased.

Code Official: City of Marinette Building Inspector.

**Issuing Body.** The term “Issuing Body” refers to the Code Official in the case of Tier 1 permits, and the Governing body in the case of Tier 2 permits.

D. **EXCLUSIONS.** This Ordinance does not apply to the following:

1. salvaging operations at structures where its most recent allowable use by law was residential;
2. salvage operations at non-residential structures under ten thousand (10,000) square feet;
3. items/materials removed where replacement will occur as part of a remodeling process over time pursuant to a valid and subsisting building, heating, plumbing, or electrical permit;
4. salvaging operations that occur as part of an approved demolition plan, pursuant to a valid demolition permit or otherwise, in which the Permit Holder/Owner/Operator is obligated to complete said demolition within a specified time frame;
5. equipment, items or supplies removed by the owner for personal re-use; and
6. equipment, items or supplies owned and removed by the tenant during the term of a written lease.

E. **PARTIAL EXEMPTION.** A partial exemption is allowed under this Ordinance for items and materials removed for the sole purpose of historical or cultural preservation. A request for exemption shall be filed with the City Clerk or equivalent on forms created by the Code Official and provided by the City of Marinette. The request for exemption shall include documentation of historical or cultural significance acceptable to the Code Official which may include written request for preservation by historic society or equivalent.

F. **PERMIT.** No person, corporation or other business entity or holder of a security interest may remove, direct the removal of, or allow to be removed any salvageable material from a Vacated Building unless such removal is performed pursuant to a permit granted by the Issuing Body and issued to the applicant pursuant to this ordinance. The Owner and Permit Holder shall be jointly responsible for complying with any permit issued pursuant to this ordinance.

G. PERMIT APPLICATION.

1. The applicant may be the owner of the real estate, or a Contractor hired by the owner, tenant or the holder of a security interest in the property, Vacated Building or structure, or the salvageable material. Under all circumstances, the applicant, if other than the owner, shall be jointly and severally responsible for compliance with the terms of this Ordinance.
2. Application for a permit, whether initial or renewal, shall be filed with the City Clerk or equivalent on forms provided by the City of Marinette. The application shall include:
  - a. Location and square footage of occupiable space in building(s).
  - b. Name, address and contact information of owner of the building(s).
  - c. Names, addresses and contact information for contractors engaged to carry out the activity.
  - d. Plan for removal of salvageable material including the following details:
    - i. Project schedule and budget.
    - ii. Inventory and projected quantities (by weight or volume) of materials to be removed from the building for salvage purposes.
    - iii. Proposed disposition of salvageable materials.
    - iv. Dust, noise and odor control.
    - v. Hours of operation.
    - vi. Fire suppression.
    - vii. Traffic safety and public infrastructure protection.
    - viii. Site security.
    - ix. Building and grounds management and restoration.
    - x. Proposed post-salvage property ownership and use, if known.
  - e. Plan for removal of hazardous wastes/materials.
    - i. Hazardous materials inventory including raw materials, waste materials, asbestos containing materials, and [with respect to any portion of the building, structure or salvageable material to be altered in the course of the work,] an inventory of lead painted surfaces and PCB-containing materials.
    - ii. Hazardous materials handling, management and disposal prior to salvaging.
    - iii. Proposed environmental monitoring or remediation.
  - f. Plan for disposal of waste, including proposed disposition.
  - g. Proof of required demolition/renovation notifications to the appropriate State regulatory agency(ies).

The Issuing Body may require additional information of a specific applicant.

3. A permit fee must accompany the application. Permit fees shall be established by resolution of the Governing body.

H. PERMIT GRANT. The granting of permits shall be conducted on a two-tiered system based on the occupiable space of the Vacated Building. Occupiable space

shall be calculated as one total for all buildings covered under the permit or all buildings on a single property covered under multiple permits.

Tier 1. Permit applications for a Vacated Building having occupiable space under ten thousand (10,000) square feet shall be reviewed and decided upon by the Code Official pursuant to this ordinance.

In granting the permit, the Code Official shall address the following matters: the amount of the Irrevocable Standby Letter of Credit to be required of the Permit Holder as a condition of issuance of the permit and as a requirement of operation; the justification for drawing against and content of the presentment required to draw against the Irrevocable Standby Letter of Credit; other State or local permits as required by law, rule, or regulation that must be obtained as a condition of issuance of the permit or as a requirement of operation; reasonable special operating requirements to be required of the Permit Holder in addition to those listed in Subsection K herein; and such other matters or limitations as the Code Official determines is necessary to protect the public interest.

Tier 2. Permit applications for a Vacated Building having occupiable space over ten thousand (10,000) square feet shall be reviewed by the Code Official and decided upon by the Governing body. The Code Official shall make a recommendation to the Governing body who shall consider the following matters in granting the permit: the recommendation of the Code Official, the amount of the Irrevocable Standby Letter of Credit to be required of the Permit Holder as a condition of issuance of the permit and as a requirement of operation; the justification for drawing against and content of the presentment required to draw against the Irrevocable Standby Letter of Credit; reasonable special operating requirements to be required of the Permit Holder in addition to those listed in Subsection K herein; the expertise of the applicant; the effect of the proposed operation on the surrounding neighborhood; the effect on the community of having a stripped structure remain and such other matters germane to the decision.

The Governing body shall consider the permit applications only at regular Common Council meetings, and only after receiving the recommendation of the Code Official.

- I. **IRREVOCABLE STANDBY LETTER OF CREDIT.** As a condition of issuance of the permit, the Permit Holder shall provide to the Issuing Body and maintain in effect an Irrevocable Standby Letter of Credit naming the City of Marinette as beneficiary, in an amount required by the Issuing Body and in a form approved by the City of Marinette City Attorney. The City Attorney shall also approve the form and content of the draw order and all necessary presentment required to compel payment by the issuer to the City of Marinette of all funds subject to the Irrevocable Standby Letter of Credit.

The Irrevocable Standby Letter of Credit shall be the guarantee of performance by the Permit Holder. The Irrevocable Standby Letter of Credit must be issued by a financial institution certified by the state to conduct such business within the state of Wisconsin, allowing for direct draw by the City of Marinette upon presentment to the issuing bank without court action and without approval by Permit Holder, to complete work or to repair damage that was the obligation of the Permit Holder. The Irrevocable Standby Letter of Credit must contain as

part of its provisions that it will be maintained constantly in force as an obligation to the City of Marinette for no less than one year after project completion as reasonably determined by the Issuing Body or one year after the expiration of a permit issued under this section to the Permit Holder, whichever is later.

In considering the required amount of the Irrevocable Standby Letter of Credit the Issuing Body shall consider: the expertise of the applicant; the longevity of the applicant; the capitalization of the applicant; the scope of the proposed project; the cost of rectifying the possible environmental hazards that could be created; the effect of the proposed operation on the surrounding neighborhood; the cost of remediation of the City of Marinette should the City of Marinette have to address any matter due to the unwillingness or inability of the Permit Holder to fulfill its obligations. The Issuing Body may annually, upon documented request of the Permit Holder, review the pertinent facts and decide to reduce the amount of the required Letter of Credit in accordance with work completed or threats mitigated. In the extraordinary circumstance that the Issuing Body determines that the requirements to obtain an Irrevocable Standby Letter of Credit is unreasonable, the Issuing Body may, in the exercise of its discretion, authorize one or more alternate forms of security in lieu of an Irrevocable Standby Letter of Credit.

Language can be inserted or administrative guidance put in place that sets forth standard amounts for Irrevocable Standby Letters of Credit based on size of project/materials to be removed/possibility of damage, with language allowing the Issuing Body to revise the amount of credit based on circumstances. Language describing the approved forms of credit (or alternate forms) may be inserted as well.

#### J. PERMIT TERM AND ASSIGNMENT.

A permit issued to the applicant is permit holder and limited to the term granted.

1. Initial term. The initial term of any permit issued under this section shall be Initial term length from the date of issue.
2. Renewal term. There is no right or expectation of permit renewal. The permit may be renewed at the discretion of the Issuing Body upon application of a Permit Holder, filed with the City Clerk prior to expiration of the initial term or any renewal terms. Each renewal may be granted for up to Renewal term length.
3. Assignment. No permit issued pursuant to this ordinance is assignable or transferable without the advance written permission of the Issuing Body, which shall not be granted unless the Permit Holder and prospective assignee demonstrate to the satisfaction of the Issuing Body that assignee is capable of completing the project and all required forms of insurance and financial assurance are made effective prior to the assignment.

K. GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to the Permit Holder and those working for Permit Holder subject to terms of the permit in accordance with the provisions of the ordinance:

1. The permit issued pursuant to this ordinance shall be plainly displayed on the premises upon which the building is located.
2. The building and premises shall, at all times, be maintained in as clean, neat and sanitary of a condition as such premises will reasonably permit.
3. No garbage, refuse or other waste likely or susceptible to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage kept in rodent-proof covered containers which are removed from the premises as often as necessary to provide a sanitary, odor free and vermin free environment.
4. Work done under this permit shall be performance in accordance with the Permit and is subject to inspection by the Code Official and other inspectors as provided in this ordinance. Any violation of the Permit shall be deemed a violation of this ordinance.
5. As a condition of the Permit, a Permit Holder shall maintain insurance policies during the life of the permit in the following minimum amounts, which policies shall name the City of Marinette as additional insured and provide coverage for work performed on the property or associated with the work under the permit, and shall provide certificates issued by the carriers as proof of all required coverages:
  - a) Automobile Liability (Owned, non-owned, leased):
    1. Bodily Injury:  
One Million Dollars (\$1,000,000) each occurrence
    2. Property Damage:  
One Million Dollars (\$1,000,000) each occurrence
  - b) Pollution Legal Liability: Five Million Dollars (\$5,000,000) each loss where risk is presented of exacerbation of existing environmental pollution or discharge of any hazardous waste to the environment or asbestos removal, abatement, remediation, or dumping/disposal in a Federal or State regulated facility is required; the City of Marinette may require a greater or lesser minimum amount down to and including zero (\$0) of Pollution Legal Liability insurance policy, depending on the circumstances of the project that is the subject of the permit.
  - c) Workers' Compensation: Statutory Limits
  - d) Umbrella Liability:  
Two Million Dollars (\$2,000,000) over the primary insurance coverages listed above.
6. The Permit Holder shall also ensure that subcontractors have appropriate insurance as determined by the Issuing Body. This may include coverage under the Permit Holder's policy, individual coverage, or a combination thereof. The Issuing Body may also require subcontractors to obtain separate permits pursuant to this Ordinance based on the type of proposed activities or extent or complexity of the salvaging activities proposed.
7. No scrap, salvage or debris which is temporarily stored on the premises shall be allowed to rest or protrude over any public rights-of-way or public property, or become scattered about or blown off the premise.
8. No mechanized process whatsoever shall be utilized on premises to reduce the volume of salvageable material or debris after such salvageable material has been

detached from the real property, unless a special exception is provided by the Issuing Body in conjunction with a specific permit. Such prohibited mechanized processes include, but are not limited to, crushing and shredding.

