

CHAPTER 14

BUILDING CODE

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14.01 AUTHORITY.

This Ordinance, (hereafter referred to as Code) is enacted pursuant to Chapters 60 and Chapter 101, Wis. Stats., for the purpose of providing certain minimum standards for the design, methods of construction, use of materials, conversion to other use, demolishing of buildings, razing or moving, use and occupancy of all buildings and structures within the Town of Somers.

14.02 ZONING.

This Code shall be subject to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, and amendments thereto.

14.03 DEFINITIONS.

- (A) **Addition**. Shall mean any new construction performed on any dwelling or building which increases the outside dimensions of said dwelling or building, whether constructed prior to or after June 1, 1980, the effective date of the State Administrative Code.
- (B) **Alterations**. Shall mean a substantial change or modification other than an addition or minor repair to a dwelling or building, or to the systems (electrical, plumbing or heating) involved within the dwelling.
- (C) **Department**. Shall mean the State of Wisconsin, Department of Industry, Labor and Human Relations.
- (D) **Detached Accessory Buildings**. Shall mean and include, but not be limited to, barns, sheds, cribs, granaries, garages, utility sheds, roofed patios and similar structures, having a square footage in excess of thirty (30) square feet.
- (E) **Board**. Shall mean the Town Board of the Town of Somers.
- (F) **Dwelling**. Shall mean any building, the initial construction of which is commenced on or after June 4, 1980, and contains one or two dwelling units, and that part of an existing structure, constructed prior to said date, which is used or intended to be used, as a one or two family dwelling. This definition also includes additions and alterations to a mobile home.
- (G) **Inspector**. Shall mean the Building Inspector of the Town of Somers, with authority as set forth in §14.04 and as otherwise granted by the Wisconsin Statutes.
- (H) **Major Alteration or Repair**. If an alteration or repair shall be in excess of fifty (50%) percent of the assessed value of the existing building, and made within a period of twelve (12) consecutive months, the building shall be made to conform to all requirements of this code, subject to §14.06.

(I) **Minor Repair.** Shall mean any repair performed for maintenance or replacement purposes on any existing one or two family dwelling or public building which does not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways or exits, fire protection, exterior esthetic appearance, and which does not increase a given occupancy or use. No building permit is required for work to be performed which is deemed by the Building Inspector to be a minor repair. Roof covering repair, or reroofing of more than twenty-five (25%) percent of the entire roof in a twelve (12) month period, shall require a building permit pursuant to §14.08.

(J) **One or Two Family Dwelling.** Shall mean any structure which contains one or more separate households intended to be used as a home, residence or sleeping place by an individual, or by two or more individuals maintaining a common household, to the exclusion of all others.

(K) **Person.** Shall mean any individual, association, partnership, corporation, limited liability company or other legally recognized entity.

(L) **Public Building.** Shall mean any building or structure, not a one or two family dwelling, subject to State Administrative Codes.

(M) **Swimming Pool.** Shall be accorded the definition found in §14.14.

(N) **Town.** Shall mean the Town of Somers.

(O) **Uniform Dwelling Code.** Shall mean those Administrative Code provisions and future amendments, revisions, or modifications to said Code, as may be from time to time adopted by the Department, and shall be included herein by reference.

(P) **Zoning Ordinance.** Shall mean the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance and any amendments or additions enacted thereto by the Kenosha County Board of Supervisors.

14.04 DEPARTMENT OF BUILDING SUPERVISION.

(A) There is hereby created for the Town an Inspection Department. The Inspection department shall be under the direction of an Inspector and such deputies, assistants and helpers as may, from time to time, be appointed. The Inspection Department is created for the purpose of extending a supervisory control over building, construction and repairing operations, moving operations and general usage of buildings within the limits of the Town.

(B) The Inspector shall be certified as required by §101.66, Wis. Stats., and shall be appointed by the Town Board for an indefinite term, or until his successor shall be duly qualified and appointed. The Town Board may, from time to time and for such length of time as it deems advisable, employ one or more deputy building inspectors and such other assistants and personnel as it may deem necessary, and the Town Board may discharge any of the same at will. The Town Board may, at any time, remove from office the Inspector. During the absence or inability of the Inspector to act, the Town

Board may appoint a deputy or assistant as acting Inspector. The Town Board may require the Inspector, deputy, assistants and other personnel, to furnish bonds in such amounts for the faithful performance of their duties as it may deem advisable. The compensation of the personnel of the Department of Building Supervision shall be established by the Town Board. The Inspector shall have and possess such powers as are generally necessary for the proper enforcement of this Code, and without limiting such powers by the following designation, shall be specifically possessed of the following powers to:

- (1) Enforce all provisions of this Code and for such purposes shall possess the powers of a police officer, and is authorized to issue and serve citations for violations of this Code.
- (2) Direct and be responsible for the work of any deputy or assistant, and may act by and through any of them as his representative.
- (3) Require a permit for any building, plumbing, electrical or heating work, or any other permits required by this Code.
- (4) Serve notices and citations, deliver certificates of occupancy and cause to be issued "stop and desist" orders for any construction contrary to the terms of this Code.
- (5) Keep permanent record of all transactions through the Department of Building Supervision office.
- (6) Collect all permit fees called for in this provision, and shall pay the same to the Town Treasurer at such time as the Town Board may direct.
- (7) The Inspector, or other personnel of the Department of Building Supervision may, upon presentation of proper credentials, enter any building or premises during reasonable hours for the purpose of proper inspection to prevent violations of this Code, all as provided in §66.0119, Wis. Stats. If it shall become necessary, the Inspector may request the Town Attorney to obtain an inspection warrant, provided by §66.0119, Wis. Stats.

14.05 BUILDING PERMITS.

(A) No dwellings, public buildings or detached accessory buildings, including agricultural buildings, shall be built, enlarged, altered, repaired, razed or moved into or within the Town, unless a Building permit for that work shall first be obtained by the Owner or his agent, from the Inspector.

(B) Application for a Building permit shall be made upon forms furnished for such purpose, and be accompanied by two (2) copies of plans and specifications, and the lot plan, showing the location of the building and such other pertinent information as the Inspector may require. A copy of a Certified Survey of land or lot size shall be required and a zoning permit issued by the Zoning Office. The

survey and plans and specifications accompanying the application shall show the following:

(1) **Survey.**

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

(2) **Plans and specifications.** All plans shall be drawn to scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate, and shall disclose the existing and proposed provisions of water supply, sanitary sewer connections and surface water drainage. All dimension shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:

- (a) All elevations.
- (b) All floor plans.
- (c) Complete construction details.
- (d) Fireplace details (three-fourth (3/4) inch per foot) showing cross section of fireplace and flues.
- (e) Plans of accessory structures when such structure(s) is to be built immediately or location of accessory structure(s) when it is to be built at a later date.

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

(C) The grade level to be established for any new building, shall conform as closely as possible to eight (8) inches above the road at the center of the wall adjoining the street, and at all other areas, grades shall be determined by the Inspector so as to be in conformity with existing adjacent buildings and proper drainage. The established grade level must be verified by field survey by a registered land surveyor before the Inspector shall permit construction above the building foundation. The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of the grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.

(D) Early start permits may be issued by the Inspector subject to Town Board approval.

(E) In the event that the Inspector shall determine that prior to issuing a permit, professional services shall be required, the cost of such services shall be paid by the applicant before a permit is issued. The Inspector may require that one hundred twenty-five (125%) percent of the estimated cost and fees for such consulting services be deposited with the Inspector, and if not sufficient, an additional deposit shall be required. Any excess funds not required shall be returned to the applicant.

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

(G) **Inspector May Revoke Permits.** The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances.

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

14.06 EXISTING BUILDINGS, MAJOR ALTERATIONS AND REPAIRS.

(A) **Alterations, Repairs, Etc.** Every alteration or repair to any structural part or portion of an existing building, shall, when deemed necessary in the opinion of the Inspector, be made to conform to the requirements of this Code for new buildings.

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

(C) **Maintenance.** The requirements contained in this Code covering the maintenance of buildings shall apply to all buildings and structures now existing or hereafter erected. All buildings, structures and parts thereof, shall be maintained in a safe condition, and all devices or safeguards which are required by this Code at the erection, alteration or repair of any building or structure, shall be maintained in good working order. This section shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized in writing by the Inspector.

(D) **Soil and Drainage.** In addition to conditions of the zoning permit, and any other conditions of this Code, the Inspector shall examine in detail the land or the subdivision plat and shall not issue a permit for construction of any building upon any such land, which is known to be of unsuitable soil, moisture, health, drainage or soil erosion problems, or on any filled land. The Inspector shall also be satisfied that the applicant has adequately provided for surface water draining as set forth in either the Pike River or the Des Plaines River Watershed Plan.

