

# Chapter 14

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## BUILDING CODE

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### 14.01 Wisconsin Administrative Code Adopted

- (1) Energy Conservation Code -

Chapter IND 22, Wis. Adm. Code, Energy Conservation Standards Chapter of the One- and Two-Family Dwelling Code, as adopted and effective December 1, 1978, and all amendments thereto, is adopted and incorporated in this Code by reference.

- (2) The Building Inspector and his designated representatives, as certified by the Department of Industry, Labor and Human Relations, are empowered to administer and enforce all of the provisions of this subchapter.

### 14.02 Building Permits and Inspection

- (1) Permit Required -

No building or structure or any part thereof shall hereafter be built, enlarged, altered, moved or demolished within the City unless a permit therefor shall first be obtained from the Building Inspector. The term "building" as used in this section shall include any building or structure and any enlargement, alteration, moving or demolishing of any building or structure.

- (2) Application -

- (a) Information to Be Supplied -

Application for a building permit shall be made in writing upon a blank form furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, and the name and address of the designer, shall describe the location of the building and the purposes for which it is to be used and shall contain such other information as the Building Inspector may require.

- (b) Plans and Specifications -

With such application there shall be submitted to the Building Inspector a complete set of plans and specifications, including a situation plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided; the other set shall remain on file in the office of the Building Inspector until at least three (3) months after the completion of the building. All plans and specifications shall be signed by the designer.

- (c) Waiver of Plans -

If, in the opinion of the Building Inspector, the character of the work is sufficiently described in the application, he may waive the filing of plans provided the cost of such work does not exceed \$2,000.00. The Building Inspector may also waive the filing of plans for any residence which is located outside the fire limits and which accommodates one family only.

## (3) Issuance of Permit -

If the Building Inspector finds that the proposed building shall comply with the provisions of this Municipal Code and all laws and lawful orders of the State of Wisconsin, he shall officially approve and stamp one set of plans and return them to the owner, and shall issue a building permit therefor, which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building, except with the written consent of the Building Inspector. In case adequate plans are presented, the Building Inspector may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building. No person shall commence work on any building or alterations before the building permit has been issued.

## (4) Time Limit -

A building permit shall have lapsed and be void unless building operations are commenced within six (6) months from the date thereof.

## (5) Revocation -

If the Building Inspector finds that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, he shall revoke the building permit by written notice posted at the site of the work. When such permit is revoked, no person shall do any further work upon such building until the permit is re-issued, excepting such work as the Building Inspector shall order to be done as a condition precedent to the re-issuance of the permit.

## (6) Minor Repairs -

This section shall not be construed to require a permit for any repairs or minor alterations which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building, up to \$200.00.

(7)<sup>1</sup> Police to Report Violations -

All police officers shall report at once to the Building Inspector any building within their respective districts, which is being carried on without a building permit as required by this chapter.

### 14.03 Electrical Work Permits and Inspection

## (1) State Code -

All electrical work, including the placing of wires and other equipment, shall be done in conformity with the Wisconsin State Electrical Code, which is hereby made a part of this chapter, a copy of which is on file in the office of the City Clerk, and shall be done in such manner which, in the judgment of the Electrical Inspector, shall not be liable to endanger life or cause fire.

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<sup>1</sup>Former Section (7) entitled "Fees" repealed by Ordinance No. 12-1980-81, Adopted \_\_\_\_\_, 198\_. Former Section (8) renumbered (7).

## (2) Periodic Inspection -

The Electrical Inspector shall make a thorough inspection of all electric wires and equipment within the City at least twice a year. Whenever he shall find wires or equipment in dangerous condition or so placed as to interfere with the work of the Fire Department, he shall notify the person using or operating them, to place them in a safe and non-interfering condition within ten (10) days. Any person who fails to comply with any such order shall be guilty of a violation of this section.

## (3) Fire Rules -

The Chief of the Fire Department, the Electrical Inspector or a competent person delegated by either of them, shall have the power to cause the removal of all wires, and the turning off of all electrical currents, where the circuits interfere with the work of the Fire Department during the progress of a fire.