9. There shall be strict compliance with Noise control code reference related to noise control.
10. There shall be strict compliance with Dust/erosion control code reference related to dust and erosion control.
11. No premises or building subject to a permit shall be allowed to become a public nuisance or be operated in such a manner as to adversely affect the public safety, health, or welfare.
12. There shall be full compliance with the City of Marinette Building, Fire and Health Codes and with all other City, County, State and Federal laws, rules or regulations which may be applicable.
13. The Permit Holder shall, during the salvage process, maintain the work site in a safe and secure condition.
14. The Permit Holder shall keep a log of all shipments to and from the work site during the project, including the date, time, transport company, vehicle license number, and description of type and amount of material transported.
15. The Permit Holder must provide to the Code Official, and must maintain current, a list of contractors doing work that is subject to a permit issued pursuant to this Ordinance, which list of contractors shall include proof of valid and subsisting policies of insurance in satisfaction of the General Operating Requirements specified herein. As used herein, the phrase "maintain current" means that the list filed with the City of Marinette is updated by the Permit Holder as necessary to comply with the ordinance prior to each contractor commencing work pursuant to the Permit.
16. The Permit Holder shall promptly notify the Code Official of the identity, function and insurance coverage of any new contractor, sub-contractor or other person or entity not specifically identified in the Permit that is conducting operations at the property related to removal of salvageable material.
17. The Permit Holder shall identify, handle, manage, store, and dispose of all wastes, lead, asbestos, waste oils, hazardous materials and hazardous substances as provided in the approved Permit plan and as otherwise directed by the City of Marinette should changed conditions require additional work or precautions to protect the public safety, health or welfare or comply with any other applicable ordinance, law or regulation.
18. The Permit Holder shall dispose of building debris in a licensed landfill, except for salvaged and recycled materials.
19. At any time, the Permit Holder shall produce to the Code Official documentation that disposition of materials occurred in compliance with the approved permit and disposition plans.
20. The Permit Holder shall be responsible for disconnections of utilities, including plumbing and electrical, necessary for safe conduct of the salvaging process, and shall provide evidence that the necessary disconnections have been accomplished.
21. The Permit Holder shall restore the site and/or vacated building to the conditions set forth in the approved Permit.
22. The Permit Holder shall comply with all orders the Issuing Body imposed upon granting of the Permit or at any other time.

23. The Irrevocable Standby Letter of Credit imposed as a condition of issuance of the permit shall be maintained in full force and effect at all times until one year following the Issuing Body's finding of project completion.

- L. **INSPECTIONS.** Permit Holders and property owners shall allow authorized inspection by representatives of any Department of the City of Marinette and authorized representatives of the State of Wisconsin having enforcement powers to inspect the premises subject to the Permit, with or without advanced notice, as often as may be required to allow said representative to perform their duties and assure compliance with this ordinance as well as state and federal laws, without first obtaining a special inspection warrant. Inspections shall be made during normal hours of business operation except when the presence of emergency circumstances which require prompt action to protect the public health, safety and welfare or to preserve evidence of noncompliance with this ordinance or state or federal laws. Inspection may include inspection of the entire property subject to the Permit, including buildings, structures, basement, sub-basements, vaults, and other areas of the property.

The unreasonable failure to allow inspections shall be grounds for denial, suspension or revocation of the Permit. Inspections may include, but are not limited to: taking wipe samples; waste, structural or product sampling; sampling of pits; the logging, gauging and sampling of existing wells; videotaping, preparing site sketches; taking photographs; testing or sampling the groundwater, soil, surface water, sediments, air, soil vapor or other material.

- M. **IMMEDIATE CESSATION ORDERS.** If in the opinion of the Code Official, the public is subject to imminent danger due to violation of any one or combination of more than one of the General Operating Requirements, the Code Official shall issue an order to the violator or the Permit Holder requiring immediate cessation of those operations giving rise to the imminent danger. The recipient of any such order shall cause such operations to cease as directed by the Code Official. Failure to maintain insurance or a Letter of Credit as required, or to permit inspection as required are each per se violations implicating imminent danger to the public necessitating an order to cease all operations. In the event that an order to the Permit Holder requiring immediate cessation is issued by the Code Official, such order may be appealed to the Public Safety and Code Enforcement Committee. The Public Safety and Code Enforcement Committee, after hearing from the Code Official, the Permit Holder, and the public, shall affirm the order, reverse the order, or modify the order. The decision made by the Public Safety and Code Enforcement Committee may be appealed to the Governing body by either the Code Official or the Permit Holder in accordance with the procedure of the City of Marinette.
- N. **NON-RENEWAL, SUSPENSION OR REVOCATION HEARINGS.** There is no right or expectation of permit renewal. The permit may be renewed at the discretion of the Issuing Body upon application of a Permit Holder as described in Subsection K. Non-renewal, suspension, and revocation appeal hearings shall be held before the Public Safety and Code Enforcement Committee, which shall submit a report to the Governing body, including Findings of Fact, Conclusions of Law, and a recommendation as to what action, if any, the Governing body should take with respect to the permit. The Public Safety and Code Enforcement Committee shall provide the Code Official and the Permit Holder with a copy of the report. Either the Code Official or Permit Holder may make an objection, orally or in writing, to the report and shall have the opportunity to present arguments supporting the objection to the Governing body. The Governing



body shall determine whether the arguments shall be presented orally or in writing, or both. If the Governing body, after considering the Public Safety and Code Enforcement Committee report and any arguments presented by the Code Official and Permit Holder, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or nonrenewal, the permit shall be suspended, revoked or not renewed as provided by law. If the Governing body finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension, revocation or nonrenewal to the party whose permit is affected.

O. VIOLATIONS AND LIABILITY.

1. It shall be a violation of this ordinance to perform, conduct, direct or allow removal of salvageable material except in conformance with a valid Permit issued pursuant to this ordinance.
2. It shall be a violation of this ordinance to disobey or act contrary to any order issued pursuant to this ordinance.
3. The Owner and Permit Holder shall be jointly and severally liable for any violation of this ordinance and any violation of any condition of permit pursuant to this ordinance, whether caused by act or omission, including applicable fines and penalties together with the City of Marinette's costs of enforcement, including attorneys' fees.
4. Any Operator involved in the violation of this ordinance shall be found to have committed a separate violation for which it shall be fully liable, including applicable fines and penalties together with the City of Marinette's costs of enforcement, including attorneys' fees.

P. ENFORCEMENT, FINES AND PENALTIES. The Code Official shall have the primary responsibility to enforce this ordinance. Violations of this Ordinance shall be subject to the general penalties section of municipal code. Fines and penalties for violations of this ordinance shall provide sufficient incentive to deter violators and continued violations. For the purpose of calculating fines and penalties, each day of continuing violation shall constitute a separate offense. Any violation of this ordinance constitutes a public nuisance and, in addition to any other remedies provided or allowed, the City of Marinette may apply to a court of competent and local jurisdiction for injunctive relief and the assessment of damages including attorney's fees and costs.

Q. REPORTING. Permit holders shall provide reports to the Code Official in accordance with the reporting requirements specified in the Permit as approved by the Issuing Body.

These reports shall include the following:

1. Salvageable materials report that identifies the type, quantity and disposition of salvageable materials removed from the property during the reporting period and supporting documentation.
2. Hazardous wastes/materials report that identifies the type, quantity and disposition of hazardous wastes/materials removed from the site during the reporting period. This report should be accompanied by supporting documentation of disposal, name and contact information on haulers, and copies of any applicable permits/exemptions.

3. Waste report that identifies the type, quantity, and disposition of waste materials removed from the site during the reporting period and supporting documentation.
4. Any instances of environmental monitoring performed during the reporting period and the results of same.

These reports shall also include:

1. Supporting documentation of removal and disposition of materials which shall include weigh tickets, bills of lading, sales receipts, chain of custody logs or equivalent documentation.
2. A statement by the Permit Holder that documentation supporting compliance with this ordinance will be maintained for two years from submission of the reports.
3. A statement from the Permit Holder that the information in the reports is truthful and accurate.

## **ARTICLE D: CONDEMNATION PROCEDURES**

### **16.0140 RAZING OF STRUCTURES**

- A. No person shall raze any structure within the City without a permit issued by the Building Inspector. The Building Inspector shall not issue a permit to raze a structure unless the applicant files with the City Clerk a performance bond as outlined in Section 16.0140(D) and indemnifies and holds the City and its officials harmless from any and all damages, costs, or expenses incurred or suffered by reason of the issuance of said permit and the activities of the permit holder thereunder. As a condition of the issuance of a Razing Permit, the Building Inspector may impose a deadline by which the razing must be completed. The holder of a Razing Permit who fails to meet the deadline shall be subject to the penalty provisions of Section 1.0107. In addition, after the deadline has passed, the Building Inspector may elect to raze a partially razed structure, the cost of which shall be governed by Section 16.0140(C).
  1. All mercury-containing devices or other hazardous material must be removed from properties prior to demolition and properly recycled at licensed mercury recycling facility or authorized hazardous material collection site.
- B. The Building Inspector shall administer involuntary condemnation and razing of structures pursuant to Section 66.0413 of the Wisconsin Statutes, as amended. When the Building Inspector determines that a structure within the City is in the condition, or of the type, that warrants action pursuant to Section 66.0413, Wis. Stats., he shall take the following action:
  1. The Building Inspector shall, alone or in the company of the City Engineer, the Code Enforcement Officer, or other City personnel deemed necessary or appropriate given the structure or circumstances involved, examine the structure involved and complete a building inspection report addressing the following aspects of the physical condition of the structure:

foundation, outside walls, porches, exterior stairs, roof, windows, inside walls, floors, ceilings, interior stairs, plumbing, chimneys, heating system, and wiring and fixtures. Failure to include in said report a discussion of any one of the above topics, or failure of the Building Inspector to obtain access to the appropriate part of the building in order to report on any one of the above topics, shall not invalidate the report.

2. Upon completion of said report and upon a determination by the Building Inspector that the structure involved is one which would properly be razed pursuant to Section 66.0413, Wis. Stats., he shall submit a copy of said report to the Public Safety and Code Enforcement Committee with advice that condemnation proceedings have been or will be instituted pursuant to Section 66.0413, Wis. Stats.