14.07 ADOPTION OF WISCONSIN ADMINISTRATIVE CODE PROVISIONS.

(A) Under the authority granted in §101.12, Stats., the following codes of the Wisconsin Administrative Code are hereby adopted and set forth in full together with any future amendments, revisions or modifications. The Building Inspector shall keep and maintain current copies of said code for reference.

- (1) COMM 16 - State Electric Code, Volume 2
- (2) COMM 17 - Commercial Electric Code
- (3) COMM 20 - Administration and Enforcement
- (4) COMM 21 - Construction Standards
- (5) COMM 22 - Energy Conservation Standards

- (6) COMM 24 - Electrical Standards
- (7) COMM 25 - Plumbing and Potable Water Standards
- (8) COMM 26 - Certificate of Building Inspections
- (9) COMM 28 - Smoke Detector
- (10) COMM 50-60 - As they apply to all public buildings and places of employment
- (11) Chs. COMM 50-64 - Wisconsin Building and Heating, Ventilating and Air Conditioning Code
- (12) Ch. COMM 66 - Uniform Multi-Family Code
- (13) Ch. COMM 69 - Barrier-Free Design
- (14) Chs. COMM 75-79 - Existing Buildings Code
- (15) Ch. COMM 70 - Historic Building Code
- (16) Such portions of the International Building Code as may be adopted in the Wisconsin Administrative Code. To the extent that provisions of the International Building Code are not identical to other provisions either in these ordinances or in other provisions of the Wisconsin Administrative Code which were adopted by reference herein, the more restrictive provisions shall apply.

(B) The Town Building Inspector shall be commercially certified by the Wisconsin Division of Safety and Buildings and is hereby authorized by the Town to enforce the preceding sections of the Wisconsin Administrative Code herein adopted by reference.

(C) No person shall build or cause to be built any new public building or alter any public building without first submitting plans and specifications to the Town Building Inspector and obtaining a building permit for such building. Building permit fees shall be determined as set forth hereinafter in the accompanying Schedule A.

14.08 PERMITS.

(A) If the Inspector finds that the proposed building structure shall comply in every respect with this Code and with all other provisions of the Town or applicable laws, rules and regulations, including those of Kenosha County and the State of Wisconsin, he shall collect the building permit fees as set forth hereafter in the accompanying Schedule A and issue a building permit for the structure. The building permit shall be posted in a conspicuous place at the site of the proposed building.

(B) The owner, or his agent, shall apply for all necessary permits to construct any building, alteration or improvement as determined by the Inspector, and shall pay all fees at the time of the issuance of a Building permit, excepting, however, that a permit for connection to a municipal water system or a municipal sewer system, shall be issued only to a master licensed and bonded plumber, or licensed utility contractors. The fee for connection to a municipal sewer system to be that fee charged by the utility district, sanitary district or municipal authority exercising the control over the municipal sewer. The fee for inspection of the water connection shall be limited to the water main only, or as may be authorized by the Public Service Commission. A record of any such sewer and water connections shall be kept by the Inspector.

(C) **Automatic Sprinkler and Fire Prevention Systems.** If required, shall be as set forth in this Code.

14.09 LOCAL ELECTRICAL CODE.

(A) **Objective.** The objective of this chapter is to safeguard persons and property and to give assurance to all manner of electrical work being done in a workmanlike manner, by establishing minimum standards for the installation and maintenance of electrical systems, by regulating and providing for the inspection of the installation of electrical wiring, equipment, and devices, and providing for the licensing of persons, firms and corporations undertaking electrical work, and fixing a penalty for the violation thereof. Compliance with these standards is intended to result in installations reasonably free from electrical hazards

(B) **Scope.**

(1) The regulations of this chapter shall apply to the supply of electricity, the licensing of electricians, and to all installations, alterations, repairs, removals, replacements, disturbances, connections, disconnections, and maintenance of all electrical materials, wiring, conductors, fittings, devices, appliances, fixtures, signs, and apparatus, or parts thereof, 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. Electrical permits shall be obtained for all electrical work involving installation of new devices or repairs to existing installations, both of a normal voltage for the building or structure and low voltage. The scope of this ordinance shall include the installation of cable t.v., telecommunication wiring, security wiring, communication system wiring and control wiring.

(2) The Wisconsin Administrative Code Chapters COMM 16 and 17 and all amendments thereto and The National Electrical Code and all amendments thereto are hereby adopted by reference and made part of this chapter.

(C) **Electrical Inspector.**

(1) The Electrical Inspector shall be the Town Inspector or Assistant Building Inspector.

(2) The Electrical Inspector shall not be interested as a partner or otherwise with any person or persons in any business dealing in electrical supplies, fixtures, or material, or carrying on the trade of work of an electrician on any property or project which he or she inspects. In the event that the Town Electrical Inspector has been so interested in a property or on a project located within the Town which is subject to inspection hereunder, then the Town Building Inspector shall arrange for an electrical inspection by an alternate, disinterested qualified inspector.

(3) The Electrical Inspector shall be a State Certified Electrical Inspector.

(D) **Electrical Inspector–Powers And Duties.**

(1) The Electrical Inspector shall make, or cause to be made, a thorough inspection of any wires or equipment within the Town.

(2) The Electrical Inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of his duties. He/she shall also have the power to enter any building used in whole or in part for the purpose of public assemblage when occupied by the public, or at any time in order to examine electrical equipment in such building.

(3) He/she shall issue licenses and permits as provided in this chapter and keep complete records of all applications, permits, all inspections made, and other official work performed under the provisions of this code, so arranged to promptly afford information concerning electrical installations.

(4) The Chief of the Fire Department or the Electrical Inspector shall have the power to cause the removal of all wires and discontinuance of all electrical current when the circuits interfere with the work of the Fire Department. The Electrical Inspector shall have the authority to cause the turning off of all electrical current to any equipment or circuits found to be in an unsafe condition, and cut or discontinue electrical service in cases of emergency and where such currents are dangerous to life or property.

(E) **License–Required.**

(1) **Electrical contractor license.** No person, firm, or corporation shall engage in the business of installing, altering, or repairing any electrical wiring, fixtures, or electrical equipment without first having procured an Electrical Contractor license in the manner provided in this chapter.

(2) **Individual licenses.** No person shall alter, install, or repair electrical wires or apparatus, or supervise the same, without having first procured one of the following electrical licenses:

- (a) State of Wisconsin Master Certificate
- (b) State of Wisconsin Restricted Master Certificate
- (c) State of Wisconsin Journeyman Certificate
- (d) State of Wisconsin Beginners Certificate

(3) Licenses will not be required for:

- (a) Electrical apprentices, party to a written indenture contract with the State of Wisconsin Apprenticeship Division and Area Joint Apprenticeship Committee, during the term of their indenture;
- (b) Company or factory authorized personnel performing adjustments or repairs of highly specialized apparatus or equipment, such as, but not limited to, computers, elevators, dental and medical equipment and x-ray machines;
- (c) Only minor routine repairs of existing facilities when performed by the owner or regularly employed maintenance personnel;
- (d) Electrical work in or on Federal or State owned buildings or property;
- (e) A homeowner performing electrical work on his or her homestead. For the purpose of this chapter the word homestead shall be construed to mean a single family dwelling, occupied or to be occupied by the owner.

(F) **Home Owner's Privilege.**

(1) A property owner may personally install electrical wiring in his/her own single family dwelling owned by and occupied by him/her as a permanent residence, provided that said owner shall:

- (a) Apply for and secure a permit in accordance with this Code.
- (b) Pay the required fees.
- (c) Do the work himself/herself in accordance with Code.

- (d) Apply for inspection.
 - (e) Receive the approval of the electrical inspector.
- (2) The Property owner's privilege does not apply to the following:
- (a) New electrical services, service upgrades, or underground wiring.
 - (b) New construction prior to the issuance of an occupancy permit.
 - (c) In-ground swimming pools, spas, or hot tubs (interior or exterior).
 - (d) Wiring over 120 Volts (Meters, Switch boxes 220V 440V).
 - (e) Wiring in two (2) family dwelling.
 - (f) Any rental property.
- (3) If the Electrical Inspector deems that the homeowner is incapable of installing the wiring per N.E.C. and COMM 16, then the inspector may condemn the installation and require the homeowner to hire a licensed electrical contractor.