## (4) Permit Required -

No electrical wiring or other equipment shall be installed or altered without first securing a permit therefor 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 and all later deviations from such plan shall be submitted to and approved by the Electrical Inspector.

## (5) Certificate of Inspector -

Upon completion of the wiring of any building, or the completion of any outside construction work, it shall be the duty of the person doing such work to notify the Electrical Inspector, who shall at once inspect the same, and if he finds the same to conform to this chapter, shall issue a certificate of satisfactory inspection, which shall contain the date and an outline of the result of such inspection. No person shall turn on the current until such certificate of satisfactory inspection is issued.

## (6) Electrical Power and Telephone Service Installations -

Where feasible, all electric power and telephone lines shall be installed underground in easements provided therefor.

#### 14.04 Standard Gas Code and Inspection

## (1) Safety Standards -

- (a) All gas appliances and accessories hereafter installed, sold or offered for sale shall conform to reasonable standards of safety.
- (b) The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such agency or the inclusion of an appliance or accessory in an approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to reasonable standards of safety. Such nationally recognized testing agency shall be one qualified and equipped to perform and one that does perform periodic inspections of current models of gas appliances and accessories.

## (2) Provisions Regulating the Installation of Appliances -

## (a) Safety Requirements -

All gas appliances, accessories and piping systems shall be installed to conform to reasonable standards of safety.

(b) Compliance With American National Standards Institute -<sup>2</sup>

Installation of appliances, accessories, and piping that complies with the standards recommended by the American National Standards Institute in their manual entitled "National Fuel Gas Code, 2223, 1980," shall be considered prima facie as conforming to reasonable standards of safety, the provisions of which are incorporated herein by reference as though set out in full; the City Clerk shall keep available a copy thereof in his office for study and inspection by any interested parties.

## (c) Authority to Turn on Gas -

No person excepting an authorized agent or employee of the gas supplier shall turn on or reconnect gas service in or on any premises where gas service is not at the time being rendered. This shall not prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him or from turning on gas that he had temporarily turned off for the purpose of connecting an appliance or making repairs.

## (d) Installing Gas Appliances -

No person shall install any gas appliance for the purpose of space heating without first determining from the gas supplier that adequate facilities are present to supply gas to such appliances in quantities that will assure reasonably safe and uninterrupted operation.

## (3) Enforcement -

## (a) Restrictions on Sale -

No person shall sell or offer for sale or install any gas appliance or accessories or gas piping system if the same, when installed for use, would be in violation of any of the provisions of this Code or would be unsafe or dangerous.

## (b) Authority to Disconnect -

The Building Inspector shall disconnect or order disconnection of any gas appliance, accessory or gas piping which does not conform to the requirements of this section or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory or gas piping, which shall state that it has been disconnected and the reasons therefor and such notice shall not be removed nor shall the appliance, accessory or gas piping be reconnected until it shall have been made to conform with the requirements of this section and its reconnection has been authorized by the Building Inspector.

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<sup>2</sup>Amended by Ordinance No. 11-1981-82, Adopted \_\_\_\_\_, 198\_\_.

## 14.05 Unsafe Buildings

(1) Notice to Owner -

Whenever the Building Inspector shall find that any building, structure or part thereof is unsafe, by reason of bad condition, defective construction, overloaded floors, decay, lack of guards against fire or other causes, he shall notify the owner or tenant thereof to cause the same to be made safe and shall affix a notice of the dangerous character thereof in a conspicuous place on the outside wall thereof, and no persons shall remove or deface such notice..

(2) Duty to Repair -

The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, and if any such building is used for any purpose requiring a license, the Mayor may revoke such license until the building is safe to the satisfaction of the Building Inspector.

(3) Emergencies -

(a) Power of Building Inspector -

Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the City in an action against the owner or tenant.

(b) Fire Department to Assist -

The Fire Department shall give all reasonable assistance to the Building Inspector in such work.

(c) Appeals -

If the owner or tenant of any such building or structure is dissatisfied with the decision of the Building Inspector as to the unsafe character thereof, the question shall be referred to a committee of three (3) competent persons, one of whom shall be appointed by the owner or tenant of the building, one by the mayor and one by the two (2) thus selected. The written decision of a majority of such committee signed and sworn to shall be conclusive.