3. The Building Inspector shall order the owner of the structure involved to raze and remove said structure, or any part thereof, or if it can be made safe by repairs to repair it and make it safe and sanitary or to raze and remove it at the owner's option; or where there has been a cessation of normal construction of any building or structure for a period of more than two (2) years, to raze and remove such building or part thereof. Said order shall specify repairs, if any, and that the owner shall comply within thirty (30) days. If the owner of said structure cannot be located, the structure shall be posted with said order and service of said order on said owner shall be made by publication, all pursuant to statute.

4. If the owner of said structure fails or refuses to comply within the time prescribed in the condemnation order, the Building Inspector shall cause such building or part thereof to be razed and removed either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy, or use. Contracts or arrangements with private persons to raze structures, shall be let with the approval of the Public Safety and Code Enforcement Committee and only to contractors who provide a performance bond and undertake to hold the City harmless in the manner specified in subparagraph (a) hereof; provided, however, that in cases of emergency, the Building Inspector or the City Engineer shall be authorized to let demolition contracts.

5. The provisions of Section 66.0413, Wis. Stats., which is hereby adopted by reference, shall be complied with in the razing of structures in the City and in the case of any inconsistency between the provisions of this ordinance and the provision of Section 66.0413, Wis. Stats., said section shall be controlling.

- C. The cost of any structure razing, removal, or closing, not paid for directly by the owner of said building, shall be a charge against the real estate on which said building is located and shall be a lien upon such real estate, and shall be assessed and collected as a special tax.
- D. In order to ensure the timely compliance by a razing permit holder with all

provisions of this ordinance and the razing permit, a performance bond shall be posted. In the event that the City incurs costs due to the razing permit holder's noncompliance with any provision of this ordinance or the razing permit, the performance bond shall be forfeited and applied to the costs. A performance bond shall be in the form of cash, cashier's check, certified check, or a performance bond by a recognized bonding or insurance company. The required performance bond, based upon the type of structure razed, shall be as follows:

<b>STRUCTURE</b>	<b>AMOUNT</b>
(1) Garages, Yard Storage Sheds, and Structures Under 720 Sq. Ft.	\$ 1,000.00
(2) Garages and Private Accessory Buildings in Excess of 720 Sq. Ft.	\$ 5,000.00
(3) One and Two Family Dwellings	\$ 5,000.00
(4) Residential Structures in Excess of Two Families and Commercial Structures	\$10,000.00

The term "razing" shall be defined as tearing down completely level to the ground and shall include the removal of all materials and debris, the filling of any depressions, and the restoration of the site to a dust-free and erosion-free condition.

State Law Reference: Wis Stat §66.05 (1997 – 98)  
Wis Stat §66.0413

## **ARTICLE E: OUTDOOR WOOD BURNING HEATING UNITS**

### **16.0141 OUTDOOR WOOD BURNING HEATING UNITS**

- A. Definition: Outdoor Wood Burning Heating Unit is defined as an accessory structure, building, or apparatus, which supplies direct or indirect heat from the burning of wood, wood byproducts, grain or any solid fuel, to another building, structure or enclosure.
- B. The self-enclosed stand-alone shed appearance wood burning heating unit is prohibited from installation or use in the entire City.
- C. An appliance, apparatus or appurtenance (i.e. wood boiler, add-on, wood burning furnace) may be installed in an accessory building other than a garage used for the storage of gasoline operated motor vehicles, lawn mowers, etc.
- D. The installation of such wood burning units must meet or exceed the manufacturers' requirements relative to materials used to connect and location of units in relation to combustible materials.
- E. A heating permit is required with the fee in the amount as indicated In MMC Section 9.1302 Schedule A.

## **16.0200 ONE-AND TWO-FAMILY DWELLING BUILDING CODE**

### **16.0201 APPLICATION OF PROVISIONS**

#### **A. Title**

This section shall be known as the one and two family dwelling code of the City of Marinette.

#### **B. Purpose**

The purpose and intent of this section is to:

1. Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and additions to existing one- and two-family dwellings;
2. Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Safety and Professional Services.
3. Establish and collect fees to defray administrative and enforcement costs;  
Establish remedies and penalties for violations; and
4. Establish use of the Wisconsin Uniform Building Permit as prescribed by the Department of Safety and Professional Services.

### **16.0202 STATE UNIFORM DWELLING CODE ADOPTED**

The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters SPS 320-325 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions, or modifications of the administrative code provisions incorporated herein are intended to be made part of this Section to secure uniform statewide regulation of one and two family dwellings in this City of the State of Wisconsin. A copy of these administrative code provisions and any future amendments shall be kept on file in the Building Inspector's office.

### **16.0203 DEFINITIONS**

#### **A. Addition**

"Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

#### **B. Alteration**

"Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

#### **C. Cubic Contents**

"Cubic Contents" mean that volume of dwelling enclosed by the outer surface of exterior walls from the top of the footing to the roof.

D. Department

"Department" means the Department of Safety and Professional Services.

E. Dwelling

"Dwelling" means:

1. Any building, the initial construction of which is commenced on or after the effective date of this section, which contains one (1) or two (2) dwelling units, or
2. An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

F. Minor Repair

"Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light, and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair,

G. One or Two Family Dwelling

"A one- or two-family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence, or sleeping place by an individual or by two (2) or more individuals maintaining a common household, to the exclusion of all others.

H. Person

"Person" means an individual, partnership, firm, or corporation.

I. Uniform Dwelling Code

"Uniform Dwelling Code" means those administrative code provisions, and any future amendments, revisions, or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter SPS 320 -Administration and Enforcement

Wis. Adm. Code Chapter SPS 321 -Construction Standards

Wis. Adm. Code Chapter SPS 322 -Energy Conservation Standards

Wis. Adm. Code Chapter SPS 323 -Heating, Ventilating, Air Conditioning Standards

Wis. Adm. Code Chapter SPS 324 -Electrical Standards

Wis. Adm. Code Chapter SPS 325 -Plumbing and Potable Water Standards

**16.0204 METHOD OF ENFORCEMENT**

The Building Inspector shall enforce the provisions of this Chapter, the Uniform Dwelling Code, and of all other applicable ordinances and the laws and orders of the State of Wisconsin which relate to building construction; for this purpose may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this Chapter relating to buildings, subject to conditions contained in this Chapter. No person shall interfere with the said Inspector while in the performance of the duties prescribed in this Chapter.

**16.0205 BUILDING PERMITS REQUIRED**

No one- or two-family dwelling shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the Building Inspector.

**16.0206 APPLICATION FOR BUILDING PERMIT**

Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Safety and Professional Services.

**16.0207 DEDICATED STREET REQUIRED**

No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.

**16.0208 UTILITIES REQUIRED**

No building permit shall be issued for the construction of any residential building until sewer, water, grading, and graveling are installed in the streets necessary to service the property for which the permit is required, and a receipt for payment of electrical hook-up is presented to the Building Inspector. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading, and graveling in the streets necessary to service the property for which the permit is requested. No person shall occupy any building until sewer, water, grading, and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

**16.0209 REPAIRS AND ADDITIONS REQUIRING PERMIT**

No addition, alteration, or repair to an existing one or two family dwelling not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Inspector.



#### **16.0210 SUBMISSION OF PLANS**

- A. The applicant shall submit two (2) sets of plans for all new repairs or additions to one- and two-family dwellings at the time that the building permit application is filed.
- B. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations or repairs.

#### **16.0211 ISSUANCE OF PERMIT**

- A. If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the City, the Uniform Dwelling Code and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed in a conspicuous place at the site of the proposed building. A copy of any issued building permit shall be kept on file with the Building Inspector.
- B. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, codes, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- C. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

#### **16.0212 FEES FOR BUILDING PERMITS AND INSPECTIONS**

Repealed. See MMC Section 9.1302 Schedule A.

#### **16.0213 INSPECTION OF WORK**

The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If he finds that the work conforms to the provisions of this code, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

#### **16.0214 ISSUANCE AND REVOCATION OF OCCUPANCY PERMIT**

No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. The permit may be revoked at the discretion of the Building Inspector upon thirty (30) days notice to the user or occupant of the building.

## **16.0215 PERMIT LAPSES**

A building permit shall lapse and be void unless building operations are commenced within six (6) months, or if construction has not been completed within one (1) year, from the date of issuance thereof.

## **16.0216 VIOLATION AND PENALTIES**

### **A. Penalties**

1. No person shall erect, use, occupy, or maintain any one- or two-family dwelling in violation of any provision of this Chapter or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any building or structure hereafter erected, enlarged, altered, or repaired, or any use hereafter established, in violation of the provisions of this Chapter shall be deemed an unlawful building, structure, or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair, or moving of such building or structure or the establishment of such use, or to cause such building, structure, or use to be removed and may also be subject to a penalty as provided in this Section. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

2. Any person violating any of the provisions of this Chapter shall, upon conviction, be subject to a forfeiture of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution and, if 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.

### **B. Warning**

If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within (30) days after written notification unless an extension of time is granted pursuant to Sec. Ind. 20.10(1)(c), Wis. Adm. Code.

### **C. Stop Work Order**

If, after written notification, the violation is not corrected within thirty (30) days, a stop work order revoking the building permit may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has

been corrected. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.

D. Each Day a Separate Offense

Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

E. Work Done Prior to Permit Issuance

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

**16.0217 APPEAL TO BOARD OF APPEALS**

Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

**16.0218 LIABILITY FOR DAMAGES; DISCLAIMER ON INSPECTIONS**

- A. This Chapter shall not be construed as an assumption of liability by the City for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.
- B. The purpose of the inspections under this Chapter is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited herein is expressed or implied".

**16.0219 BUILDING INSPECTOR**

A. Creation and Appointment

There is hereby created the Office of Building Inspector. The Building Inspector shall be appointed by the Mayor subject to confirmation by the Common Council. The Building Inspector shall be certified for inspection purposes in each of the categories specified under Chapter SPS 503 Wis. Adm. Code..

B. Subordinates

The Building Inspector may appoint, as necessary, subordinates, which

appointments shall be subject to confirmation by the Council. Any subordinate hired to inspect buildings shall be certified under Chapter SPS 305, Wis. Adm. Code, by the Department.

C. Duties

The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.

D. Powers

The Building Inspector, or an authorized certified agent, may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.

E. Records

The Building Inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description, and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one and two family dwellings shall be kept. The Building Inspector shall make a written annual report to the Common Council relative to these matters.