(G) **Permits for Light, Heat and Power Installations.**

- (1) No electrical work within the scope of this chapter shall be performed without first obtaining an Electrical Permit from the Electrical Inspector. The application for such permit shall state clearly the work planned, alterations to be made, and equipment and materials to be used. The Inspector or Inspectors shall issue permits for electrical installations of light, heat and power, as covered within the scope of the Wisconsin State Electrical Code, Volume II, upon the filing of proper applications, which describe the nature of the work as well as such other information as may be required for inspection. In no case shall electrical work be done unless a permit has been obtained except as follows:
- (a) Any person manufacturing or repairing electrical appliances and employing a competent electrical repair person shall not be required to have a permit for their testing or repair work.
 - (b) No permit shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses or changing lamp sockets.
- (2) The electrical permit shall have lapsed and be void unless electrical work is commenced within one hundred twenty (120) days of the date of issuing of the permit or, if the work authorized by the permit is suspended at any time after the

work is commenced, for a period of one hundred twenty (120) days. Before such work can be commenced, a new permit shall first be obtained. A written request from the permit holder prior to permit expiration may extend the permit for an additional one hundred twenty (120) days.

(H) **Contractor on Site.** All electrical wiring or electrical work done on all new houses, rental buildings, and buildings used for commercial purposes in the Town must be done by a licensed electrical contractor until a final inspection is approved by the Electrical Inspector.

(1) A Master Electrician or Journeyman electrician must be on the job site at all times while electrical work is being done.

(2) In a building used for commercial purposes only the building as described in the State of Wisconsin approved plans is covered by the Original Town of Somers building permit. Any tenants of this building that require additional wiring for specified purposes must have an additional permit issued by the Town of Somers and the additional wiring must be performed by a licensed electrician, who has a valid license from the Town, and be inspected by the Town Electrical Inspector.

(3) After an occupancy permit has been issued for a house, the owner/occupant may perform certain electrical operations as outlined earlier.

(I) **Minimum Standards.** All electrical work, including the installation and placing of wires and other electrical equipment, shall be done in conformity with the minimum standards established by this chapter, the latest editions of The National Electrical Code (hereafter called the NEC), and the Wisconsin Administrative Code Chapter COMM 16. Said codes are, by this reference incorporated herein. Copies of this code shall be on file in the office of the City Clerk. All electrical work shall be performed in such a manner as not to endanger life or constitute a fire hazard.

(J) **Wiring Methods.** Type AC cable, type NM and NMC nonmetallic sheathed cable, type UF, type SE and USE cable shall be limited to use only in the following types of occupancies provided all other applicable codes are complied with.

(1) Single Family.

(2) Duplex.

(3) Multifamily dwellings and condominiums provided:

(a) Conductors in common areas and garages shall be installed in raceways except where protected by permanent surfacing materials.

(b) Circuits extending beneath grade shall be in conduit.

(c) Services shall be in compliance.

(4) Buildings originally constructed as a one or two family dwelling which have been or will be converted to a rooming house or a community based residential facility for occupancy of fourteen (14) persons or less.

(K) **Services.** In residential applications, service conductors shall be in ridge, steel or IMC conduit, EMT, or rigid nonmetallic conduit. Raceways allowed for services by the NEC may be used in commercial or industrial applications.

(L) **Conduit Above Roof Line.** Where a conduit extends above the roof line as a service drop support, a minimum size of two (2) inch rigid steel or IMC conduit shall be used. The weather head shall not extend more than three (3) feet above the roof line unless special permission is granted by the Electrical Inspector.

(M) **Abandoned Wiring.** Old wiring that has been replaced and/or abandoned shall be removed from a building structure, raceway, support, etc., or left in a manner which renders the de-energized state of the conductors obvious.

(N) **Underground Wires–Gas Station.** All underground wiring shall be installed in threaded rigid metal conduit or threaded steel intermediate conduit. Conduits serving gasoline pumps shall be size three-quarter (3/4) inch minimum.

(O) **Certificate of Inspection.** Unless otherwise especially permitted by the Inspector, all work shall be left uncovered for examination until examined and approved by the Inspector. The Electrical Inspector shall have the privilege to have removed any obstruction, such as laths, plastering, boarding or partitions which might prevent a complete inspection. Installations found to be in accordance with the ordinances and laws related thereto shall be so certified by the Electrical Inspector, who shall issue a certificate of inspection to the owner, which shall authorize the connection with the electrical supply. It is unlawful to make such connection until such a certificate of inspection has been issued.

(P) **City And/or Inspector Not Liable.** This chapter shall not be construed as assuming any liability on the part of the City or the Inspector for damages to persons or property caused by defective work, or by approval or disapproval of any electrical equipment, plans, or other provisions authorized by this chapter.

(Q) **Emergency Work.** Any contractor doing or causing emergency work to be done shall report the same to the Electrical Inspector within one (1) business day after beginning the work.

(R) **Residential Electrical Wiring Minimum Requirements.** Any person who performs electrical wiring shall do so in accordance with the following standards, except where work is performed only in a specific room and total amperage in the building is not increased. In such event, only such work as is specified for that room shall be required.

(1) The electrical service must be a minimum of one hundred (100) amperes

for a single-family dwelling and one hundred fifty (150) amperes for a multifamily dwelling, including both service conductors and equipment. Disconnecting means shall be provided and shall consist of a single main disconnecting means for a service in a multiple occupancy building, up to and including six (6) units. If over six (6) units, a single service main shall be installed. The disconnection means shall be located at a readily accessible point nearest to the entrance of the conductors either inside or outside the building. Service size, disconnect and location shall be in accordance with the Wisconsin Administrative Code.

(2) Where electrical work is done in a basement and for attic, nonconforming electrical wiring shall be revised and meet current electrical Code standards.

(3) A separate twenty (20) amp circuit is required for laundry appliances.

(4) Furnaces shall have a separate circuit.

(5) All ground-fault interrupter protected receptacle outlets are required in basements and crawlspaces.

(6) A minimum of two (2) appliance circuits shall be provided for receptacles located in each kitchen, protected by a ground-fault if the receptacle is required by the electrical code.

(7) In each bathroom, there shall be one (1) receptacle adjacent to the lavatory which shall be protected by a ground fault interrupter.

(8) Individual branch circuits shall be installed to operate fixed motor-operating appliances, whether automatically or manually started.

(9) In accessory buildings with electrical wiring, all receptacles installed shall be grounded and protected with a ground-fault circuit interrupter.

(10) Central air-conditioning shall be wired to Code with approved overcurrent protection and safety disconnect means for compressors and airhandling unit.

(11) All new services shall be installed underground whenever possible. All overhead services that increase in size (example 100 amp to 200 amp) shall be installed underground and comply with the electrical wiring minimum requirements. With the exception of existing sixty (60) amp to one hundred (100) amp.

14.10 TIME LIMITATIONS AND RENEWALS.

(A) A Building permit for all buildings shall lapse and become void unless construction

is commenced within six (6) months of the date of issue, and completed within twenty-four (24) months from the date of issuance of the permit. If after a Building permit shall lapse, and an application is made for a renewal, the Inspector, after inspection of the premises and for good cause, may reissue or renew the Permit and the fee charged shall be fifty (50%) percent of the original fee, except that the Inspector shall have the authority to adjust and renew permit fees to give applicant credit for previously made inspections to a point of the completed construction at the time the renewal permit is issued.

(B) No excavation for building purposes, whether or not completed, shall be left open for more than six (6) months without proceeding with the erection of a building thereon. If any such excavation remains open for more than six (6) months, the Inspector shall order in writing, the erection of a building on the excavation to begin forthwith, or, that the excavation shall be filled to grade, and in a dust free, erosion free condition, all as provided in §66.0413, Wis. Stats. If the owner of the land fails to comply with the order within fifteen (15) days after service upon him, the Inspector shall cause the excavation to be filled to grade and the cost shall be charged against the real estate, as provided in the Wisconsin Statutes.

(C) **Inspections Required.** In addition to the inspections required for one and two family dwellings, all buildings or construction, which require a permit, shall have the following minimum inspections, if the nature and type of construction shall so require.

(A) Construction site before construction begins.

(B) Footings and foundations.

(C) Rough inspections of general construction,

(1) framing,

(2) rough electrical,

(3) plumbing

(4) ventilating and air conditioning

(5) insulation

(D) Final inspection to determine that there are no violations of this code, or any State Code, Administrative rule or regulations.

14.11 OCCUPANCY PERMITS.

(A) If no violation of this chapter or any law or lawful order is found, and if the building is completed, the Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used. No building or part thereof shall be occupied until a certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of

occupancy.

(B) **Temporary Occupancy**. A temporary occupancy permit may be issued at the discretion of the Inspector, for a specified period of time, not to exceed thirty (30) days, where existing and unusual circumstances cause undue hardship on the owners. A limited occupancy permit shall not be in lieu of a final occupancy permit and may be revoked at any time.

(C) **Occupancy Permits For Business Establishments**.

(1) No person shall use or permit the use of any building or premises or part thereof, for any manufacturing, commercial or business purposes whenever such building has been erected, altered, changed, converted wholly or in part, to a different use or where the premises or any portion thereof has become vacant until an occupancy permit shall have been obtained from the Inspector.