## 14.06 Construction of Buildings

(1) State Code Adopted -

The State Building Code, issued by the Industrial Commission of Wisconsin, is hereby made a part of this chapter with respect to those classes of buildings, all public buildings and places of employment, to which the code specifically applies. Orders 5212 to 5223, inclusive, of the State Building Code, and orders 5316 to 5320 inclusive, of the State Building Code are hereby made a part of this chapter with respect to all buildings or parts thereof, including dwellings hereafter constructed within the City.

## (2) Definitions -

The following terms, when used in this chapter shall have the meaning given in the State Building Code:

- (a) Fireproof Construction.
- (b) Mill Construction.
- (c) Frame Building.
- (d) Height of a Building.
- (e) Incombustible Roof Covering.
- (f) Fire Wall.
- (g) Fire Door.
- (h) Fireproof Enclosure.
- (i) Fire Extinguisher.

**14.07 Dwellings**

## (1) Classification -

This classification includes every building or portion of a building, occupied as the residence by not more than one family in connection with a public building or place of employment or used for sleeping or lodging purposes by not more than three (3) roomers not members of a family.

## (2) Foundations -

## (a) Footings -

All foundation walls shall extend below the front line and have suitable provision at the bottom to keep load distribution within carrying capacity of the soil.

## (b) Foundation Walls -

Foundation walls for solid masonry wall construction shall be of brick, concrete, concrete block or stone. When built of brick, concrete block, or coursed stone, they shall be:

1. Less than 700 square feet, at least eight (8") inches;
2. Over 700 square feet to 1,200 square feet, at least ten (10") inches; and
3. Over 1,200 square feet, increased proportionately, but no such walls shall be longer than thirty (30') feet between cross walls or pilasters when they serve a cellar or basement walls, but may be eight (8") inches thick when the enclosure is not excavated.

In the alter case, the foundation walls shall be included in the allowable height of eight- (8"-) inch walls. When built of concrete case in place, they shall be at least as thick as the walls they support, but in no case less than eight (8") inches. When built of rubble stone, they shall be not less than sixteen (16") inches thick. Foundation walls for hollow building tile, hollow concrete block, hollow walls of brick and for frame construction may be built of brick, concrete, concrete block, or of glazed tile or vitrified fire clay tile with special thick walls and absorption not to exceed 8% of the dry weight of a specimen. Tile foundation walls shall not be less than twelve (12") inches thick. Foundation walls for frame construction shall extend at least eight (8") inches above the adjacent ground surface.

(c) Ventilation -

Cross ventilation shall be provided for the space enclosed by foundation walls, whether it be excavated or not.

(3) Construction -

(a) Masonry Walls -

1. The minimum thickness of exterior walls of solid brick hollow clay tile, concrete block or any combination of these, shall be eight (8") inches for a height not exceeding thirty (30') feet, except that in the case of gable construction, an additional five (5') feet to the peak of the gable is permissible. The unsupported height of isolated piers shall not exceed eight (8) times their least dimension.
2. Chases shall not be put in eight (8") inch bearing or division walls. In such walls of greater thickness, the backs of chases shall not be less than six (6") inches.

(b) Monolithic Concrete Walls -

1. Bearing walls of monolithic plain concrete shall be not less than six (6") inches in thickness. Concrete construction containing two-tenths of one percent more of reinforcement is classed as enforced concrete to which rules of reinforced concrete design apply. Reinforcement not less than two-tenths of one percent, computed or vertical height of twelve (12") inches shall be placed over the wall openings and at the corners of the structure to prevent cracks.
2. Hollow monolithic concrete walls shall have not less than a six (6") inch net thickness of material. Wall openings and corners shall be reinforced in the same manner as solid monolithic walls. The inner and outer part of such walls shall be securely fastened together with noncorrodible brassing ties.
3. Monolithic concrete walls built in accordance with this section shall not be more than thirty (30') feet in height, except that in the case of gable construction, an additional five (5') feet to the peak of the gable is permissible.

