

Chapter 18

Buildings and Building Regulations*

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Article I. In General

Section 18-1. Fire Limits.

All that part of the city which is embraced within the following limits shall be known as the fire limits:

All the lots and parcels of land within the following limits: beginning at the intersection of the south line of Somo Avenue and the east line of Railway Street to the south line of Spirit Avenue; thence east along the south line of Spirit Avenue a distance of 150 feet; thence south on a line parallel with the east line or Railway Street to the north line of Rice Avenue, thence east along the north line of Rice Avenue to the west line of Tomahawk Avenue to the south line of Spirit Avenue; thence east along the south line of Spirit Avenue to the east line of Second Street; thence north along the east line of Second Street a distance of 208 feet; thence east on a line parallel with the south line of Wisconsin Avenue to the west line of Fourth Street; thence north along the west line of Fourth Street to the south line of Somo Avenue; thence west along the south line of Somo Avenue a distance of 100 feet thence south on a line parallel with the west line of Fourth Street a distance of 142 feet; thence west on a line parallel with the south line of Somo Avenue to the east line of Second Street; thence north along the east line of Second Street to the south line of Somo Avenue; and thence west along the south line of Somo Avenue to the point of beginning.

(Code 1989, § 14.06(1))

Cross Reference – Fire Prevention and Protection, Chapter 34.

Section 18-2. Definitions.

The terms “fire resistive construction”, “mill construction”, “ordinary construction”, “frame construction”, and “fire retardant roof covering” shall have the meaning as defined in Wisconsin Administrative Code §§ 51.00, 51.01, 51.02, 51.03 and 51.07.

(Code 1989, § 14.06(2))

Cross Reference – Definitions, Generally, § 1-2.

Section 18-3. Regulations Within Fire Districts.

- (a) Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire resistive, mill or ordinary construction, except as otherwise provided by this chapter. Enclosing walls, division walls and party walls shall be of one-hour fire resistive walls of a construction as provided in Wisconsin Administrative Code ILHR, Chapter 51, which is hereby made a part of this chapter with respect to all buildings and structures within the fire district. No building of frame construction shall hereafter be built within or moved into the fire district.
- (b) No building of frame construction shall be constructed within the fire district except the following, and no such building or structure shall be located within five feet of any lot line or structure:
 - (1) Temporary one-store frame buildings for use of builders.
 - (2) One-story sheds not over 15 feet high, open on the long side and with an area not exceeding 500 square feet. A wooden fence shall not form the back or side of such sheds.
 - (3) Greenhouses not more than 15 feet in height.

- (4) Private garages for not more than two noncommercial automobiles, if not over 15 feet high and not more than 750 square feet in area, having exterior walls of metal, concrete or masonry, located on the same lot with a dwelling.
 - (5) Any building not exceeding two stories in height which has no residential units, and ten feet distant between two noncombustible walls and 12 feet distant between a noncombustible wall and a combustible wall.
- (c) No roofing on an existing roof shall be renewed or repaired to a greater extent than one-tenth of the roof surface, except in conformity with the requirements of subsection (a) of this section.
(Code 1989, § 14.06(4))

Section 18-4. Razing of Buildings.