**16.0220 SEVERABILITY**

If any section, clause, provision, or portion of this Chapter or of chapters SPS 320,321,322,323,324 and 325, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

## **16.0300 ELECTRICAL CODE**

### **16.0301 DEFINITIONS**

Terms used in this Chapter have the following meanings:

- A. **Electrical Work**  
The installation, superintendence, or inspection of electrical wiring and equipment for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy.
- B. **Master Electrician**  
A person who is licensed by the State of Wisconsin as a Master Electrician or who holds a State of Wisconsin Restricted License.
- C. **Journeyman Electrician**  
A person who is licensed by the State of Wisconsin as a Journeyman Electrician.
- D. **Indentured Electrical Apprentice**  
Any person who is an indentured electrical apprentice pursuant to Wisconsin Statutes Chapter 106, as amended from time to time.
- E. **Plant Electrician**  
A person whose electrical work is performed in, and limited exclusively to, the plant or shop of his or her employer, except for new construction or an addition to an existing building. (Ordinance 2006-2055 adopted 5-2-06)

### **16.0302 ELECTRICAL INSPECTOR**

There is hereby created the Office of Electrical Inspector.

- A. **Duties**  
The Electrical Inspector shall inspect all electrical installations made within the City of Marinette and shall enforce all provisions of this Chapter. He shall keep records of all permits issued, of all inspections made and of other work performed, together with such information concerning electrical inspections and installations. Pursuant to Section 101.86(1), Wisconsin Statutes, effective January 1, 2008, the City of Marinette shall exercise jurisdiction over the inspection of electrical construction in public buildings and places of employment by passage of this ordinance and adopts Wisconsin Administrative Code Chapter SPS 316 in its entirety. The electrical inspector may also provide electrician services on municipal property for no additional charge during contracted periods of time where no inspections are scheduled. (Ordinance 2007-2110 adopted 10-2-2007)
- B. **Assistants, Deputies**  
To carry out the duties of the office, the Electrical Inspector may appoint a deputy or such number of assistants as are required. The Deputy Inspector shall be vested with the authority of the Electrical Inspector when the latter is not so acting.
- C. **Right of Access**  
The Electrical Inspector or his assistants shall have the right during reasonable hours to enter any public or private buildings, premises, or subway in the discharge of his official duties or for the purpose of making any inspection or test of the

electrical wires or appliances contained therein. They shall be given access to any premises upon notification of the proper authority.

D. Authority to Discontinue Electrical Operations

The Electrical Inspector shall have the authority to turn off all electrical currents in any equipment which he finds to be in an unsafe condition and cut or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department. No person shall reconnect any cut off electrical equipment until written permission is given by the Electrical Inspector.

E. Periodic Inspection

The Electrical Inspector periodically shall make examinations of all the electrical wires and appliances installed within the City of Marinette. When wires or appliances are found to be in a dangerous or unsafe condition he shall notify the person owning, using, operating, or installing them to place them in a safe condition. Any person failing or refusing to complete the necessary repairs to changes within fifteen (15) days after the receipt of such notice shall forfeit and pay into the City Treasury the sum of Twenty-five (\$25.00) Dollars for each day which shall elapse after the expiration of this period. The Electrical Inspector may order the discontinuance of electrical service to defective wires or equipment until they have repaired, removed, or changed as he may direct, subject to the limitations of this Chapter.

**16.0303 ELECTRICIANS' LICENSES**

A. Master Electrician

No person shall perform the work of a Master Electrician unless licensed by the State of Wisconsin.

B. Journeyman Electrician

No person other than an indentured electrical apprentice shall perform any work of a Journeyman Electrician unless licensed by the State of Wisconsin.

C. Electrical Contractor's License

No person, firm, or corporation shall contract or undertake to install or repair electrical wires or apparatus within the City of Marinette, except as otherwise herein provided without first having obtained an electrical contractor's license from the State of Wisconsin. The contractor, or at least one full-time employee (as defined in SPS 305.41(2) Wis. Admin. Code) of the contractor, must be certified by COMM as a State-certified electrician. Only a State-certified Master Electrician or home owner may sign electrical permits. This person must have a copy of his/her current certificate on file with the City Electrical Inspector. A contractor shall, during the life of the contractor's license, carry the following liability insurance and file proof of insurance with the City Electrical Inspector at the time of license application or renewal:

1. One Million Dollar (\$1,000,000.00) general aggregate, One Million Dollar (\$1,000,000.00) product completed/operations aggregate, Five

Hundred Thousand Dollar (\$500,000.00) personal and advertising injury, Five Hundred Thousand Dollar (\$500,000.00) each occurrence, Fifty Thousand Dollar (\$50,000.00) fire damage, and Five Thousand Dollar (\$5,000.00) medical expense. Application shall show place of business address; proof of having in his employ one (1) master electrician licensed by the State of Wisconsin or applicant shall be a master electrician licensed by the State of Wisconsin.

D. Work without License

1. Employees of electrical, telephone, telegraph, and railway utilities may perform the planning or supervision and installation, operation and maintenance of equipment and materials required for the operation of the business of such utilities without a license, but when these employees perform work on property or premises of other persons, except when making service connections and installing and testing transformer meters and other equipment ordinarily furnished by and remaining the property of the utility, they shall be licensed in the same manner provided in this Chapter.

2. Indentured apprentices who are registered with the Electrical Inspector may work without a license, but shall at all times work under the immediate supervision of a licensed master or journeyman electrician.

3. The operating engineers and their assistants in charge of power generating plants, prime movers, and all auxiliary equipment and appliances connected therewith, are exempt in the supervision, maintenance, repairs, and in the operation of the electrical equipment under their jurisdiction, and this chapter shall not apply to them.

4. Plant Electricians.

E. Scope of Provisions. Regulated Uses

The regulations of this chapter shall apply to the supply of electricity and to all sales, rentals, leases, uses, installations, alterations, repairs, removals, renewals, replacements, disturbances, connections, disconnections, and maintenance of all electrical materials, wiring, conductors, fittings, devices, appliances, fixtures, signs, and apparatus or parts thereof, or attachments therefore, hereafter referred to as electrical equipment, which are intended to be, or are, within, on, under, over, or near all buildings, structures, equipment, and premises, except as provided in the following subsection.

F. Exceptions

The electrical license and permit regulations of this Chapter shall not apply to the following:

1. The installation, alteration, or repair of electrical generation, transmission, or distribution equipment but not utilization equipment owned and operated by an electrical public utility.

2. The installation, alteration, repair of signal or communication equipment where such equipment is owned and operated by a public utility company, railroad, or the City.

3. Any work in railroad cars, boats, buses, aircraft, and automobiles.
4. Any work in connection with electrical equipment used for radio television transmission, but not including supply wires, etc. to such equipment.
5. Any work involved in the manufacturing or testing of electrical equipment or apparatus but not including any temporary or permanent wiring of equipment associated with the manufacture of such equipment or apparatus.
6. Any work associated with:
  - (a) The repair of plug connected electrical appliances or devices.
  - (b) Permanently connected electrical appliances or devices which have been electrically and mechanically disconnected and separated from all sources of electrical supply by an electrical license. The opening of switches or the blowing or removal of fuses shall not be considered as electrical or mechanical disconnections or separation.
7. The installation or replacement of approved fuses, which are not oversized for the circuit involved.
8. The installation or replacement of approved lamps or plug-connected portable appliances, which do not overload the circuit, involved and are not located in hazardous locations.
9. The renewal or replacement of any existing branch circuit switches, sockets, or receptacles.
10. Any work performed in the capacity of Plant Electrician.

#### **16.0304 ELECTRICAL PERMITS**

##### **A. Application**

The Electrical Inspector shall issue permits for all electrical installations for light, heat, or power upon the filing of proper application, which shall be made on forms furnished by him. The application shall prescribe the nature of the work, as well as such other information as may be required for inspection. Electrical work shall not be started until a permit for this has been obtained, unless the work is exempt from the Chapter.

##### **B. Existing Installations**

Permits are not required for repairs or maintenance of an existing electrical installation.

##### **C. Fees**

Repealed. See MMC Section 9.1302 Schedule A.

##### **D. Special Permits**

Special permits shall be applied for work that does not require immediate inspection.

##### **E. Temporary Work**

In the application for a permit for temporary work, a specified period of time for



which such wiring is to remain in service must be stated.

Service shall be cut off at the end of this period; and shall not again be connected without written permission from the Electrical Inspector.

F. Required

No electrical installation shall be made in the City of Marinette, without a permit being first issued therefore by the Electrical Inspector, and the paying of the proper fee. Licensed electrical contractors only may receive such permits, with the exception that a permit may be issued to a property owner to personally install an electrical system in a single family home, owned and occupied by the owner as his home. No such homeowner shall be issued more than one (1) permit in any twelve (12) month period.

**16.0305 INSPECTION**

Upon completion of wiring an electrical installation, and before the installation is hidden from view, the person doing the work shall notify the Electrical Inspector who shall proceed to inspect the installation within forth-eight (48) hours after time of notice. Failure to make the inspection within the time allotted shall not be construed as authority to cover or obscure the work. If upon inspection it is found that the installation is fully in compliance with this Chapter and does not constitute a hazard to life or property, the Electrical Inspector shall approve it and authorize concealment of the wiring or electrical service connection. If the installation is incomplete or not in accordance with this chapter, the Electrical Inspector shall order the person installing the electrical work to remove all hazards and make the necessary changes or additions within ten (10) days. No person shall conceal the electrical work before inspection.

**16.0306 CERTIFICATES OF INSPECTION**

A. Inspection Certificates

Current shall not be turned on any electrical installation until a certificate of inspection has been issued by the Electrical Inspector. In occupied buildings where a permit for lighting fixtures has been issued, the Electrical Inspector may authorize the installation of meters for electric services after the wiring has been inspected and approved.

B. Adoption of State Electrical Safeguard

Section 167.16 of the Wisconsin Statutes, and such changes and additions as may be appended thereto from time to time, is hereby adopted and made part of this code with the same force and effect as thus set out herein in full, and failure to comply with any of the provisions of said code shall constitute a violation of this Chapter.

**16.0307 CONSTRUCTION REQUIREMENTS**

A. State Code Adopted

1. All electrical codes, as amended, including Electrical Code, Volume 2, SPS 316, as amended, promulgated by the Department of Safety and Professional Services of the State of Wisconsin is hereby adopted and made a part of this Chapter.

2. No certificate of inspection shall be issued to anyone unless the electrical installation conforms to the above-mentioned code and the rule for Electric Service and Meter Installation of the Wisconsin Public Service Corporation dated April 1, 1961, with subsequent revisions. Copies of the codes and service rules are on file and shall be kept on file in the office of the City Clerk and available for inspection.

**B. Approved Material and Fittings**

All material and appliances used or designed to be used in connection with the utilization of electricity for light, heat, or power shall be of standard design and follow the list of standard material which shall be kept on file in the office of the Electrical Inspector.

**C. Unsafe Equipment**

No person shall keep or offer for sale or sell within the City any equipment or fixtures designed or intended to be used for the production, transmission, or utilization of electrical currents or power, if the apparatus, equipment, or fixtures, when installed for use, would be in violation of any of the provisions of this Chapter or would be unsafe or dangerous.