(c) Frame Walls -

1. General -



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- a. In frame wall construction, all structure parts are of wood or are dependent upon a wood frame for support. This includes walls with facings or veneer other than wood, such as brick, tile, stone and stucco.
  - b. Wood studding shall not be less than 2 by 4 nominal inches and spaced not to exceed sixteen (16") inches on centers.
  - c. Where exterior walls or parts thereof more than one story high are sheathed, the boards shall not be less than 3/4" actual thickness. Sheathing boards shall be laid tight and properly nailed to each stud with not less than two (2) eight penny nails. Where the sheathing is omitted or is not laid diagonally, the frame shall be diagonally braced and such other measures taken to secure rigidity as may be necessary.
  - d. Wood sheathing may be omitted when other types of construction are used that are proven of adequate strength and stability.
  - e. Ledger or ribbon boards used to support joists shall not be less than one (1") inch by four (4") inches, shall be cut into the studs and securely nailed with not less than two (2) penny nails to each stud.
2. Masonry Veneer of Frame Construction -
    - a. Masonry veneer applied to the walls of frame structures shall rest directly upon the masonry foundation of the structure and shall not be less than 3-3/4" in thickness.
    - b. Flashings shall be installed where necessary to prevent moisture from penetrating behind the wall.
    - c. The masonry veneer shall be securely attached to the frame structure in an approved manner at intervals of not more than sixteen (16") inches vertically and twenty-four (24") inches horizontally.
    - d. An approved sheathing shall be securely attached to the framework of the structure back of the masonry veneer.
  3. Stucco On Frame Construction -
    - a. Flashing or other expedients adequate to prevent penetration of moisture behind the stucco surface shall be used where necessary.
    - b. Back plastering shall be required where sheathing or equivalent is omitted.
    - c. Where wooden sheathing is used, it shall be of boards not less than one (1") inch (nominal) thickness and securely nailed to the studding.
    - d. Metal lath used for stucco base shall be expanded metal lath weighing not less than 3.4 pounds per square yard, or wire fabric not lighter than No. 19 gauge.

## 4. Wood Framing -

- a. All members shall be of sufficient size and strength to carry the load safely without exceeding the allowable working stresses of the material. The allowable working stresses for wood in dwellings may be 20% in excess of those for other buildings. The strength of timber shall be determined from actual dimensions and not from nominal dimensions.
- b. The stress in compression across the frame grain may be increased 50% in the case of joists supported on a ribbon board and spiked to the studding.

## 5. Fire Stopping -

Fire stopping shall be arranged to cut off all concealed draft openings and form an effectual horizontal barrier between stories and roof spaces.

## 6. Exits -

the exits shall be so arranged as to provide safe egress from any part of the building. The provision of two (2) separate stairways from upper floors is recommended. When this is impractical in small dwellings, the provision of balconies or convenient access to porch roof is urged.

## 7. Size of Rooms -

Every sleeping room shall be of sufficient size to afford at least 400 cubic feet of air space for each occupant over twelve (12) years of age, and 200 cubic feet for each occupant under twelve (12) years. No greater number of occupants than the number thus established shall be permitted in any such room.

## 8. Basement Rooms -

Every basement, living or sleeping room shall be at least eight (8') feet high from floor to ceiling. The ceiling shall be at least four (4') feet above the outside grade. The walls and floor shall be damp proof and waterproof.

## 9. Windows -

The outside windows in every sleeping room or living room shall have a total area of at least one-tenth of the floor area of the room, but not less than twelve (12) square feet. The tope of at least one such window shall not be less than six and one-half (6-1/2') feet above the floor, and shall be made so as to open easily.

## 14.08 Garages

## (1) Definitions -

As used in this section, certain words and phrases are defined as follows:

## (a) Garage -

A building or that portion of a building wherein self-propelled vehicles are housed.