(2) Application for a business occupancy permit shall be made upon a form provided by the Inspector's Office. Such application shall contain the name of the applicants, and, if a corporation, the names of the principal officers and managers, address of principal officer or manager, location of the premises to be occupied and nature of business to be pursued on the location, and such other information as the Inspector may reasonably require to perform an adequate inspection of the premises. No permit shall be issued to any person for any business operation which would violate the Zoning Ordinances, or constitute a fire or health hazard, violation of this Building Code or any other Ordinances of the Town, the County of Kenosha, State of Wisconsin, or administrative regulations.

14.12 DETACHED GARAGE OR ACCESSORY BUILDING.

(A) Detached garage or accessory building shall mean a garage or accessory building entirely separated from the residence and subject to the conditions set forth in the Zoning Ordinance.

(B) The following specifications shall apply to all private garages and accessory buildings except accessory farm buildings.

(1) Floors shall be of concrete or other fire resistant material four (4) inches thick. No pits or floor drains will be allowed unless put in according to the State Plumbing Code. The floor in all private garages shall be of concrete construction and sloped toward the exterior garage door or opening.

(2) Frame building construction shall be as follows:

(a) Frame buildings may be built on slab. Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall be not less than

four (4) inches in thickness. Detached garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Reinforcement shall be a minimum of number ten (10) six by six (6 x 6) inch wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. The lower reinforcement bar shall be set two (2) inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six (6) inches above the bottom of the thickened edge. Exterior wall curbs shall be provided not less than four (4) inches above the finished ground grade adjacent to the garage. Bolts three-eighths (3/8) inches in diameter with nuts and washers attached, six (6) inches long, shall be embedded three (3) inches in the concrete curb of detached garages, eight (8) feet on centers.

(b) Studs shall be 2" x 4" spaced twenty-four (24) inches on center (24" o.c.)

(c) Ties shall be a minimum of 2" x 6" and be spaced four (4) feet on center and extend from plate to plate. Collar ties shall be spaced four (4) feet on center and one-third (1/3) the distance from ridge with material equal to 1" x 6" nominal.

(d) Diagonal corner braces shall be 1" x 4" extending from plate to plate or one-half (1/2) inch plywood four (4) feet wide extending from the outside corner and from plate to plate, or approved manufactured ties.

(e) Corner posts shall be two (2) 2" x 4" or one (1) 4" x 4".

(f) Headers shall be sized according to structural analysis.

(g) Rafters shall be sized according to rafter tables in the State 1 and 2 Family Dwelling Code.

(h) Roof sheathing, boards and planking, plywood sheathing and similar materials which are rated by the American Plywood Association as grade, marked and stamped, and limited to allowable loads and spans.

(i) Roof Boards. See COMM 27.28.

(j) Roof planks shall be tongue and grooved, or splined and at least two (2) inches nominal in thickness. Planks shall terminate over beams unless joints are end matched. Planks shall be laid so that no continuous line of joints will occur except at points of support. Planks shall be nailed or fastened to each beam.

(k) Rolled type roofing shall be prohibited, except for accessory farm buildings. All roofing types shall be installed according to the manufacturer's instructions, or as set forth in the Uniform Dwelling Code, Sub-chapter VIII, Roofs and Ceilings.

(l) Siding shall be of an approved weather resistant material.

(3) A masonry building shall be built according to masonry standards set forth in COMM 21.26.

(a) All masonry type buildings shall have footings and foundations at least four (4) feet below grade, and shall be determined upon structural analysis. All framing construction shall be as above for frame buildings.

14.13 ACCESSORY FARM BUILDINGS.

Plans and specifications for farm accessory buildings shall be approved by the building Inspector. Plans and specifications for a manufactured or precut accessory building shall carry the seal of an architect or registered professional engineer which shall be acceptable to the Inspector. Accessory buildings which do not have an architect's or professional engineer's seal shall be reviewed by the Inspector who shall make a determination as to the safety of construction, including the electrical service, of the building for its intended purpose before issuing a building permit.

14.14 SWIMMING POOLS.

(A) **Definition.** Swimming pool as used in this section shall mean any body of water, eighteen (18) inches or more in depth (including wading pools), contained in an artificial or semi-artificial receptacle or other container, above or below the surrounding grade, used or intended to be used for swimming by adults and/or children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person, whether he be owner, lessee, operator, licensee or concessionaire, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool.

(B) **Permit Required.** Before work is commenced on the construction of a new swimming pool or any alteration or addition, remodeling or other improvement to an existing swimming pool, an application on forms provided by the Inspector, for a permit to construct the pool that contain the pertinent explanatory data shall be submitted to the Inspector who shall review such application and pertinent data and determine whether the proposed pool complies with the provisions of this Code as well as with reasonable standards of swimming pool construction for the protection of public safety and health as prescribed by the rules and regulations promulgated by the Town Board, County Zoning and Health Ordinance.

(C) **Electrical Service and Wiring.** The provisions of the State of Wisconsin

Electrical Code defining the minimum requirements necessary in regard to the construction and installation of electrical wire for equipment, or adjacent to swimming pools, is hereby adopted by reference and made a part of this provision as if set forth in full, except that electrical service shall be in rigid conduit.

(D) **Periodical Inspection.** The Inspector may inspect or cause to be inspected, all non-residential swimming pools within the Town at such reasonable times as may be deemed necessary to carry out the intent of this section, and to require the owner, proprietor or operator to comply with all rules and regulations pertaining to swimming pools set forth herein, or the Zoning Ordinance, and shall refer any violations pertaining to any health condition, to the County Health Officer.

(1) **Drainage.** No water drained from a swimming pool shall be discharged over or near any septic tank, septic field, well or into any public street or public way, which would cause a nuisance or be a hazard to the public, or to adjacent properties, without approval of the property owner.

14.15 FENCES.

(A) A permit shall be required for the construction of all fences within the Town and subject to the provisions of the Zoning Ordinance.

(B) In addition to the provisions of the Zoning Ordinance, fences shall be designed so as to resist wind load to which they may be subjected, and shall be so designed, located and used in consideration of the general welfare, safety, movement of air and passage of light.

(C) In residential areas, and residences adjacent to agricultural areas, the use of barbwire, or any sharp or pointed material as a fencing material or on the top of fences, is prohibited, except when specifically approved by the Town Board and by the Zoning Ordinance. The use of barbwire or other sharp or pointed material in areas of residences or of residential character, (whether zoned residential or not) is deemed to be a safety hazard and is prohibited.

(D) Agricultural fences which shall be subject to §90.02, Wis. Stats.

(E) The use of electrically charged fences, as such, or on top of fences, or in conjunction with existing fences, is prohibited, except in agricultural areas for the retention of livestock. Any such fences shall be plainly labeled and no such fence shall be adjacent to a residential area without adequate safeguard measures and the approval of the Town Board and the Zoning Ordinance.

(F) **Removal Authority.** The Inspector or the Town Board may declare a fence to be so dilapidated or hazardous as to require its removal or repair, and in any such action, ten (10) days written notice to remove or to repair shall be given by the Inspector or the Town Board, and if the same is not removed or repaired within a reasonable time after the notice to the owner or his agent, the Town may remove the same and charge the cost thereof to the owner. Fences in violation of this provision at the time of passage shall, upon repair, be repaired so as to be in compliance with the terms of this chapter.

- (G) **Swimming Pool Fences.** See §14.15 of these ordinances.

14.16 RAZING BUILDINGS.

- (A) No person shall raze any building or structure without first obtaining a permit from the Inspector. Applications for such permits shall be on forms provided by the Inspector.
- (B) A permit issued under this section shall be valid for a period of six (6) months from the time in which the permit is issued.
- (C) All applications for razing permits shall have a certificate from a licensed Master Plumber that all sanitary and water laterals have been disconnected and capped, and a certificate from a licensed Electrician that all electrical power has been disconnected and power lines removed from the building.
- (D) Whenever a building or structure shall be razed, the foundation thereof, shall be leveled to at least two (2) feet below grade and filled with non-combustible material, the top two (2) feet of which must be soil, sand or gravel and shall be graded with a minimum of three (3) inches of black dirt with seed and mulch or sod, as may be required, and left in a dust free, erosion free manner. Floor slabs shall be broken so as not to pool water.
- (E) In the event that a permit holder shall default on any of the conditions of this section, the Inspector may, after fifteen (15) days written notice to the applicant, do the required work to conform with this section, and levy a special assessment on the property for the cost thereof. Said assessment shall include all costs by the Town, including legal and administrative fees, whether the work is performed by Town employees or by contract.
- (F) **Razing By Order.** The Inspector is hereby authorized to order the razing of dilapidated buildings as set forth in §66.0413, Wis. Stats., and the Town of Somers Ordinances.