**D. Type NM, Type NMC and Type NMS Cables**

Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

1. One and two-family dwelling.
2. Multifamily dwellings permitted to be of Type III, IV and V Construction except as prohibited in 334.12.
3. Other structures permitted to be of Type III, IV and V construction except as prohibited in SPS 334.12. Cables shall be concealed within walls, floors or ceilings that provide a thermal barrier or material that has at least a 15-minute finish rating as identified in listings of fire rated assemblies.
4. Cable types in structures permitted to be Types III, IV and V where the cables are identified for the use.

**E. Wiring for Other Than Metallic Conduit**

Concealed electric wiring for light, heat, or power, in any building including new and furnished apartments, and residences shall be installed in metallic conduit, armored cable, metal raceways, grounded Romex, or by other approved methods.

1. Service entrance cables leading into and/or out of overhead meter sockets, if within five (5) feet of any hard surface i.e. driveway, sidewalk, porch, patio, stairs shall be in conduit.

**F. Kitchen Receptacles**

Receptacles in kitchen or where the electric demands may require shall be wired on a separate circuit. All kitchen receptacles shall be of the grounded type.

**G. Circuit Breakers**

All residences and installations of electrical wiring for 120- 240 volt service shall

be protected by automatic circuit breakers or a non-tamperable type S fuses of an approved kind and quality. All circuit breakers shall bear the seal of Underwriters' Laboratory.

H. Minimum Residential Service

The minimum service to any residential installation shall have a capacity of not less than 100 amperes. The size and type of residential conductor shall be No. 4 copper or No. 2 aluminum and shall be neoprene covered or equal.

I. House Circuits

All floors or stories of residences, flats, apartments, etc., that can be used for separate living quarters, must be wired on separate circuits from other floors so that they may be metered separately and no outlets for certain floors may be connected to other circuits.

J. Apartment Circuits

Wires of different apartments shall not occupy the same raceway, enclosure, cable armor, outlet box, fitting, junction box, or cabinet except by special permission of the Electrical Inspector.

K. Solderless Connectors

Crimp-type solderless connectors may be used if applied in a workmanlike manner with proper tools.

**16.0308 SMOKE DETECTORS, AND CARBON MONOXIDE DETECTORS, UNDER SPS 321.09 and SPS 321.097**

- A. All residential dwellings and dwelling units must be provided with smoke detectors in conformance with SPS 321.09 and ss 101.145.
- B. All residential dwellings and dwelling units must be provided with carbon monoxide detectors in conformance with SPS 321.097 and ss 101.149.

**16.0309 DISCLAIMER ON INSPECTIONS**

The purpose of the inspections under this Code is to improve the quality of housing in the City. The inspection and the reports and findings issued after the inspections are not intended as, nor are they to be construed as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with Code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited herein is expressed or implied."

**CITY NOT LIABLE.** This chapter shall not relieve or lessen the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for injuries or property damage caused by defects therein, nor shall the City or any City employee assume any liability by reason of the inspection authorization herein, of the certificate of inspection issued as herein provided. (Ord. 2006-2053, adopted May 2, 2006).

## **16.0400 PLUMBING CODE**

### **16.0401 WISCONSIN STATE PLUMBING CODE**

- A. The provisions, rules, and regulations governing the design, construction, installation, supervision, and inspection of plumbing as found in Wisconsin Department of Safety and Professional Services 381-387, is hereby adopted by reference by the City of Marinette and shall govern all plumbing in the City of Marinette. Any future additions, revisions, or amendments to above provisions of the Wisconsin Administrative Code and State Statutes incorporated herein are intended to be made a part of this Chapter.
- B. In addition, the publication entitled Standard Specifications for Sewer and Water Construction in Wisconsin, Fourth Edition, March 1, 1990, as amended from time to time, is hereby adopted by reference and incorporated herein.

### **16.0402 INSPECTION AND SUPERVISION**

- A. The Mayor, with the approval of the Common Council, shall designate and appoint a person who shall be under the direct supervision and direction of the Mayor and shall act as Plumbing Inspector and shall have control of the supervision and inspection of the plumbing and drainage in the City of Marinette and shall faithfully enforce all laws, ordinances, and rules in relation thereto.
- B. It shall be the duty of the Plumbing Inspector to see that the construction, reconstruction, and alterations of all plumbing, hereafter installed in all of the buildings, or connected to the sewer or water system of the City of
- C. Marinette shall conform with the laws and ordinances and the rules and regulations laid down by the Board of Health of the State of Wisconsin and the City of Marinette, and to maintain all inspections required thereby and in the manner therein set forth.

### **16.0403 APPLICATIONS, PERMITS, AND RECORDS**

The Plumbing Inspector shall prepare suitable forms for the applications and permits required and keep in his office a proper daily record of all transactions of his office, and file a monthly and yearly record covering the same with the Common Council.

### **16.0404 PLUMBING AND DRAINAGE PERMITS AND FEES**

No plumbing shall be installed in the City of Marinette, except in case of repairing leaks or of stoppages, without a permit being first issued therefore by the inspector of plumbing, and the paying of the proper fees hereinafter mentioned. The applicant for a plumbing permit shall file with the Plumbing Inspector, when necessary, plans and specifications showing in detail the work to be done. Licensed master plumbers only may receive such permits, with the exception that a permit may be issued to a property owner to install plumbing in a single family residence building owned and occupied by such owner as his home. Before the said inspector shall issue such permit he shall approve the application so filed with him, and issue to the applicant a statement showing the fees to be paid for such permit, which statement of fees to be paid shall be taken to the City Treasurer who will accept the fee and issue receipt. Upon presentation to the Plumbing Inspector of the receipt of the City Treasurer showing the payment of

all fees, the Plumbing Inspector shall thereupon issue his permit for the work set forth in the application. Provided further that all of the conditions of this section shall also apply to any building located outside the limits of the City of Marinette before any such building may be connected to the water or sewer system of the City.

**16.0405 RESERVED FOR FUTURE USE.**

**16.0406 COMPLIANCE WITH ORDERS**

The Plumbing Inspector is authorized to refuse to approve any application for a plumbing permit to any person who has not complied with a lawful order of the Plumbing Inspector. The issuing and approving of a plumbing permit may be withheld until such time as a lawful order has been complied with. However, the person refused such a permit may appeal to the Council within ten (10) days from the refusal whose decision shall govern.

**16.0407 FEES**

Repealed. See MMC Section 9.1302 Schedule A.

**16.0408 REPEALED**

**16.0409 AUTHORITY TO ENTER PREMISES**

The Plumbing Inspector is granted the power and authority at all reasonable times to enter upon any private or public premises to make an inspection, and to require of any person or persons doing plumbing, the production of the license and permit therefor. Any person who shall resist or obstruct any lawful exercise of authority by the Plumbing Inspector shall be subject to the penalty provided in this Chapter.

**16.0410 NOTICE OF INSPECTION**

- A. Whenever any work is ready for inspection, the Plumbing Inspector shall be notified by the plumber in charge or persons receiving the permit, specifying the plan, permit number or address under which work is being done. Unless otherwise specifically permitted by the Inspector, all plumbing shall be left uncovered for inspection until examined and approved by the Inspector. The Inspector may then notify the plumber in charge or owner of the property at what time the inspection will be made and shall proceed at that time to make the inspection. The Inspector shall make the requested inspections within twenty-four (24) hours of receiving a request for an inspection, weekends and holidays excepted.
- B. The plumber in charge, or the owner, shall make such arrangements as will enable the Inspector to reach all parts of the building and construction readily and shall have present the proper apparatus and appliance for making the tests, and shall furnish all materials, and shall perform all labor in making the tests as required by the Plumbing Inspector.

**16.0411 LOCATION OF DRAIN JUNCTIONS**

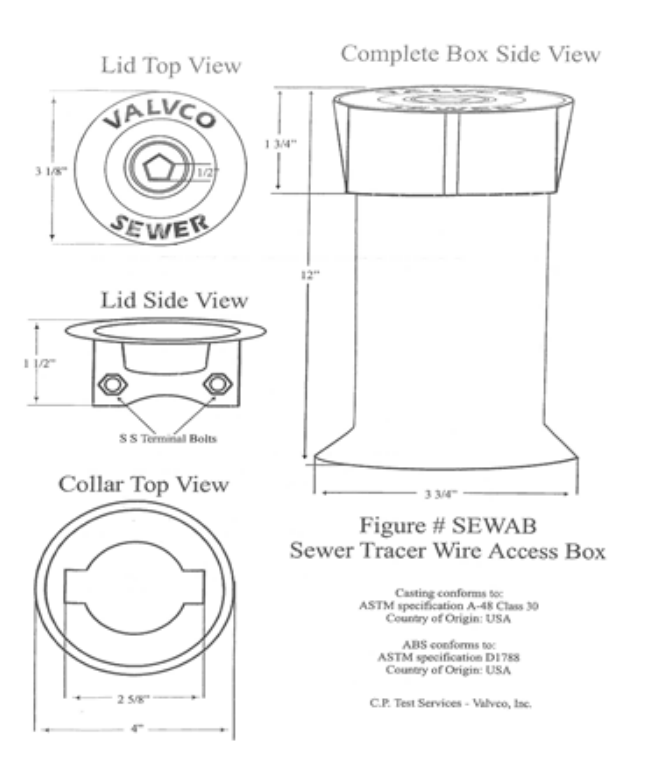
- A. No persons but licensed plumbers as herein provided shall be permitted to tap or make connections with the general sewage system of the City of Marinette or any part thereof. Such information as the Plumbing Inspector may have regarding the location

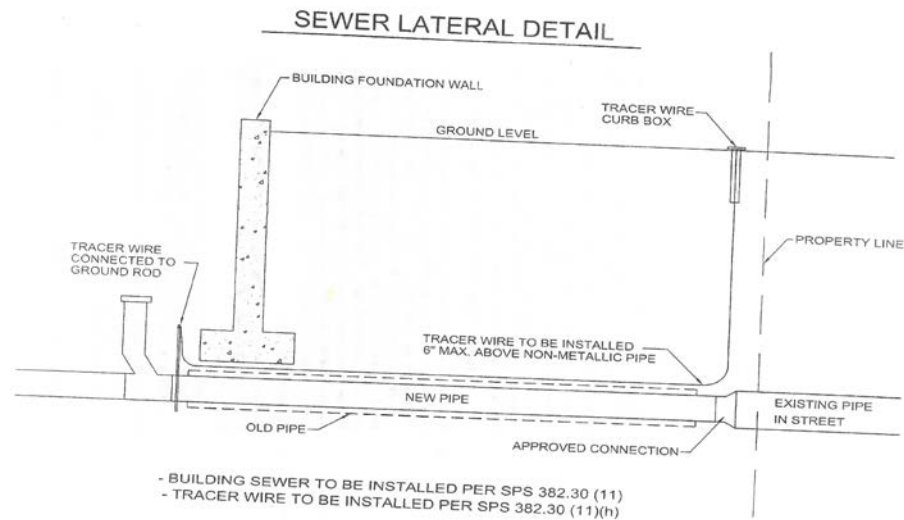
of sewer junctions or of wyes may be furnished to plumbers, but the Plumbing Inspector assumes no risk as to accuracy of the same. When, with measurements furnished, the junction is not found, such connection shall be made under the direction of, and in the presence of the Plumbing Inspector or his designee.