- (a) *Condemnation of any Building or Structure.* All buildings or structures or any part thereof within the city which, because of fire loss, windstorm or tornado damage, age, dilapidation, deterioration, lack of repairs or for any other cause, shall be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and which cannot reasonably be repaired shall be razed and removed. Where there has been a cessation of normal construction of any building or structure for a period of more than two years, the building or structure shall be razed and removed.
- (b) *Inspection and Order to Owner to Raze and Remove or Repair.* The building inspector may investigate and inspect all buildings and structures in the city, or parts of such buildings or structures, for the purpose of determining whether or not the condition of such buildings and structures or parts thereof shall require their removal and razing or repair and rehabilitation. The building inspector may, if he or she deems it advisable, utilize the services of other persons qualified to render opinions relative to the conditions of buildings and structures to assist him or her in making investigations and inspections. If the building inspector determines that, because of the location and condition of any buildings or structures, or part thereof, the same should be ordered razed and removed, he or she shall, serve or cause to be served on the owner of record or his or her agent where an agent is in charge of the building, and on the occupant and the holder of any encumbrance of record an order in the manner required by subsection (d) of this section ordering such razing or removal within such time as he or she shall, under the facts and circumstances considered reasonable, but in no case shall order demanding such razing or removal require the commencing of such razing or removal on the part of the owner, agent, occupant or mortgagee prior to 15 days after the serving of such order exclusive of the day of service. Where publication of a Class 3 notice is required, the published order shall provide that the commencing of such razing shall commence within 15 days after a date specified in the order exclusive of the date stated. Where razing and removal is not mandatory and where such buildings and structures or parts thereof are, because of lack of repairs, fire or windstorm losses, depreciation, age, deterioration, or other causes unsafe or unfit for use or occupation or are hazardous or jeopardize life or property, the building inspector shall order that such buildings and structures or parts thereof be repaired and rehabilitated within a reasonable time or razed and removed at the owner's option, and serve such order upon the owner, agent, occupant and mortgagee in the manner provided by subsection (d) of this section, directing the making of such repairs and necessary rehabilitation. Where repairs and rehabilitation are ordered, the order shall specify a time in which the owner shall comply therewith and specify repairs, if any.
- (c) *Prohibiting Use and Posting Notice.* The building inspector may order vacated any building or structure if after inspection and investigation he or she finds that any building or structure in the city is insanitary, unsafe and unfit for human habitation, occupancy or use, or until the necessary repairs and rehabilitation have been made, and may post on such building or structure any proper notice

that, in his or her option, may be required as a suitable and adequate protection to the public against such use and occupancy.

- (d) *Method of Serving Order to Raze and Remove or to Repair.* The orders to raze or remove or to repair, rehabilitate and make safe given by the building inspector shall be served on the owner of record or his or her agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons in circuit court. If the owner or a holder of an encumbrance of record cannot be found the order may be served by posting it on the main entrance of the building and by publishing as a Class 3 notice under Wisconsin Statute, Chapter 985, before the time limit in the order commences to run. If the post office address of any affected person who cannot be served personally is known or can with reasonable diligence be ascertained, a copy of the order may be mailed by certified or registered mail to such person at or immediately prior to the first publication.
- (e) *Judicial Appeal.* All orders and demands by the building inspector shall be final, conclusive and binding on such owner, agent, occupant and mortgagee, subject to the right of appeal and review under Wisconsin Statute § 66.0413, and all provisions thereof are by reference incorporated and made a part hereof. The orders to raze and remove and to repair or rehabilitate shall advise persons affected of their right to judicial appeal.

(Code 1989, § 14.07(1)-(5))

Section 18-5. Penalty for Violation of Chapter.

- (a) Any violation of this chapter after issuance of a permit shall automatically revoke such permit and any further work thereunder shall be unlawful and shall continue to be unlawful until a permit is reissued, expecting such other work especially allowed to be done pending the reissuance of the permit.
- (b) Any work done in violation of this chapter or regulations adopted pursuant thereto shall be unlawful and the building inspector, city attorney or other official designated by the council may bring action to enjoin such work, or cause building or the results of any such work to be removed.
- (c) Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 1-14 of this Code.

(Code 1989, § 14.10(1)-(3))

Sections 18-6 – 18-40. Reserved.

Article II. Administration and Enforcement*

Division 1. Generally

Sections 18-41 – 18-70. Reserved.

*Cross reference – Administration, Chapter 2.

Division 2. Building Inspector*

Section 18-71. Appointment.

The building inspector shall be appointed by the council for an indefinite term.
(Code 1989, § 1.03(5))

Sections 18-72 – 18-90. Reserved.

Article III. Building Code

Section 18-91. State Administrative Code Adopted.