14.17 MOVING OF BUILDINGS.

- (A) No person shall move any building along, across or upon a public highway, or across the land of the owner of the building being moved, without first obtaining a moving permit, approved by the Town Board. Application for a moving permit shall be made to the Inspector, accompanied by the appropriate inspection fees.
- (B) Every application and permit to move a building shall designate the route to be taken and limit the time for removal. Where required, application and approval shall first be obtained from the Wisconsin Department of Transportation, Kenosha County, and all utility companies.
- (C) The applicant shall post a bond with the Inspector in the sum to be determined by the Town Board after consideration of the hazards present in moving such building, such as damage to

roads, fences, shrubbery, trees, utility wires, signs and other obstructions. No bond shall be required for the moving of a building from one location to another on the same premises, but shall require a permit. The movement of buildings shall be done under such conditions as the Inspector deems appropriate for the protection and safety of persons and property.

(D) The Inspector shall refer the application and all files and documents in Inspector's files to the Board, along with the Inspector's determination as to whether or not the building is sufficiently sound to be moved and will comply with every aspect of the requirements of this Code. The Town Board may refer the application to the Town Plan Commission for review and recommendation.

(E) Prior to granting any permit to move a building into the Town, the Town Board shall be first satisfied that the proposed site is in all respects suitable and the building is in general conformity with the content of this code, the Zoning Ordinance, and is aesthetically compatible to the area in which is to be located.

(F) **Other Requirements.**

(1) The applicant shall file with the Inspector an insurance certificate covering liability for death, personal injury, or property damage in the amount of not less than One Million (\$1,000,000.00) Dollars personal injury, and Five Hundred Thousand (\$500,000.00) Dollars property damage per occurrence. Applicant's insurance certificate shall name the Town as an additional insured. Mover shall further agree to indemnify and hold the Town, its officers, agents and employees harmless for any and all liability or causes of actions arising out of or connected with, any injury to persons or property resulting from movement of the building.

(2) The Town Board shall set the time for which the move must start, and once the move starts, it shall be continued without delay and within the time limits set forth by the Board in the moving permit.

(3) Any building moved on any public street shall not be allowed to remain overnight on any street crossing, intersection, pedestrian crossing or block access to any fire hydrant or public building. The Board shall require barricades, warning lights and such other devices to protect persons using public highways.

(4) Upon completion of the moving, the public streets and ways shall be inspected by the Public Works Director, and any damages caused by said movement shall be the responsibility of the permit holder, and shall be paid before release of the applicant's bond.

14.18 STREET OCCUPANCY.

(A) No person shall place, or cause to be placed, any building materials, masonry materials, gravel, metal products or any machinery of any nature whatsoever, to be used, or capable of

being used in the construction, repair, wrecking or razing of buildings upon any public street or public place, unless a permit shall be obtained from the Inspector.

(B) **Application.**

(1) Applications for street occupancy shall be filed with the Inspector and referred to and approved by the Town Board. Applications shall set forth in writing the location, construction, the nature of material, equipment and machinery connected with the work or operations to be carried on at the site.

(2) The application shall be accompanied with a Certificate of Insurance indicating liability of not less than One Million (\$1,000,000.00) Dollars personal injury, and Five Hundred Thousand (\$500,000.00) Dollars property damage. The Insurance Certificate shall name the Town as an additional insured and the applicant shall agree to indemnify and hold the Town, its officers, agents and employees harmless from any and all liability arising out of or connected with any injury to persons or property relating to street occupancy.

(3) Applications shall be referred to the Town Board, who may increase the required insurance certificate and require a bond or Letter of Credit, in an amount to be determined by the Board, to insure that all materials and machinery will be removed from the site.

(4) Occupancy permits shall be granted for a reasonable period of time, as set by the Board, and shall not be extended or renewed without good cause. The Board shall also require that lanterns, flashers or other safety devices, such as barricades, shall be kept and maintained by the Applicant during the time of street occupancy.

(5) The Board shall deny application for any street occupancy where the use thereof would unreasonably interfere with public safety, or if there shall be any other area to store materials on the building site or adjacent properties.

14.19 DRIVEWAY APPROACHES.

(A) **Permit Required.** No person shall construct a new or modify or repair any existing driveway approach without first obtaining a permit from the Town.

(B) **Definitions.**

(1) Driveway approach shall mean that area adjacent to the public street or public right-of-way, which connects a private road or driveway to provide ingress and egress to the adjacent property.

(2) Driveway shall mean that area under private ownership used for vehicle travel beyond the street or public right-of-way line.

(3) Entrance shall mean that point at which a driveway abuts the driveway approach.

(4) Flare or Apron shall mean that portion of a driveway approach which is wider at the street (or curb line) than at the entrance.

(5) Director shall mean the Director of the Department of Public Works.

(C) **Permit Application.** Application for a driveway approach shall be filed with the Inspector, who shall refer the application to Public Works for comment and recommendation. The application shall, in part, state the name of the Owner, location of the property, public streets or roadways adjacent to the property to be served by the driveway approach, together with a sketch indicating the approach or apron, property lines, location of intersection streets, utility poles, street signs or other obstructions to the view of street traffic.

(1) There shall be sufficient distance from a controlled intersection as to avoid interference with traffic approaching said intersection and no driveway approach shall be located at the terminal end of a marked or unmarked cross walk.

(2) Access to streets by driveway approaches located in residentially zoned districts shall be limited to one such approach for each lot in a platted subdivision or one such approach for unplatted lots or parcels of record as of date and publication of this Code. All other parcels of land, in a residentially zoned district shall be limited to one such approach for each eighty (80) feet of frontage.

(3) No entrance shall be closer than five (5) feet to the abutting property line, except that where adjacent property owners have a joint driveway approach, the applicant for a permit to serve an adjoining driveway shall be signed by both property owners, and shall comply with the following specification.

(D) **Paving.** All driveway approaches shall be paved with asphalt or with any other road material compatible with the street or public right-of-way. Commercial driveway approaches shall be paved with asphalt with a base sufficient to carry heavy traffic. Specifications for construction of commercial approaches shall be determined by the Director. NO DRIVEWAY APPROACH SHALL BE CONSTRUCTED WITH CONCRETE.

(E) **Maximum and Minimum Specifications for Driveway Approaches.**

RESIDENTIAL - Maximum permitted entrance	24 feet
Minimum width at entrance	8 feet
Maximum flare or apron	2.5 feet

WHERE CURB CUTS ARE REQUIRED

- Maximum cuts shall not exceed 25 feet
- Minimum cut shall not be less than 13 feet

COMMERCIAL PROPERTY APPROACHES

Driveway approaches for commercial properties shall comply with all regulations and conditions set forth for residential approaches with the following minimum/maximum specification.

- Maximum permitted entrance 35 feet
- Minimum permitted 18 feet
- Permitted Flare or apron 5 feet

WHERE CURB CUTS ARE REQUIRED

- Maximum 40 feet
- Minimum 28 feet

(F) **Culverts.** If the driveway approach requires culverts, Chapter 8 of the Somers Code shall apply to any driveway approach construction.

(G) **Inspections.** No construction of a driveway approach shall be commenced until the Department of Public Works has inspected the site, approved the location and the covering or paving materials to be used. No driveway shall be used until a final inspection has been made and all construction, including culverts, has been approved.

(H) **Owner Maintenance.** The property owner shall keep and maintain a driveway approach in good and safe condition and shall be responsible for, and assume all liability, for any damage, loss or injury to any person or property resulting from the construction or maintenance of the driveway approach, including any costs the Town shall incur for any damage to equipment or the public street.

(I) **Owner's Expense.** All work done relative to any driveway approach shall be at the owner's expense, including any costs incurred by the Town for work the Town is required to do to repair the street or maintain a driveway approach in a safe condition.

14.20 STREET DAMAGE AND CLEAN-UP.

(A) Every person who shall be granted a permit under this Code, shall be responsible for any damage to any street or public way which shall be caused by, or result from, the movement and transport of any building materials, machinery or equipment into or out of the building site, and shall be responsible for the removal of any debris, mud, dirt, gravel or other materials which shall be spilled or deposited on any street or public way, and shall cause the same to be removed on each day of construction, and leave the street in a clean and hazardous-free condition.

(B) In the event that the clean-up and removal shall be refused or neglected, the Town may, without notice, cause the street to be cleaned, debris removed and deposited in the

appropriate landfill or waste site. The Town's entire cost for such removal, shall be charged against the holder of the permit.

14.21 LANDFILL REQUIREMENTS.

(A) **Purpose.** The purpose of this ordinance is to regulate the filling of lands within the Town of Somers so as to identify at an early stage proposed landfill activities that may adversely affect the properties of others or change the grade of land and the flow of surface water so as to potentially adversely affect adjoining areas or be a source of pollution to surface water. In this regard, the Town seeks to promote the wise use, conservation, protection and development of the soil, water, wetland, woodland and wildlife resources within the Town and to achieve an appropriate relationship between land use of all property owners and the supporting and sustaining natural resource base.