- (b) Garage -
  - A garage having a floor area of more than five hundred (500) square feet.
- (c) Private Garage -
  - A garage having a floor area of not more than five hundred (500) square feet.
- (2) Public Garages -
  - (a) Compliance With Building Code -

Every building occupied, remodeled or constructed for use as a public garage shall comply and conform to the requirements of the Building Code issued by the Industrial Commission of Wisconsin, which apply to public garages.
  - (b) Electric Dynamos, Motors, Incandescent Lights, Etc.
    - 1. All electric dynamos and motors not actually part of the automobile, except explosion proof or fully enclosed motors, shall be located not less than four (4') feet above the floor.
    - 2. All incandescent lights located as to be exposed to mechanical injury shall be protected by approved wire guards, and all arc lamps shall be so located safe from mechanical injury, and shall be of the enclosed type; approved re-enforced cord shall be used where lamps are used for portable purposes.
    - 3. Movable incandescent lights in a garage shall be protected by approved metal guards and shall be fitted with keyless sockets, and all electric switches and plugs shall be permanently located at least five (5') feet above the floor; cut-out and service switches shall be enclosed in a fireproof cabinet.
    - 4. The electrical equipment shall conform to the requirements of the Wisconsin State Electrical Code.
  - (c) Inflammable Liquids -
    - 1. No volatile inflammable liquid shall be kept or carried in open vessels in a garage, and no volatile inflammable liquid shall be drawn except into approved safety cans of a capacity not exceeding five (5) gallons each, and then, with the exception of liquids with flashpot above 30° F., only for the purpose of immediately filling the tanks of automobiles contained in the garage.
    - 2. In lieu of the above safety cans, portable filling tanks, not to exceed sixty (60) gallons in capacity, may be used for transporting volatile inflammable liquid to and from the storage tanks for filling and charging the automobile. The portable tanks shall be supported on rubber-tired wheels and liquids shall be drawn by means of a tight-fitting pump. Hose attachment shall not exceed ten (10') feet in length, equipped at the end with a shut-off valve.
    - 3. No volatile inflammable liquid shall be allowed to run upon the floor or to fall or pass into the drainage system of a garage, nor shall any such liquid be put into or

removed from the tanks of a vehicle when any light or fire on the same is burning.

(d) Electric Charging Apparatus -

Where electric charging apparatus is installed or placed in a public or commercial garage, all such apparatus except the wires leading to the automobile to be charged shall be placed within a room separated from the main garage by walls of brick, tile, concrete or solid plaster on metal lath; any openings from the room into the main garage shall be protected by self-closing fire doors, and door sills shall be raised at least eight (8") inches above the floor level.

(e) Smoking Regulations -

No person shall smoke in any garage. A notice in large letters reading "NO SMOKING" shall be kept displayed in a conspicuous place and manner on all floors and at the entrance of all garages.

(f) Waste Receptacles -

1. On the floor of every garage there shall be constantly kept and maintained convenient receptacles filled with sand to be used in absorbing waste oils on the floor; in addition thereto, sand shall be kept on every floor in boxes or buckets provided with hand scoops to be used for fire extinguishing purposes only. There shall be one such box or bucket for each 2,000 square feet of floor area or fraction thereof, or in lieu of such boxes or buckets there may be maintained a cart on wheels filled with sand, such cart to hold not less than four (4) cubic feet of sand.
2. Self-closing metal cans set firmly on four (4) legs shall be kept on all floors of every garage, into which all inflammable waste materials shall be deposited at all times when not in use, and there shall be one such can for each 2,500 square feet of floor area or fraction thereof. The contents of all waste cans shall be removed from the building daily.

(g) Fire Extinguishers -

There shall be maintained at least one chemical fire extinguisher for each 2,000 square feet of floor space or fraction thereof.

## 14.09 Fire Limits

(1) Definitions -

The following shall and are hereby declared to be the fire limits:

Beginning at the point of intersection of the centerline of Broadway with the centerline of Elm Street, thence westerly along the centerline of Elm Street to the centerline of Giddings Avenue, thence northerly along the centerline of Giddings Avenue to the centerline of Pine Street, thence westerly along the centerline of Pine Street to the westerly line of Lot Seven (7), Block Three (3), Assessment Subdivision Seven (7), thence northwesterly along the westerly line of said lot and said line extended to the centerline of the Sheboygan River; thence northeasterly along the centerline of said river to the northerly line of Lot Four (4),