The following provisions of the state administrative code, so far as practical, are adopted by reference and made a part of this article:

- (1) Building Code, ILHR, Chapters 50 through 57.
- (2) Heating, Ventilation and Air Conditioning, ILHR, Chapter 64.
- (3) Existing Buildings, ILHR, Chapters 75 through 79.
- (4) Electrical Code, State Electrical Code COMM, Chapter 16.
- (5) Plumbing Code, COMM, Chapters 82 through 87 and Wisconsin Statute, Chapter 145.
- (6) Flammable Liquids Code.

Section 18-92. Plan Reviews and Inspections on Smaller Commercial Constructions.

- (a) The city building inspector, as certified by the department of industry, labor and human relations, is hereby authorized and directed to administer and enforce all the provisions of the state building and heating, ventilation and air conditioning code for any new public building containing less than 500,000 cubic feet in total volume or alterations of public building with less than 100,000 cubic feet in volume.
- (b) All persons intending to build a new public building containing less than 50,000 cubic feet in total volume or alter a public building with less than 100,000 cubic feet in total volume shall first obtain a building permit from the city upon approval of required drawings, specifications and calculations.
- (c) The building permit fee shall be determined as set out in Section 18-94.
- (d) Enforcement and penalties for violations of this section shall be the same as those set out for the enforcement and penalties of the uniform dwelling code in Section 18-168.

*Cross Reference – Officers and Employees, § 2-131 et seq.

Section 18-93. Permit Required.

- (a) No building or structure, nor any part of a building or structure, shall be built, enlarged, altered inside or outside of buildings, moved or demolished within the city except as provided in this article, unless a permit therefor shall first be obtained by the owner or his or her agent from the building inspector, after application in writing on forms provided by the city.
- (b) When requested by the inspector, those applying for inspections or permits, shall provide the building inspector with a copy of all isometric drawings and state approved plans for the construction or alteration desired.

Section 18-94. Permit Fee and Inspection Fees.

Applicants for building permits and inspection shall pay to the city fees as follows:

(1) *New Construction.*

- (a) *Residential; Open Wall (Stick Building).* A basic fee of \$350 up to 2,000 square feet of finished area plus \$15 per additional 100 square feet or a part thereof, plus \$5 per 100 square feet of unfinished area, plus the additional fees of each inspection listed below:

- (1) Electrical, \$20.00.
- (2) Heating, \$20.00.
- (3) Plumbing, \$20.00.
- (4) Air Conditioning, \$20.00.
- (5) State Building Permit Seal, \$30.00.
- (6) Occupancy Bond, \$300.00.
- (7) Early Start Permit, \$50.00.

- (b) *Residential; Closed Wall (Prebuilt/Remanufactured).* A basic fee of \$300.00 per unit.

- (c) *Commercial.* A basic fee of \$100.00 up to 200 square feet or \$200.00 over 200 square feet plus \$1.25 per 100 cubic feet plus the following fees:

- (1) Electrical, \$20.00.
- (2) Furnace, \$20.00.
- (3) Plumbing, \$20.00.
- (4) Air Conditioning, \$20.00.

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(d) *Garage and Storage (Residential Detached)* (see Sections 17-3 of this municipal code for definition). A basic fee of \$25.00 up to 100 square feet plus \$5.00 per 100 square feet over the first 100, plus the additional inspection fees for each of the following as may be applicable:

(1) Electrical, \$20.00.

(2) Heating, \$20.00.

(3) Plumbing, \$20.00.

(2) *Remodeling.*

(a) *Residential.* A basic fee of \$40.00 up to 200 square feet plus \$15.00 per 100 square feet over the first 200, or \$5.00 per 100 square feet of unfinished construction plus the additional inspection fees of each of the following as may be applicable:

(1) Electrical, \$20.00.

(2) Furnace, \$20.00.

(3) Plumbing, \$20.00.

(4) Air Conditioning, \$20.00.

(5) Remodeling without additional square footage, \$20.00 (window replacement, siding replacement, interior remodeling, etc.).

Section 18-95. Miscellaneous Permits and Inspection Fees.