(B) **Landfill Permits.** No person, firm, partnership or corporation, whether an owner of real property or an occupant thereof, or any person on behalf of another, shall place any fill material on any land, either public or private within the Town of Somers, without first obtaining a permit if either of the following two (2) conditions are present:

(1) The amount of fill to be placed upon such property exceeds ten (10) cubic yards in the aggregate. For purposes of calculation of the amount of fill to be placed on the subject property, the period of time over which such fill is placed on the property shall be the period of three hundred sixty-five (365) days immediately preceding and three hundred sixty-five (365) days immediately following the date upon which the person intending to place the fill upon the property either has or intends to locate such fill on the property.

(2) If the intended location on the subject property has or would fill in any low lying lands, ditches, waterways, water courses, drainways, marshes or wetlands, irrespective of the amount of fill to be placed on the subject property.

(C) **Permit Applications.**

(1) **Pre-application conference.** Prior to the completion of an application for the approval of a filling permit, the person seeking to place fill on the subject property, or that person's representative, shall meet and consult with the Town Building Inspector. This consultation is intended to inform the person seeking to place fill on the subject premises (or that person's representative) of the purposes, objectives, and requirements of this ordinance and to identify at the earliest possible time any significant policy issues, problems or potentially adverse impacts that will need to be addressed in the planning and approval process and to otherwise assist the applicant. If the Town Building Inspector determines at the pre-application conference that no detailed site plan of existing conditions as detailed in subparagraph (2) below, needs be completed, then upon submission of a completed application for landfill permit on forms provided by the Town and

payment of the fee therefore the applicant shall be granted a fill permit, subject to such conditions as may be contained thereon in the opinion of the Town Building Inspector. Otherwise, the applicant shall proceed to provide to the Town Building Inspector the information required for an application for permit as contained in subparagraph (2) immediately below.

(2) **Application.** Application for such permit accompanied by the permit fee shall be made to the Town Building Inspector on forms provided for such purpose shall contain the following information:

(a) Site plan of existing conditions which shall be a map, drawn by the Wisconsin Registered Land Surveyor or a Wisconsin Professional Engineer, of the existing site conditions at a scale of at least one (1) inch = thirty (30) feet showing the site and immediate adjacent areas, including but not limited to:

(i) Property site boundaries and adjacent lands which accurately identify the site location, a graphic scale and north arrow;

(ii) Property owner and contractor's name, address and telephone number;

(iii) Existing and proposed road right-of-way lines and road names on site and adjacent to the site;

(iv) Location of lakes, streams, wetlands, shorelands, 100-year floodplain, channels, ditches and other water courses on and immediately adjacent to the site, where applicable;

(v) General location of vegetative cover proposed to remain and not be disturbed;

(vi) Location and dimensions of stormwater drainage systems and/or direction of natural drainage patterns on and immediately adjacent to the site;

(vii) Locations and dimension of utilities, structures, roads, highways and paving. Existing and proposed elevations at the property corners and at all corners of the proposed structure(s), and bench mark elevation;

(viii) Existing and proposed elevations every twenty-five (25) feet along each property line and the location of each point shall be dimensioned along the property line;

(ix) Existing and proposed elevation of the highpoint(s) and direction of the drainage with spot elevations at a minimum of fifty (50) feet apart along the proposed drainage routes, and these points shall be dimensioned as measured from the property line. Locations and dimensions of all temporary soil or dirt piles;

(x) Locations and dimension of all construction site control measures, such as silt filter fences, hay bales or sedimentation basins necessary to meet the requirements of this Ordinance;

(xi) Location of construction entrances (graveled driveway).

(3) **Permit Limitations.** No permit issued under this Ordinance shall be valid for more than six (6) months from the date of issue except that said permit may be extended for good cause shown to the Town Board.

(4) **Wisconsin Statutes Adopted.** Section 88.90(1)(2), Wis. Stats., of the State of Wisconsin relating to Natural Water Courses is hereby adopted by reference as if set forth in full.

(5) **Fill Content.** All fill materials for any land filling operation shall be confined and restricted to not more than twenty-five (25%) percent aggregate concrete or road fill and seventy-five (75%) percent clean earth fill. The use of bituminous asphalt or petroleum based products or organic debris in any fill is prohibited.

(6) **Exceptions.** This ordinance shall not apply to any lands within the Shoreland and Floodplain Ordinance of Kenosha County or to the spreading of top soil on residential property for lawn and garden purposes.

(7) **Fee.** The fee for a land filling permit shall be Twenty-five (\$25.00) Dollars and shall be paid to the Clerk at the time an application is filed.

(8) **Penalties.** Any person who shall violate this section shall upon conviction be subject to penalties in §25.04 of the Municipal Code of the Town of Somers.

14.22 APPEALS.

(A) Any person aggrieved by any decision of the Inspector, except matters which arise out of the State Uniform Dwelling and Building Codes, shall address the Town Board, who shall act as a Board of Appeals.

(B) An appeal to the Town Board shall be filed with the Town Clerk within fifteen (15) days of the Inspector's final decision or determination. Such appeals shall be in writing, setting forth in

detail, the matter upon which the appeal is based.

(C) The Inspector shall forward all documents and papers to the Board.

(D) The Town Chairman shall schedule a public hearing before the Town Board, within fifteen (15) days of the date of the appeal. The Inspector shall be required to appear at said hearing.

(E) After all parties have been heard, the Town Board shall make its decision and may affirm, modify or reverse, in whole or in part, the Inspector's decision. Further appeal by the applicant shall be to Circuit Court within fifteen (15) days of the Board's decision. The Town Board's decision shall be in writing.

14.23 LIABILITY.

This Code shall not be construed as assumption of any liability by the Town, its officers, agents or employees for damages to persons or property resulting from, or connected with any defect in any building, building design, equipment or materials.

14.24 INSPECTION FEES.

The following schedule of fees shall be collected by the Inspector before the required permit shall be issued:

(A) Minimum permit fee for all permits – \$40.00

(B) Residence - one & two family, and attached garage – \$.25/sq. ft.

(C) Residences & apartments, three family & over, row housing, multiple family dwellings, institutional – \$.25/sq. ft.

(D) Residences – additions – \$.25/sq. ft. or fraction thereof

(E) Local business, commercial, retail, office buildings or additions thereto – \$.25/sq. ft. or fraction thereof

(F) Manufacturing or industrial (office areas to be included under E) – \$.25/sq. ft. or fraction thereof

(G) Permit to start construction of footings and foundations – \$100.00 multi-family & industrial/commercial – \$75.00 one & two families

(H) Agricultural buildings, garages and accessory buildings – \$.20/sq. ft.

- (I) All other buildings, structures, alterations, residing, reroofing, repairs where square footage cannot be calculated – \$6.00/\$1,000.00 valuation
- (J) Heating, incinerator units and wood burning appliances – \$40.00/unit
- (K) Commercial/industrial exhaust hoods & exhaust systems – \$40.00/unit
- (L) HVAC
 - (1) New single-family residential – \$150.00 flat fee
 - (2) All buildings, additions or remodels other than new single-family residential
 - (a) Heating & air conditioning distribution systems – \$50.00
 - (b) Air conditioning – \$40.00/unit up to 3 tons or 36,000 BTU's. Additional fee of \$4.00/each ton or 12,000 BTU's or fraction thereof.
- (M) Wrecking or razing – Building Inspector may waive fee if structure is condemned – \$40.00 minimum plus \$.02/sq. ft. with \$250.00 maximum fee for building
- (N) Moving buildings over public ways – \$50.00 plus \$.03/sq. ft. for principal buildings. \$5.00 plus \$.03/sq. ft. for accessory buildings.
- (O) Reinspections – \$40.00/inspection
- (P) Plan Examination (NOTE: if HVAC Plans are separately submitted, there shall be an additional \$30.00 fee.)
 - (1) One & two family residence – \$75.00
 - (2) Apartment, three family residence, row housing, multiple family building – \$40.00 plus \$5.00/unit
 - (3) Commercial - Industrial alterations & additions – \$75.00
 - (4) Additions, alterations to 1 & 2 family residential – \$40.00
 - (5) Accessory building, 150 sq. ft. or more – \$20.00
 - (6) Decks & swimming pools – \$20.00
- (Q) Special inspections & reports – \$100.00

(R) Wisconsin uniform building permit seal – \$40.00

Note 1 – Permits may be obtained individually or on one form in the categories of construction, heating, ventilation & air conditioning, electrical & plumbing.

Note 2 – An additional fee for plan review may be assessed at the time of application for renewal of the permit.

(S) Occupancy permit -

(1) Residential – \$40.00/unit, addition, alteration or accessory use.