#### B. Slip Lining. Definition

Slip lining is the insertion of one pipe through an existing building sewer. Slip lining of an existing building sewer will only be allowed using the following method.

1. A permit must be obtained by a licensed master plumber or master plumber restricted or utility contractor prior to the installation or replacement of the building sewer as defined in SPS 381.01(44).
2. The sliding of one pipe normally from within the building foundation to the property line.
3. The renewed building sewer will be a 4-inch minimum diameter in size.
4. An approved joint connection between the private building sewer and public utility or the closest connection to the public utility must be provided.
5. A tracer wire must be installed and tested along the new building sewer as required in SPS 382.30(11)(h) and as illustrated in the following diagram.





6. A tracer wire access box (Valvco #Sewab or equal) must be installed above the sewer at the location of where the private sewer lateral and public utility lateral connect.

**16.0412 WATER SERVICE FOR EACH BUILDING**

- A. The water service and water distribution system of every house or building in the City of Marinette, or connected to the public water mains of the City shall be separately or independently connected with the public water mains.
- B. The water supply for every house or building shall be metered; such meter installation to be in accordance with the requirements of Section 7.0114 and Section 7.0116.

**16.0413 PERMIT TO CONNECT DURING FREEZING WEATHER**

No opening in the streets for making a connection with a main sewer will be permitted when the ground is frozen except when in the judgment of the Plumbing Inspector such connection is absolutely necessary, and if such permission is granted, the work shall be done as directed by the Plumbing Inspector granting the permit.

**16.0414 WATER SERVICE MATERIALS**

All water pipes or lines laid underground shall be of Type K copper tubing, Class C ductile iron pipe, or other equal or approved materials as permitted in SPS 382.40.

**16.0415 INTENTIONALLY, WILLFULLY, MALICIOUSLY INJURING PLUMBING OR DRAINAGE**

Any person who shall intentionally, willfully, or maliciously injure or obstruct any sewer, building-drain, private sewage disposal system, catch basin or any plumbing, in actual use of any sewer, water or gas pipes or any parts or apparatus connected therewith, laid

or constructed in the streets, alleys or under any sidewalk in the City of Marinette shall be subject to the penalty, hereinafter mentioned.

**16.0416 DUTY TO REPORT THE VIOLATION**

It shall be the duty of any Alderman, Police Officer, County Health Department to inquire into violations of this Chapter, and to report the same to the Plumbing Inspector for investigation and prosecution.

**16.0417 CONNECTIONS TO SEWER AND WATER SYSTEMS**

- A. To assure preservation of public health, welfare and safety, every building in the City of Marinette used for human habitation located adjacent to a sewer or water main, or in a block through which one or both systems extend, shall be connected with both the sewage and water systems of the City of Marinette in the manner prescribed herein.
- B. Every factory, plant, and warehouse in the City of Marinette employing persons for such a period of time that necessitates the using of toilet facilities and drinking water, located adjacent to a sewer or water main, or in a block through which one or both such systems extend, shall be connected with both the sewerage and water systems of the City of Marinette in the manner prescribed herein.

**16.0418 SEWER TAP PERFORMANCE BOND AND REPORT**

No connection may be made to the Marinette Sanitary Sewer System without complying with this section. Every person making such a connection shall return a properly prepared Sewer Tap Location Form to the Office of the Building Inspector no later than ten (10) days following inspection of the connection by that office. Failure to do so will subject that person to a citation. To help ensure that Sewer Tap Location Forms are returned in a timely fashion, every person shall deposit the sum of \$250 with the Office of the Building Inspector prior to making a connection. In the event that the person returns a properly prepared Sewer Tap Location Form within ten (10) days as stated above, the deposit shall be promptly refunded in full. If this does not occur, the deposit shall be forfeited.

**16.0419 DISCHARGE OF CLEAR WATER**

A. Definition

Water from roof drains, ditches, sumps, catch basins, water-cooled compressors, common bubbler-type drinking fountains, footing drains, surface drains, storm sewers, refrigerator cooling water, and air-conditioning water shall be deemed clear water.

B. Prohibitions

It shall be unlawful for any person, firm, or corporation to cause, create, allow, or permit any roof drain, surface drain, footing drain, pipe, conduit, sump pump, or any other object or thing used for the purpose of collecting, conducting, transporting, diverting, draining, or discharging clear water from any part of any premises to discharge into the sanitary sewer system of the City of Marinette, all being contrary to the provisions of Chapter SPS 82.36 Wisconsin Plumbing Code.



C. Storm and Clear Water Places of Discharge

1. Building storm and clear water drains shall be connected to the storm sewer.

2. If no storm sewer exists, the building and clear water drains shall extend to the ground surface terminating with a return bend-type fitting with the discharge opening eighteen (18) inches above final grade. A bleeder drain shall extend to an open bottom catch basin and shall be reduced to a one (1) inch inside diameter pipe size, or the building storm and clear water drain may run into an established ditch or discharge onto the property provided it does not cause a nuisance to adjoining property.

D. Date of Compliance

All building storm and clear water drains now discharging into the sanitary sewer system of the City of Marinette shall be disconnected from said sanitary sewer system one hundred eighty (180) days after the adoption and publishing of this Section.

**16.0420 WATER AND SEWER EXTENSIONS OUTSIDE CITY**

- A. If any sanitary sewer, water main, and/or other improvements are extended to areas annexed hereafter, the full cost of said improvements, both within the area annexed and the existing City limits necessary to connect at an acceptable receiving or discharge location capable of handling the additional load, shall be borne by the property owner of the annexed area unless modified by the Board of Public Works with the approval of the Council.

**16.0421 DISCLAIMER ON INSPECTIONS**

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

**16.0422 SEWER AND WATER LATERALS**

- A. The installation of sewer and water laterals shall conform to the standard specifications referred to in Section 16.0401(B).
- B. Every newly installed water lateral shall be given a pressure test as specified

in Chapter 5.5.19, as amended, of the standard specifications referred to in Section 16.0401(B).

- C. Every newly installed sewer lateral shall be given an exfiltration test as specified in Chapter 5.4.0, as amended, of the standard specifications referred to in Section 16.0401(B).
- D Any installation and testing performed under this Section shall be subject to a permit under Section 16.0401(B) and inspection by the Plumbing Inspector or his designee.

**16.0423 PENALTY**

Any Master Plumber or restricted master plumber, utility contractor property owner, or any other person who shall violate any of the provisions of this Chapter, or shall install or allow to be installed any plumbing or drainage in the City of Marinette contrary to the provisions of this Chapter, shall upon conviction thereof, forfeit an amount as found in Section 1.0107 of this Code of Ordinances. Each day of such violation shall constitute a separate offense.

## **16.0500 COMMERCIAL BUILDING CODE**

### **16.0501 Permit Required**

No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

### **16.0502 Adoption of Codes**

The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 305	Credentials
Chs SPS 316	Electrical Code
Chs SPS 320-325	Uniform Dwelling Code
Chs SPS 361-366	Commercial Building Code
Ch SPS 375-79	Buildings Constructed Prior to 1914
Chs SPS 381-387	Uniform Plumbing Code

### **16.0503 Delegated Municipality Authority**

Delegated Municipality. The City has adopted the Delegated Municipality Authority as described in SPS 361.61 of the Wisconsin Administrative Code.

A. Responsibilities. The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

1. Provide inspection of commercial buildings with certified commercial building inspectors.
2. Provide plan examination of commercial buildings with certified commercial building inspectors.

B. Plan Examination. Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

1. A new building/structure, addition to a building/structure, or alteration.
2. A Delegated Municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to DSPS for review and approval.

C. Plan Submission Procedures. All commercial buildings, structures and alterations, including new buildings and additions require plan submission as follows:

1. Building permit application
2. Application for review – SBD-118
  - a. Fees per fee schedule A of City of Marinette Code of Ordinances
  - b. Fees apply to all commercial projects
3. 4 sets of plans
  - a. Signed and sealed per SPS 361.31
  - b. (1) set of specifications
  - c. Component and system plans
  - d. Calculations showing code compliance

**16.0504 Building-HVAC-Electrical-Plumbing Inspector**

**A. Creation and Appointment**

There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.

**B. Assistants**

The Building Inspector may employ, assign or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, by the Department.

**C. Duties**

The Building Inspector shall administer and enforce all provisions of this ordinance.

**D. Powers**

The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.

**E. Inspections**

In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

- a) Footing
- b) Foundation
- c) Rough Carpentry, HVAC, Electric and Plumbing
- d) Draitile/Basement Floor
- e) Underfloor Plumbing
- f) Electric Service
- g) Insulation
- h) Final Carpentry, HVAC, Electric & Plumbing
- i) Erosion Control

#### **16.0505 Fees**

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Municipality. If work commences prior to permit issuances, the permit fee shall double.

#### **16.0506 Violations and Penalties**

- A. Prohibition.  
No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.
- B. Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- C. Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- D. Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

#### **16.0507 Appeals**

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.. The Municipality will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21.507 Appeals (Ord. 2016-2350 adopted 4-6-16)

## **16.0600 HOUSING CODE**

### **16.0601 TITLE**

This Chapter shall be known as the “Minimum Housing Code of the City of Marinette, Wisconsin”.

### **16.0602 DEFINITIONS**

A. The following definitions shall apply in the interpretation and enforcement of this Chapter.

1. Basement: "Basement" shall mean a portion of a building whose floor line is not more than six (6) feet below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.
2. Cellar: "Cellar" shall mean a portion of a building located wholly or partly underground and having half or more of its floor-to-ceiling height below the adjoining finished grade.
3. Dwelling: "Dwelling" shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.
4. Dwelling Unit: "Dwelling Unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by one family.
- 4a. Dwelling Unit – Rental: (Dwelling Unit – Rental shall mean any Building or portion of a building let in return for a valuable consideration for a period of 30 days or more, which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
5. Extermination: "Extermination" shall mean the control and elimination of insects, rodents, or other pests by elimination of their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, trapping, or by any other recognized and legal elimination methods approved by the Housing Officer.
6. Garbage: "Garbage" shall mean the animal and vegetable waste resulting from the preparation, handling, cooking, and consumption of food, papers, rags and other combustible refuse.
7. Habitable Room: "Habitable Room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, laundries, pantries, foyers, communicating corridors, closets, and storage spaces.