If application is made for an inspection or permit covering the following items of construction or remodeling and such inspection or permit fee is not included in any of the preceding sections, a charge shall be made as follows:

(1) *Electrical.*

(a) Change of Service, \$25.00.

(b) Inside Building Inspection for Rewiring and Change of Fuses or Circuit Panels, \$25.00.

(2) *Plumbing.* \$25.00.

(3) *Heating, Ventilation and Air Conditioning.*

(a) New Chimney (Metal or Masonry), \$25.00.

(b) Replacement of Furnace, \$25.00.

(c) Woodstove Installation (Furnace or Freestanding), \$25.00.

(d) Fireplace, \$25.00.

(4) *Building Demolition*, \$30.00.

(5) *Building Move*, \$105.00.

(6) *Swimming Pool*, \$30.00.

(7) *Decks, Porches*, \$35.00.

(8) *Fences*, \$25.00.

Section 18-96. Lapse of Building Permit.

A building permit shall lapse and become void unless building operations are commenced six months (from the date of the permit) or if construction has not been completed within 12 months from the date of issuance thereof. Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all exterior work shall be completed within 12 months from the date of issuance of the permit.

Section 18-97. Failure to Obtain.

It shall be unlawful to commence work prior to obtaining a permit thereof. In addition to the possible issuance of a citation, double fees shall be charged if work is commenced prior to the issuance of a permit.

Sections 18-98 – 18-120. Reserved.

Article IV. Plumbing Code*

Section 18-121. Adopted.

The state plumbing code, Wisconsin Administrative Code COMM, Chapters 82 through 87 and Wisconsin Statute, Chapter 145, are hereby adopted as part of this article. The provisions thereof and of this article shall govern all plumbing, private sewage disposal and drainage work, and no plumbing, private sewage disposal, and drainage work shall be done except in accordance with such codes and this article. (Code 1989, § 15.01)

Section 18-122. Report of Existing Insanitary Installations.

When directed by the health officer or upon written and signed complaint of any person to the health officer that work covered by this article is contrary to the ordinances of the city or is a menace to health, the plumbing supervisor shall investigate the cause for complaint on such premises. He or she shall report his or her findings in writing to the health officer, suggesting such changes and corrections as are necessary to put the same in proper sanitary condition. The plumbing supervisor may also make such report at his or her own discretion or upon written and signed complaint made to him or her. The health officer thereupon shall direct such changes and corrections to be made as he or she deems necessary, and fix a time for having the changes done.

(Code 1989, § 15.02)

*Cross Reference – Utilities, Chapter 98

Section 18-123. Inspection of Vacant Properties and Relocated Buildings.

- (a) All rentable properties upon becoming vacant may be inspected by the plumbing supervisor and their sanitary condition determined. If the plumbing or any work covered by this article is in an insanitary condition or a menace to health or safety, the plumbing supervisor shall report to the health officer and the premises shall be repaired and put in a sanitary condition before a new occupant takes possession.
- (b) The plumbing in buildings moved from one lot or location to another shall be inspected by the plumbing supervisor and when found necessary tested in a manner satisfactory to him or her at the expense of the owner. If plumbing is found unsafe or insanitary the same shall be repaired or remodeled and made to reasonably comply with this article.

(Code 1989, § 15.03)

Section 18-124. Discharging of Drains and Sewers.

- (a) No person shall discharge domestic sewage, industrial waste or septic tank effluent onto the surface of the ground, into any drainage ditch, or into the river or any stream, or into any storm sewer or drain, or permit the same to be so discharged.
- (b) Roof-leaders, surface drains, groundwater drains, foundation footing drains, and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private sewage treatment plant. Air conditioning and clear water drains not described in this article shall also discharge to storm drains or sewers unless special permission is obtained from the plumbing supervisor where an unnecessary hardship would result and the spirit of this subsection will be observed. If storm-water or clear water is being discharged into a sanitary sewer the plumbing supervisor shall give the offending person 15 days' notice to disconnect. Failure to disconnect after such notice shall authorize the plumbing supervisor to cause disconnection and assessment of the costs of such disconnection against the property involved. The plumbing supervisor may, in the alternative, institute action for violation of this subsection.