(2) Office, commercial & industrial – \$75.00/unit

(T) Pools - Inground/above ground/spas – \$5.00/\$1,000 valuation – \$40.00 minimum

(U) Decks – \$40.00

(V) Erosion control fees – improved lots:

(1) 1 & 2 family lots – \$75.00/lot

(2) Multi-family units – \$75.00/building plus \$5.00/1,000 sq. ft. of disturbed lot area

(3) Commercial lots – \$150.00/building plus \$5.00/1,000 sq. ft. of disturbed lot area

(4) Industrial lots – \$150.00/building plus \$5.00/1,000 sq. ft. of disturbed lot area

(5) Institutional lots – \$150.00/building plus \$5.00/1,000 sq. ft. of disturbed lot area

(W) Other

(1) Signs (based upon area)

(a) Up to 32 sq. ft. - \$40.00

(b) 33 sq. ft. to 100 sq. ft. - \$60.00

(c) 100 sq. ft. to 200 sq. ft. - \$100.00

(d) over 200 sq. ft. - \$125.00

(2) Culvert and/or driveway – \$40.00

(3) Fence – \$40.00

(4) Roof – \$40.00

(5) Siding – \$40.00

(X) Plumbing permits

(1) Single-family residential (new home)

(a) Flat fee – \$150.00

(2) All buildings, additions and remodels other than new single-family residential. (Minimum permit fee – \$40.00)

(a) Fixtures (each one) – \$7.00

(b) Sewer permit – \$40.00

(c) Water permit – \$40.00

(Y) Electrical permits

(1) Single-family residential (new home)

(a) Flat fee – \$150.00

(2) All buildings, additions and remodels other than new single-family residential. (Minimum permit fee – \$40.00)

(a) Each dwelling unit with electric service – \$120.00

(b) Electric service only – \$40.00

(c) Temporary service – \$40.00

(d) Outlets & switches – \$.50 each

(Z) Upon failure to obtain a permit before work on a building has been started, except in emergency cases, five (5) times permit fees.

14.25 SEVERABILITY.

(A) If any section, clause or any part of this Code, including those matters adopted from the Wisconsin Administrative Code, or any other State law, rules or regulations, shall be judged unconstitutional, or invalid by any Court of Law, the remaining provision of this ordinance shall remain in full force and effect.

14.26 DECKS.

(A) **Definitions.**

- (1) **Deck.** Any structure which serves as a raised horizontal platform on floor constructed of wood or other materials, without enclosing walls or roof.
- (2) **Attached Deck.** Any deck which is physically connected to the principle building or accessory building.
- (3) **Detached Deck.** Any deck which is not physically attached to the principle building or accessory structure.

(B) **Soil and Excavation Requirements for Deck Piers or Foundations.**

- (1) No pier shall be placed on soil with a bearing capacity of less than two thousand (2,000) pounds per square foot unless the pad support is designed through structural analysis.
- (2) All organic material (roots, etc.) shall be cut off at the sidewalks of the borings or trench. All organic and loose material just be removed from the cavity area prior to pouring concrete.

(C) **Decks, Piers, Pads and Foundations.**

- (1) General footings, pads or piers shall be of adequate bearing area to safely distribute all live and dead loads to the supporting soil without exceeding the bearing capacity of the soil.
- (2) Type and size of concrete pads, piers or foundations.
 - (A) Decks attached to principal buildings.
 - (i) **Concrete pads.** The minimum depth of a pad shall forty-eight (48) inches below grade. The minimum dimensions of this pad shall be four (4) inches in thickness and eight (8) inches in diameter.

(ii) **Piers.** The minimum depth of concrete piers shall be forty-eight (48) inches below grade. The minimum dimension of this pier shall be eight (8) inches in diameter. (The concrete pier(s) shall extend a minimum of six (6) inches above grade unless an approval mounting bracket is secured at the top surface of the pier(s).

(iii) Direct burial wood posts shall be placed on a minimum two (2) inch nominal thickness treated plat or other approved materials at a uniform depth below grade. Posts shall be treated to the requirements of the American Wood Preserver's Association (AWPA) standards C2 and C15 for direct soil contact four (4) inches below grade. Bottom of post shall be a minimum of four (4) feet below established grade.

(D) **Framing.**

(1) **General requirements.**

(a) **Materials.** All wood framing used in deck construction shall be pressure treated against decay or shall be a species of wood that is naturally decay resistant or shall be protected from weather.

(b) **Design loading.** Decks shall be designed for a minimum of a forty (40) pound per square foot loading.

(c) See fastener schedule for nailing requirements.

(2) **Column posts.**

(a) **Column spacing.** Column posts shall be spaced per "Table No. 2".

(b) **Column size.**

(i) All column posts not exceeding six (6) feet in height shall be a minimum of four (4) inches by four (4) inches (4 x 4) nominal thickness.

(ii) All column posts exceeding six (6) feet in height shall be a minimum of six (6) inches by six (6) inches (6 x 6) nominal thickness.

(c) **Lateral support.** Column posts shall be constructed in such a manner or mechanically attached to the deck foundation to resist lateral

movement.

(3) **Beams.**

(a) **Beam size.** All beams shall be sized per "Table No. 2"

(i) Beams, except as otherwise noted in Table No. 2", shall be a minimum of two (2), two (2") inch thick members or one (1), four (4) inch thick member. (i.e. 2 – 2 x 8 or 1 – 4 x 8).

(ii) Beams may be spaced on each side of the post provided that block is installed a minimum of twenty-four (24) inches on center between posts.

(b) **Bearing.** Beams bearing directly on the posts shall be attached by means of approved metal anchors or other approved methods.

(c) **Ledger boards.** Ledger boards attached directly to the house or other structure may be used to replace a beam or beams. A single member of equal depth to the required size beam shall be used. The ledger board shall be attached with bolts, lag bolts or nails, spaced no less than sixteen (16) inches on center, secured directly into the building structure. Flashing shall be installed between the ledger and building structure.

(d) Beams shall not be cantilevered more than twelve (12) inches past the column post.

(4) **Joists.**

(a) **Joist size.** All deck joists shall be sized and spaced per "Table 2".

(b) **Bearing.** Deck joists shall bear a minimum of one and one-half (1½) inches on the beam or ledger board. Joists fastened to the face of the beam or ledger shall be attached with approved metal hangers.

(c) **Bridging.** Bridging shall be provided at intervals not exceeding eight (8) feet.

(d) **Overhanging of joists.** Joists which are at right angles to the supporting beam shall not be cantilevered more than two (2) feet past the supporting beam, unless designed by structural analysis.

(5) **Decking.**

(a) **Material.** All decking material shall be a minimum of one and one-quarter (1¼) inches thick, nominal thickness. One (1) inch decking may be used provided that the joists are spaced no more than sixteen (16) inches o.c.

(b) **Decking Orientation.**

(i) Decking shall be installed diagonally or at right angles to the joists.

(ii) Decking shall be centered over joists with cuts made parallel to joists. Not more than two (2) adjacent boards may break joints on the same joist except at ends and at openings.

(6) **Guardrails and handrails.**

(a) **Guardrails.** All decks which are more than twenty-four (24) inches above grade shall be protected with guardrails.

(b) **Handrails.** Every stairway of more than three (3) risers shall be provided with at least one (1) handrail. Handrails shall be provided on the open sides of stairways.

(c) **Guardrails and handrail detail.**

(i) **Height.** Handrails shall be located at least thirty (30) inches, but not more than thirty-four (34) inches above the nosing of the treads. Guardrails shall be located at least thirty-six (36) inches above the surface of the deck.

(ii) **Open railings.** Open guardrails or handrails shall be provided with intermediate rails or an ornamental pattern to prevent the passage of a sphere with a diameter greater than six (6) inches.

(iii) **Railing loads.** Handrails and guardrails shall be designed and constructed to withstand a two hundred (200) pound load applied in any direction.

(7) **Stairway, treads and risers.**

(a) **Risers.** Risers shall not exceed eight (8) inches in height measured from tread to tread.

(b) **Treads.** Treads shall be at least nine (9) inches wide, measured

horizontally from nose to nose.

(c) **Variation.** There shall be no variation in uniformity exceed three-sixteenth (3/16) inch in width of a tread or in the height of risers.

(d) Stair stringers shall be supported in accordance to the same manner as used for the deck.

(8) **Alternative provisions and methods.**

(a) **Wood decks.** Wood decks attached to the dwelling may be constructed to the Uniform Dwelling Code standards listed below.

(i) Excavation requirements of §COMM 21.14

(ii) Footing requirements of §COMM 21.15

(iii) Frost penetrations requirements of §COMM 21.16

(iv) Load requirements of §COMM 21.02

(v) Stair, handrail and guardrail requirements of §COMM 21.04

(vi) Decay protection requirements of §COMM 21.10

(b) New materials and methods shall comply with all other requirements of this building code.