8. Housing Officer: "Housing Officer" shall mean the legally designated housing authority of the City of Marinette or his authorized representative.
9. Infestation: "Infestation" shall mean the presence, within or around a dwelling of any insects, rodents, or other pests.
10. Multiple Dwelling: "Multiple Dwelling" shall mean any dwelling containing more than two (2) dwelling units.
11. Occupant: "Occupant" shall mean any person, over one (1) year of age, living, sleeping, eating, or having actual possession of a dwelling unit or rooming unit.
12. Operator: "Operator" shall mean any person who has charge, care, or control of a building or part thereof, in which dwelling units or rooming units are let.
13. Owner: "Owner" shall mean any person who alone, or jointly or severally with others shall be the legally-recorded holder of the title with or without actual possession thereof, or who has charge, care, or control of any dwelling or dwelling units as agent of owner, or as executor, administrator, trustee, or guardian of the estate of the owner.
14. Person: "Person" shall mean and include any individual, firm, partnership, corporation, or association.
15. Plumbing: "Plumbing" shall mean and include all of the following supplied facilities, and equipment; gas pipes, gas burning equipment, water pipes, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
16. Premises: "Premises" shall mean any lot, plot, or parcel of land and/or including the building or structures thereon.
17. Rooming Unit: "Rooming Unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
18. Rooming House: "Rooming House" shall mean any dwelling or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to four (4) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.
19. Rubbish: "Rubbish" shall mean household wastes, except garbage; and the term shall include lawn rakings, tin cans, glass, metal, crockery, wood, abandoned automobiles, or parts thereof, and similar household wastes.

20. Supplied: "Supplied" shall mean paid for, furnished, or provided by or under the control of the owner or operator.
21. Meaning of Certain Words: Whenever the words, "Dwelling Unit," "Rooming House," "Rooming Unit", or "Premises" are used in this Chapter they shall be construed as though they were followed by the words, "or any part thereof."

**16.0603 (1) OCCUPANCY PERMITS SINGLE FAMILY DWELLINGS**

- A. It shall be unlawful for any owner or operator to occupy, or to lease or otherwise allow another to occupy any vacant dwelling without an occupancy permit from the Housing Officer. The Housing Officer will make an inspection of said premises prior to a permit being issued and will notify owner of any necessary improvements or changes as may be necessary to meet health and safety codes. Only a person who complies with the requirements of this Chapter shall be entitled to receive and retain such a permit. The occupancy permit will be issued without charge if obtained within one (1) calendar year of the inspection date.
- B. Permits shall be issued only in the name of the owner or operator of the dwelling and shall not be transferable as to person or premise.
- C. The permit of any dwelling is automatically revoked when the dwelling is vacated
- D. It shall be unlawful for any public utility to install any meter, or connect any service in any dwelling or dwelling unit, until an occupancy permit shall have been issued.

**16.0603 (2) OCCUPANCY PERMITS – Rentals**

- A. When it has been determined by inspection that a rental housing unit is in compliance with the Housing Code, the Housing Officer shall issue a certificate of occupancy for the unit to the owner within 10 working days of the inspection.
- B. The certificate of occupancy shall be valid through December 31 of the fourth calendar year after the year during which the first inspection was conducted pursuant to the previous certificate of registration or certificate of occupancy.
- C. The certificate of occupancy shall state the following:  
The name of the rental housing unit.  
The name and address of the agent (if any) in charge of the unit  
The and address of the owner of the building  
The date of issue  
The date of expiration  
The name of the tenant



#### **16.0604 (1) INSPECTION OF SINGLE FAMILY DWELLINGS**

- A. The Housing Officer is hereby authorized and directed to make inspections to determine the conditions of single family dwellings, located within the City of Marinette.
- B. The owner, of every single family dwelling, shall upon the request of the Housing Officer permit access to all parts of such buildings on their premises between the hours of 8:00 a.m. and 4:00 p.m., or at any other reasonable time for the purpose of such inspection, examination, and survey.

#### **16.0604 (2) REGISTRATION AND INSPECTION OF RENTAL PROPERTY**

- A. Within 30 days of the effective date of this ordinance, the city shall publish 2 times in the newspaper of general circulation within the city a notice stating the registration requirements of this section.
- B. Within one hundred and twenty (120) days of the effective date of this ordinance, the owner of any building containing a rental housing unit within the corporate limits of the City of Marinette shall register each such building with the Housing Officer by filing a registration form provided by the City, stating the address of each rental housing unit within the building, the name and address of the agent in charge of the building (if other than the owner), the name and address of the owner of the building, and the number of rental units contained in the building. The Housing Officer shall examine each registration form for completeness and if complete, shall issue a Certificate of Registration of each unit, to the owner. The Certificate of Registration shall be mailed to the owner by first class mail.
- C. Failure to submit a completed registration form shall constitute a violation of this ordinance by the owner, and shall subject the owner to the penalty provisions indicated in the Marinette Municipal Code.
- D. A Certificate of Registration issued pursuant to this section shall expire thirty (30) days after the initial inspection has been conducted in accordance with 16.0604(3).

#### **16.0604 (3) INITIAL INSPECTION**

- A. Prior to December 31 of the fourth calendar year the date of the Certificate of Registration, the Housing Officer shall schedule an inspection of each rental housing unit and notify the owner of the unit of the date and time of the scheduled inspection for compliance with the requirements of the City of Marinette Housing Code. The inspection of all rental housing units in the city shall be scheduled in such a manner as to distribute the total number of inspections to be performed over the four (4) year period as uniformly as

possible, for the purpose of providing the Housing Officer the opportunity to conduct the required inspections in an orderly and efficient manner. Notice of inspection shall be mailed to the owner of the rental housing property, at the address indicated on the registration form, by first class mail not less than 10 working days prior to the scheduled inspection. It will be the responsibility of the owner to gain entry to dwelling units for the inspection and re-inspection if necessary.

- B. The owner of the rental property or the occupant of the rental housing unit may contact the Housing Officer not less than 72 hours before the scheduled date and time of the inspection to reschedule the inspection, if the scheduled date and time would present a hardship to the owner or occupant, the Housing Officer will reschedule the inspection for a date and time which is mutually agreeable to the owner or occupant, subject to the limitation that the inspection shall be conducted within thirty (30) calendar days of the date of mailing or the notice of inspection. Failure or refusal on the part of the owner or occupant to consent to the required inspection within thirty (3) days of mailing of the notice of inspection shall be considered a violation of this ordinance, and shall subject the party refusing to consent to inspection to the penalty provisions indicated as set forth in the Marinette Municipal Code fee schedule. Consent on the part of the occupant of the rental housing unit to allow inspection of the unit shall be deemed by the Housing Officer to be sufficient permission to enter the unit for purposes of inspection.
- C. Inspection of a rental housing unit may be made between the hours of 8 am and 4 pm on business days by an inspector employed by the City of Marinette.

#### **16.0604 (4) INSPECTIONS AFTER THE INITIAL INSPECTION**

- A. During the year in which the certificate of Occupancy for a rental housing unit will expire, the Housing Officer shall schedule an inspection of the unit and notify the owner of the unit of the date and time to the scheduled inspection for compliance with the requirements of the City of Marinette Housing Code. Notice of inspection shall be mailed to the owner of the rental housing property, at the address indicated on the registration form by first class mail not less than 10 working days prior to the scheduled inspection.

#### **16.0605 ENFORCEMENT; NOTICES AND ORDERS; APPEALS**

- A. Whenever the Housing Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, he shall give written notice of such alleged violation of any provisions to the person responsible therefor specifying the violation which exists, and a reasonable time within which to correct it. A certificate of occupancy shall not be issued pursuant to this ordinance until correction of

any and all violations have been made, and correction has been verified by re-inspection by the Housing Officer.

- B. Any person aggrieved by a decision or an action of the Housing Officer may appeal to the Public Safety and Code Enforcement Committee for a review of the decision. If such appeal is not filed within ten (10) days after notice of alleged violation, such notice shall become an order.

#### **16.0606 STANDARDS FOR EQUIPMENT AND FACILITIES**

All habitable buildings shall comply with the following requirements for basic equipment and facilities:

1. Sinks

Every dwelling unit shall contain a kitchen sink.

2. Toilets and Sinks

Every dwelling unit shall contain a water flush toilet and lavatory basin located in the same room.

3. Bathing Facilities

Every dwelling unit shall contain a bathtub or shower.

4. Privacy

The room, wherein the toilet, lavatory, and bathtub or shower required under this Section are installed, shall afford privacy to a person within.

5. Water Supply

Every kitchen sink, lavatory basin, bathtub, and shower required by this Chapter shall be properly connected with both hot and cold water lines supplying water of safe, sanitary quality. Potable water supply connections must comply with SPS 382.41 – cross connection control requirements.

6. Water Heating Facilities

Every dwelling shall have supplied water heating facilities which are properly connected with hot water lines required under Subsection (e) and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit, even when heating facilities required by this Chapter are not in operation. A gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room unless listed for such use.

7. Garbage and Refuse Receptacles

Every dwelling unit shall have adequate, covered receptacles for garbage and for rubbish.

8. Exits

Every dwelling unit shall have at least two (2) safe unobstructed means of exit leading to safe and open spaces at ground floor. One-half (1/2) of the required exits may be either fire escapes or horizontal exits as required by the Wisconsin State Building Code. All means of egress shall be indicated with approved EXIT signs where required by the International Building Code Chapter 1011. All EXIT

signs shall be maintained visible and all illuminated EXIT signs shall be illuminated at all times that the building is occupied.

#### 9. Stairways

All stairways in dwellings of more than one dwelling unit shall have at least one (1) firmly constructed handrail at not less than two feet, six inches (2' 6") above the nose of the tread.

### **16.0607 STANDARDS FOR LIGHT, VENTILATION, AND HEATING**

All habitable buildings shall comply with the following requirements for light, ventilation, and heating:

#### A. Windows

Every habitable room shall have at least one (1) window facing directly to the outdoors. The minimum total window area in every sleeping room shall be eight percent (8%) of the floor area of such room.

#### B. Ventilation

(a) Natural ventilation. Natural ventilation shall be provided to all habitable rooms by means of openable doors, skylights or windows. The net area of the openable doors, skylights or windows shall be at least 3.5% of the net floor area of the room. Balanced mechanical ventilation may be provided in lieu of openable exterior doors, skylights or windows provided the system is capable of providing at least one air change per hour of fresh outside air while the room is occupied. Infiltration may not be considered as make-up air for balancing purposes.