Block Nine (9), Original Plat of City of Sheboygan Falls, extended westerly to the centerline of said river; thence easterly along said northerly line of said Lot Four (4) and said line extended easterly to the centerline of Broadway, thence northwesterly along the centerline of Broadway to the centerline of buffalo Street, thence at right angles to centerline of roadway to the centerline of the Sheboygan River, thence southeasterly along the centerline of the Sheboygan River to the centerline of Madison Street extended westerly to the centerline of said river; thence easterly along the centerline of Madison Street thus extended to the centerline of Poplar Street to the north line of Lot Sixteen (16), Assessment Subdivision Four (4), thence easterly along north line of said Lot Sixteen (16) to the N.E. corner of said lot; thence south to the centerline of Adams Street; thence westerly along the centerline of Adams Street, to the centerline of the Sheboygan River; thence southerly along the centerline of the Sheboygan River to the centerline of Elm Street extended to the point of beginning.

(2) Buildings On Fire Limits -

(a) Construction Requirements -

Every building hereafter erected or enlarged within the fire limits shall be of fireproof, mill or ordinary construction as defined in the Building Code issued by the Department of Industry, Labor and Human Relations of Wisconsin, except as hereinafter provided. Enclosing walls shall be not less than twelve (12") inches thick, except that curtain walls of concrete, properly reinforced, shall be no less than six (6") inches thick.

(b) Types of Buildings Permitted -

No frame building or structure shall hereafter be built within the fire limits as given herein, or within the fire limits hereafter established, except the following, and all roofs placed upon such buildings or structures shall have an incombustible covering:

1. Temporary one-story frame buildings for use of builders.
2. One-story sheds not over fifteen (15') feet high, open on the long side with sides covered with incombustible material, and with an area not exceeding 500 square feet. A wooden fence shall not be used to form the back side of such sheds. The area of such shed may be increased to not more than 2,000 square feet, if no part of such shed is less than ten (10') feet distant from any adjoining lot line.
3. Wooden fences not over ten (10') feet high.
4. Piazzas or balconies not exceeding ten (10') feet in width, nor extending more than three (3') feet above the second story floor beams. No such structure shall extend beyond the lot line, or be joined to any similar structure of another building.
5. Bay windows when covered with incombustible material.
6. Small outhouses not exceeding 150 square feet in area and eight (8') feet in height. No such structure shall be located within five (5') feet of any lot line, nor less than fifteen (15') feet from any other building over one story high.
7. Grain elevators, coal pockets or ice houses, not more than forty (40') feet high nor more than 6,000 square feet in ground area.

8. Frame one-family dwellings or two-family dwellings and their accessory buildings provided that each such building and accessory building shall be separated by at least six (6') feet from the lot lines of adjoining property.

(c) Existing Frame Buildings -

Any existing frame building within the fire limits, which may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half of its present value, exclusive of the foundation, shall not be repaired or rebuilt.

## 14.10 Occupancy Permits

(1) Permit Required -

No person shall use or permit the use of, for business purposes, any building or premises, or part thereof, hereafter erected, altered, changed, or converted, wholly or partly, in its use of structure, or where business premises or any portion thereof have become vacant, until an occupancy permit shall have been obtained from the Building Inspector.

(2) Issuance -

(a) Inspection of Premises -

An occupancy permit shall be issued by the Building Inspector to the owner of a business, or his agent, within five (5) days, exclusive of Sunday or holidays, after a request has been made, provided, if after suitable inspections by the Building Inspector, and if necessary, after suitable inspections by the Electrical Inspector, Plumbing Inspector and the City Health Office, it is found that such building, structure, or premises, or parts thereof, comply with all the regulations of the pertinent codes of the City and the State of Wisconsin applicable to the proposed occupancy.

(b) Posting Permit -

Such occupancy permit shall indicate the use of the building, structure or premises, or part thereof, and shall be kept posted in a conspicuous place in the building, structure or premises.

(c) Permit Not Transferable -

An occupancy permit shall be nontransferable and shall be valid only for the building, structure or premises named therein.

(3) Application -

Application for an occupancy permit shall be made on a form provided by the Building Inspector, and shall set forth the applicant's name, address, position or capacity in the business to be carried on.

(4) Restrictions -

No permit shall be issued to any person for any business operation which would violate the zoning, fire, health, or other ordinance of the City, or which would violate any state law.