(c) Detached decks must:

(i) Concrete pads shall be provided at a uniform depth below grade with all loose or organic material removed from the pad area prior to replacement of concrete. The pad shall have a minimum thickness of four (4) inches and eight (8) inches in diameter.

(ii) **Piers.** A minimum of eight (8) inches diameter concrete piers shall be at a uniform depth below grade.

(iii) Direct burial wood posts shall be placed on a minimum two (2) inch nominal pressure treated plate or other approved materials at a uniform depth below grade.

Posts shall be treated to a uniform depth below grade. Posts

shall be treated to CCA.40 for direct soil contact.

(iv) Ground contact framing shall be allowed for decks which are less than twenty-four (24) inches above ground. All materials in direct contact with the soil shall be treated to the requirements of the American Wood Preservers' Association (AWPA) Standards C2 and C15.

14.265 BERMS.

(A) **Purpose.** The land forms and landscape will be preserved in their natural state, insofar as practicable, by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas. No berm shall be constructed which results in a rate of storm and surface water runoff from the parcel upon which the berm is constructed, either during construction or after completion of the construction of the berm, which is greater than the rate of runoff therefrom onto adjoining parcels which existed prior to the commencement of construction of the berm.

(B) **Definition.** For purposes of this ordinance, any grading, regrading, deposit or other accumulation of earth or dirt which raises the elevation of existing topography eighteen (18") inches or more for the purpose of or which has the effect of acting as a barrier, screen or vision shield, with or without the addition of vegetation planted thereon, shall be considered a berm.

(C) **Berm Construction.** No owner, lessee, occupier of land, contractor or any agent or representative of any of the foregoing shall construct a berm without first obtaining plan review and approval by the Town Board. The Town Board may impose such conditions or requirements as are consistent with these ordinances in issuing a permit for the construction of a berm. No berm shall be constructed which exceeds six (6') feet in height. For purposes of this sub-paragraph, the berm shall be measured from the toe to the top, taking existing topography into consideration. Prior to commencement of construction, the applicant or his agent or representative shall provide topographic elevations demonstrating existing topography. The burden of demonstrating pre-construction topographic elevations shall be on the party seeking to construct the berm. In no case shall the toe of a berm be located closer than five (5') feet to any property line and in every case the berm shall be designed and shall operate such that storm and surface water shall be retained on the berm parcel to the extent necessary to assure that the rate of storm and surface water runoff from such real estate, both during construction and after completion of construction of the berm, shall not be greater than the rate of runoff therefrom onto adjoining parcels which existed prior to commencement of berm construction. The party seeking construction of the berm shall comply with all relevant provisions of the design standards contained in §18.27 of these ordinances.

14.27 OCCUPANCY PERMITS FOR BUSINESS ESTABLISHMENTS.

No person shall use or permit the use of any building or premises or part thereof for any

manufacturing, commercial or business purposes whenever such building has been erected, altered, changed, converted wholly or in part to a different use or where the premises or any portion thereof has become vacant or there has become a change of occupants until an occupancy permit shall have been obtained from the Building Inspector.

14.28 CEILING HEIGHT.

(A) **Ceiling Height.** All habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least seven (7) feet. Habitable rooms may have ceiling heights of less than seven (7) feet provided at least fifty (50%) percent of the room's floor area has a ceiling height of at least seven (7) feet.

(B) **Ceiling Height (Exception).** All residential dwellings built prior to January 1, 1980, shall have a ceiling height of at least six (6) feet and four (4) inches for fifty (50%) percent of the area. Stairway, headroom, beams and girders or other projections shall not be less than six (6) feet.

14.29 AIR CONDITIONING.

(A) **Air Conditioning.** All air conditioning units shall have a minimum fifteen (15) foot set back from all property lines. Air conditioning units shall not be installed in front yard(s). This also includes any street frontage.

(B) **Air Conditioning (Exceptions).** Air conditioning units that had permits, may be replaced within the fifteen (15) foot set back, provided they are not installed on street frontage.

14.30 FOUNDATION REPAIRS AND DAMPPROOFING.

(A) Application for permit shall include a statement of the existing defects, and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.

(B) Plans and/or specifications must be submitted for approval prior to issuance of a permit.

(C) **General Foundation Requirements.**

(1) Walls that are not plumb may be reinforced if supported by engineering data showing benefit of the reinforcing.

(a) When repairing any portion of a wall that is not near as plumb as possible that portion must be excavated.

(b) When the affected repair includes porches or stoops, frost depth to the uniform code requirement must be met.

(2) The excavated wall must be cleaned, loose parging removed, cracks and parging must be repaired with Type M mortar or equal, and walls made plumb and dampproofed with one (1) coat of bituminous material or other approved materials.

(3) If drain tile is not present in the affected area, a drain tile system must be installed and terminated in a newly installed sump with pump or in a properly functioning existing drain collection system provided that it does not discharge to the sanitary sewer.

(4) Prior to backfill, an inspection is required by the department after which backfill with number one (1) washed stone shall be provided to within eighteen (18) inches of final grade.

(5) Final grade must ensure drainage away from the foundation.

(6) Pilasters must be made integral with the exterior wall and reinforced with at least two (2) number three (3) rods and filled with 3000 PSI cement grout material. Pilasters must be a maximum of four (4) feet apart.

(7) Any other form of reinforcing will require engineered data to be submitted at the time of permit application to include complete system analysis.

(8) Affected walls to be repaired shall have loose or cracked mortar joints cleaned to a minimum depth of one-half ($\frac{1}{2}$) inch and tuckpointed with Type M mortar or equal.

(9) When installing weep holes in foundation walls, care must be taken to provide adequate drainage from weep holes to drain tile by either stone or mechanical means. No more than one (1) mechanically drilled weep hole is permitted per cell. When the floor is replaced, a minimum of three (3) inches of concrete shall be placed over the drain tile and a minimum of two (2) inches of concrete over the footing. Lateral support must be maintained at the floor level. An exception to match the existing concrete floor level is allowed.

(10) Drain tile placed under the basement floor shall be of the approved type not less than three (3) inches in diameter and shall be covered with number one (1) washed stone connected to a proper sump with pump or an existing city storm water system. All exposed bleeders must be open. The sump must discharge to grade or be equipped with a pump to discharge water away from the dwelling.

14.31 SIGNS.

Temporary signs shall be approved by the County Zoning Department and the Town of Somers. A permit for temporary signs is required and shall be issued after payment of the required permit fee. The permit shall be good for two (2) years and the Town shall have the option to request removal of the sign or grant a renewal with an additional permit fee being paid.

14.32 NEW MATERIALS AND METHODS.

(A) **Alternate Materials.** No provision in this Code is intended to prohibit or prevent the use of any alternate material or method of construction not specifically mentioned in this Code. Approval of alternate materials or methods of construction shall be obtained from the municipality having jurisdiction. Request for approval shall be accompanied by evidence showing that the alternate material or method of construction performs in a manner equal to the material or method required by the Code. The municipality having jurisdiction may require any claims made regarding the equivalent performance of alternate materials or method to be substantiated by test.

14.33 TESTS.

The municipality having jurisdiction may require that the materials, methods, systems, components or equipment be tested to determine the suitability for the intended use. The municipality having jurisdiction will accept results conducted by a recognized independent testing agency. The cost of testing shall be borne by the person requesting the approval.

(A) The test method used to determine the performance shall be one that is a nationally recognized standard.

(B) If no nationally recognized standard exists, past performance or recognized engineering analysis may be used to determine suitability.

(C) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by the Code for the intended use. The municipality enforcing this Code may require tests in accordance with this section.

14.34 IDENTIFICATION OF PRODUCTS.

All materials shall be identified by the approved label, the grade mark, the trade mark or by other approved manufacturer's identification.

14.35 INVALIDITY OF PART.

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

14.36 VIOLATIONS.

It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Code, or to cause, permit or suffer any such violations to be committed. Any person violating any of the provisions of this Code shall be subject to the penalty provisions as set forth in the Municipal Code. It shall be the responsibility of the offender to abate the violation as expeditiously as possible and each day that such violation is permitted to continue shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

14.37 PENALTIES.

(A) Any person, either as owner, agent, occupant, contractor or employee, who shall be convicted of violating this Code, or of any permit issued hereunder, shall upon conviction, forfeit not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for the first violation, and not less than Two Hundred (\$200.00) Dollars nor more than Five Hundred (\$500.00) Dollars for the second violation under the same permit, together with the costs of prosecution.

(B) Each day of continued violation shall be a separate and specific violation of this Chapter.

(C) In default of any judgment rendered herein, the Defendant may be confined in the County Jail of Kenosha County for a period of not less than ten (10) days nor more than thirty (30) days for each violation.

(D) Bond - Citations issued for any violation of this Code shall carry a bond of One Hundred Fifty (\$150.00) Dollars, plus Court costs, penalty and assessment fees.