(b) Exhaust ventilation. All exhaust ventilation shall terminate outside the building.

#### C. Bathroom

Rooms with toilets, tubs or showers shall have at least one (1) window facing the outside and having a minimum openable area of not less than four (4) square feet or shall be provided with exhaust ventilation capable of exhausting 50 cubic feet per minute on an intermittent basis or 20 cubic feet on a continuous basis.

#### D. Electric Service

Every dwelling within three hundred (300) feet of a power line shall be supplied with electricity. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with SPS 316. Every dwelling shall be served by a main service that is not less than 100 amperes, three wires. Where a single service serves more than one dwelling unit, access to the service disconnect and to all branch circuit overcurrent devices serving a dwelling unit shall be accessible to the occupants of the dwelling unit at all times without passing through another dwelling unit. Within such dwelling every habitable room shall contain at least three (3) separate floor or wall convenience outlets or two (2) such outlets and supplied ceiling-type electric light fixtures

except that rooms used exclusively for sleeping may contain one (1) less outlet; and every toilet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. All receptacle outlets located within 6 ft. of a water source (ie) kitchen sink, bathroom fixtures, laundry, etc. shall be ground fault interrupter circuit (GFIC) protected. Every such outlet and fixture shall be installed and connected to the source of electric power in accordance with the Electric Code of the City of Marinette and maintained in good, safe working order.

E. Public Halls and Stairways

Every public hall and stairway in every two-family dwelling, multi-family dwelling, and rooming house shall be adequately lighted at all times. In four-family dwellings an adequate lighting system which shall be operated by a time switch shall be required and the public passageways and stairways shall be illuminated from one (1) hour after sunset to one (1) hour before sunrise. The lights of emergency doors shall be red or green lights accompanied by a sign bearing the word "Exit" in plain letters.

F. Insect Protection

When flies are prevalent, all openings into the outer air shall be effectively screened and screen doors shall be self-closing.

G. Rodents

Every basement window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

H. Heating

Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within its walls to a temperature of at least seventy (70) degrees Fahrenheit under minimum winter temperatures of minus ten (-10) degrees Fahrenheit. The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or quest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to June 1 to maintain the room temperatures specified above.

I. Smoke Detector and Carbon Monoxide Detector

All dwellings and dwelling units must be provided with smoke detectors in conformance with SPS 321.09 and ss 101.145. All dwellings and dwelling units must be provided with carbon monoxide detectors in conformance with SPS 321.097 and ss 101.149.

## **16.0608 REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE**

All habitable buildings shall comply with the following requirements for maintenance:

### **A. Floors, Walls, Etc.**

Every floor, wall, ceiling, foundation and roof, including chimneys and venting shall be reasonably weathertight, watertight, and rodent proof; and shall be capable of affording privacy; and shall be kept in good repair. Exterior walls shall be covered with wood, aluminum or other siding, brick or stone facing, or other materials approved by the Housing Officer. Exterior walls or trim requiring painting shall be kept adequately painted.

### **B. Windows and Doors**

Every window, exterior door, and basement hatchway shall be reasonably weathertight, waterproof, and rodent proof; and shall be kept in sound working condition and good repair.

### **C. Stairs and Porches**

Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting a live load of eighty (80) pounds per square foot uniformly distributed, and shall be kept in sound condition and good repair. All handrails and guardrails must comply with SPS 321.04(3).

### **D. Plumbing Fixtures**

Every plumbing fixture and water waste pipe required under this Section shall be installed in accordance with the Plumbing Code of the City of Marinette and maintained in good working condition, free from defects, leaks, and obstructions.

### **E. Toilets and Bathroom Floors**

The floors of all toilets and bathrooms shall be constructed and maintained so as to be reasonably impervious to water and so as to be easily cleaned.

### **F. Discontinuance of Service**

No owner, occupant, or operator shall cause any service, facility, equipment, or utility which is required under this Section to be removed from or shut off from, or discontinued for, any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergency when discontinuance of service is approved by the enforcing officer.

### **G. Grounds**

Grounds surrounding any building shall be adequately landscaped. Dead trees, or branches thereof, and dead shrubs and weeds shall be promptly removed.

## **16.0609 CONDITIONS OF OCCUPANCY OF DWELLING AND DWELLING UNITS**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not comply with the following requirements:

A. Floor Space

Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet for every additional occupant thereof.

B. Sleeping Rooms

In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least an additional fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least forty (40) square feet of floor area for each occupant under twelve (12) years of age and reasonable facilities are required to provide privacy of access.

C. Habitable Room Area

Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit where provided may account for not more than ten percent (10) of the required habitable floor area.

D. Ceiling Height

At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than 4.5 feet shall not be considered as part of the floor area in computing floor area of the room for determining the maximum permissible occupancy thereof.

E. Basement and Cellar Space

No basement or cellar space shall be used as a dwelling unit. A bedroom in the basement is prohibited unless it can comply with SPS 321-325 requirements.

## **16.0610 DWELLING AND DWELLING UNITS WHICH MAY BE OCCUPIED**

- A. Any dwelling or dwelling unit shall be considered unfit for human habitation, occupancy, or use, and shall be so designated and placarded by the Housing Officer, in accordance with the Wisconsin Statutes, if it is so damaged, decayed, dilapidated, unsanitary, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public; or is lacking in facilities necessary to protect the health or safety of the occupant, or the public; or because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- B. Any dwelling or dwelling unit designated and placarded by the Housing Officer as unfit for human habitation shall be vacated within a reasonable time as ordered by the Housing Officer and shall not again be used for human habitation until the defects upon which the condemnation and placarding action were based have been eliminated, the placard removed by the Housing Officer, and an occupancy permit granted.
- C. No person affected by any notice or order to vacate a dwelling or dwelling unit designated as unfit for habitation shall be granted a hearing before the Zoning

Ordinance Board of Appeals.

- D. Any dwelling declared structurally unsafe shall be restored or razed according to the provisions of Section 66.0413 of the Wisconsin Statutes. The Housing Officer is hereby designated as an officer to carry out the provisions thereof.

#### **16.0611 RESPONSIBILITIES OF OWNER AND OCCUPANTS**

Where, in this Chapter, the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator, and occupant is as follows:

- A. Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition that part of the shared or public areas of the dwelling and premises thereof.
- B. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit, and yard which he occupies and controls.
- C. Every occupant of a dwelling or dwelling unit shall place all his rubbish accumulating between times of collection or other satisfactory disposal in proper receptacles.
- D. The owner shall be responsible for supplying such facilities or receptacles for all dwelling units in a dwelling containing more than two (2) dwelling units. In all other cases, the occupant shall be responsible for the extermination of any insects, rodents, or other pests therein, whenever his dwelling unit is the only one infested; provided, however, that when infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner.
- E. Every owner or operator shall be responsible for extermination of any insects, rodents, or other pests whenever infestation occurs in more than one dwelling unit in a dwelling, or in the shared or public parts of a dwelling of two (2) or more units.
- F. A contract effective between owner and operator, operator and occupant, or owner and occupant with regard to compliance hereunto shall not relieve any part of his direct responsibility under this Chapter.
- G. Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties, or otherwise, of the maximum number of occupants permitted in the occupied premises under this Chapter.

#### **16.0612 ROOMING HOUSE**

All rooming houses shall comply with the following requirements:

- A. Toilets and Lavatories
  - 1. At least one flush toilet, lavatory, basin and bathtub or shower, properly connected to a municipal water and sewer system and other facilities approved by the Housing Officer and in good working condition



shall be supplied for each eight (8) persons including the operator's quarter or family whenever they share the use of said facilities. Provided that in rooming houses where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of flush toilets. All such facilities shall be so located within the dwelling to be reasonably accessible from a common hall or passageway and provide reasonable facilities to insure privacy of access and privacy within to all persons sharing such facilities.

2. Every lavatory basin and bathtub, or shower shall be adequately supplied with hot water at all times. No such facilities shall be located in the basement.

**B. Linens**

The operator of every rooming house shall change supplied bed linens and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

**C. Area**

Every room occupied for sleeping purposes shall contain at least seventy (70) square feet for each occupant twelve (12) years of age and over, and forty (40) square feet for each occupant under twelve (12) years of age and reasonable facilities as required to provide privacy of access.

**D. Exits**

Every rooming house shall have at least two (2) safe, unobstructed means of egress leading to a safe and open space at ground floor level. One-half (1/2) of the required exits may be either fire escape or horizontal exits as required by Wisconsin State Building Codes. One (1) stairway shall be enclosed and shall have at least one (1) handrail securely installed.

**E. Sanitary Maintenance**

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the maintenance of a sanitary condition in every part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire structure or building or occupied by the operator.

**16.0613 APARTMENT BUILDINGS**

- A. A building containing more than two (2) dwelling units shall be deemed an apartment building.
- B. Every dwelling unit within an apartment building shall have complete kitchen, living, sanitary, and sleeping facilities.
- C. The public area of every apartment building shall be maintained in a clean, safe, and sanitary condition. All passageways shall be kept free to insure the safety of the occupants.
- D. Every apartment building having more than three (3) dwelling units shall have a local agent and/or custodian responsible to maintain the public areas and facilities of the building.

**16.0614 REQUIRED ELECTRICAL AND PLUMBING INSPECTIONS AND FEES FOR CONNECTION AND DISCONNECTION OF MOBILE HOME UTILITIES**

- A. No occupancy permit shall be issued under Section 15.0603, as amended, for any mobile home unless the electrical, sewer, and water connections have been inspected by the Code Enforcement Officer or his designee.
- B. No mobile home may be disconnected from water utility service unless the potable water pipe is capped or sealed with an approved plug so as to prevent the infiltration of untreated water into the City's potable water supply.
- C. No utility connections shall be performed on a mobile home except by a properly licensed electrician in the case of electrical connections and a properly licensed plumber in the case of sewer and water connections.
- D. No water meter shall be installed in a location which is underwater.
- E. The owner and/or operator of a mobile home park shall be jointly and severally responsible, along with the mobile home owner and person in charge thereof, for compliance with the provisions of this Section.
- F. Violations of this Section shall be subject to the general penalty provisions of Section 1.0107, as amended. Any permit obtained after work is commenced shall require a double fee.

**16.0615 ENFORCEMENT**

This chapter shall be enforced by the Housing Officer.

**16.0616 PENALTIES**

Any person who violates any provision of this Chapter shall pay a forfeiture in an amount as found in Section 1.0107 of this Code of Ordinances, together with the costs of prosecution. Each day's failure to comply with any such provisions and each and every violation of the provisions of this Chapter shall constitute a separate offense.