## 14.11 Storage and Handling of Gasoline

(1) Container Storage -

No person shall store or keep for use in the City, any gasoline unless such liquid is contained in a closed container. All containers or cans shall be painted a bright red color and shall be conspicuously labeled "GASOLINE-FLAMMABLE."

(2) Bulk Storage and Handling -

(a) State Codes Adopted -

Storage and handling of gasoline in quantities of more than twenty (20) gallons, including storage or handling on private premises, shall be governed by the regulations set forth in IND 57.15 and Ch. IND 8, Wis. Adm. Code, which are hereby adopted by reference and made part of this section as if fully set forth herein.

(b) Permit Required -

No person shall store or handle gasoline in quantities of more than 500 gallons on private premises unless he has first obtained a written permit from the Fire Chief certifying compliance with the requirements of this section and any further reasonable conditions imposed by the Chief for the preservation of life or property.

(c) Revocation -

The Chief may revoke a permit issued hereunder at any time, if he determines that the permittee has violated any provision of this section or failed to comply with any order of the Chief for the reduction of fire hazards or the protection of life or property, subject to the right of the permittee to appeal within ten (10) days of the date of revocation to the City Council for review of the Chief's action or order.

(3) Definitions -

The following definitions shall apply to terms used in this section:

(a) Private Premises -

Any one- or two-family dwelling or other structure, which is not a public building or place of employment.

(b) Closed Container -

A metal container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(c) Store and Storage -

To keep on hand for future use but does not include gasoline contained in the motor fuel supply tank of less than 275 gallons capacity connected to an internal combustion engine, provided such tank is leak-free, securely capped and protected by all necessary safety appliances.

## 14.12 Uniform Dwelling Code

- (1) The State of Wisconsin Administrative Code, Ch. IND 20-25, Uniform Dwelling Code, and all amendments thereto, is adopted and incorporated in this Code by reference.
- (2) The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code.

## 14.13 Outdoor Furnaces<sup>3</sup>

- (1) Purpose -

This Section is intended to promote and safeguard the public health, safety, welfare, and comfort of the citizens of the City of Sheboygan Falls due to the air pollution, fire hazards and other problems associated with outdoor furnaces.

- (2) Applicability -

This Section applies to all outdoor furnaces within the City. "Outdoor Furnace" means a furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals, and that burns wood, wood pellets, corn, or similar material.

- (a) This Section does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
- (b) This Section does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used primarily for human or animal habitation.
- (c) This Section does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

- (3) Regulation -

An outdoor furnace may be installed and used in the City only in accordance with the following provisions:

- (a) Building Permit -

The owner of the outdoor furnace shall obtain a building permit pursuant to Section 14.02 of this Municipal Code. Any violation of this Section shall void the permit.

- (b) Emission Standards -

The outdoor furnace shall meet all emission standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the building permit is applied for.

- (c) Location -

The outdoor furnace shall be located at least two hundred (200) feet from the nearest building which is not on the same property as the outdoor furnace; at least one hundred (100) feet from the side or rear lot line; and not in a front or street yard.

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<sup>3</sup>Created by Ordinance No. 1-2005/06, Enacted May 3, 2005.



## (d) Chimney -

The outdoor furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface. If there are any residences within two hundred fifty (250) feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

## (e) Prohibited Time -

The outdoor furnace may not be in operation from May 1 through October 31.

## (f) Other Restrictions -

The Building Inspector may impose additional restrictions deemed necessary to protect public health and safety.

## (4) Materials That May Not Be Burned -

An outdoor furnace shall not be used to burn any of the following materials:

- (a) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- (c) Asphalt and products containing asphalt.
- (d) Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
- (e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.
- (f) Rubber including tires and synthetic rubber-like products.
- (g) Newspaper, corrugated cardboard, container board, office paper, and similar materials.

## (5) Right of Entry and Inspection -

The Building Inspector or any authorized City officer, agent, employee, or representative who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Section. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119.

(6) Enforcement and Penalties -

- (a) The Building Inspector is authorized to enforce the provisions of this Section.
- (b) The penalty for violation of any portion of this Section shall be a forfeiture as set forth in Section 25.04 of this Municipal Code."

**14.15 Penalty**

Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.