(Code 1989, § 15.04)

Section 18-125. Permits and Fees.

(a) *When Permit is Required.*

- (1) No plumbing shall be done in the city without a permit being first issued therefor by the plumbing supervisor and the paying of the proper fee as proved by the city. Such permits may be issued only to persons duly licensed to do plumbing under the laws of the state, provided, any person actually owning and occupying a single-family residence or constructing a single-family residence for his or her occupancy, may do plumbing in such residence without license and bond, although such person shall secure a permit and work shall fully conform with all requirements as to workmanship, design, and materials, and provided further, that any person assisting such owner shall be a licensed master plumber. An owner obtaining a permit for work in a new residence shall not be granted a plumbing permit for work in another residence within a period of five years. Any plumbing shall conform to all provisions of the state law and codes, and ordinances of the city.

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(2) Any person desiring to do plumbing shall, before beginning active work, file with the plumbing supervisor upon application blanks furnished by the city a description of the property and the nature of the work to be done.

(b) *Permit Restrictions, Cancellations, and Withholding of Permits.*

(1) No permit for plumbing in a new or relocated building shall be issued:

(a) Until the plumbing supervisor is satisfied that all unused sewer and water services to the premises are sealed.

(b) Until a sewer permit and a building permit have been issued.

(2) No plumbing or sewer permit shall be granted to anyone who has failed to comply with this article. No permit shall be issued to by the plumbing supervisor is pending. No permit shall be issued to any person who has been in the past found violating or has willfully violated this article. Bad faith or unreasonable delay in the performance of any work covered by this article or failure to respond promptly to official communications shall be sufficient reason for withholding permits, and the master plumber shall be held responsible for the violation of these regulations by him or herself or any of his or her employees.

(3) All permits are good for a continuous performance of the work named thereon; permits shall automatically expire when work ceases for a period of 60 days without good and reasonable cause for same; but automatically expire on completion of work for which it was issued.

(4) The plumbing supervisor may cancel the permit on any job for violation of the license law or codes and ordinances and may stop work in any case where installation is not being made in compliance with this article.

(5) The plumbing supervisor may cancel a permit upon written request of a master plumber or the owner for which work is being done; provided acceptable arrangements shall first be made for reissue of the permit to another master plumber for proper completion of the work, and the original permit shall not be cancelled until a master plumber applies for and is granted a permit to complete the work. The procedure for requested cancellation and reissue of permits shall be as follows:

(a) If the master plumber does not complete the entire installation for which he or she received a permit, he or she shall immediately notify the plumbing supervisor in writing requesting cancellation and detailing the extent of the work he or she has done.

(b) The person who hired the master plumber may request cancellation in writing and shall specify the name of the master plumber he or she is employing to finish the work.

(c) The work shall be stopped until a permit has been issued for completion.

(Code 1989, § 15.05(2))

Section 18-126. Street Openings.

See Chapter 82 of this Code.

(Code 1989, § 15.07)

Section 18-127. Notice for Inspection.

The plumbing supervisor shall be notified for inspection in accordance with requirements of this Code and of the state plumbing code. Notification shall include the owner's name, correct address of the property and name of the master plumber. When work is approved, a tag indicating such approval will be placed upon the work in the basement and on each floor level where plumbing is installed and no work shall be enclosed on any floor level where such tag is not in place. Such inspection and approval shall not, in any case, constitute a guarantee against imperfection by either the city or the plumbing supervisor.

(Code 1989, § 15.08)

Section 18-128. Cross Connection Controlled.

- (a) *Defined.* A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system and the other water from a private source, water of unknown or questionable safety or stream, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (b) *Prohibited.* No person shall establish or permit to be established or maintain a permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the city water and sewer utility and by the state Department of Natural Resources in accordance with Wisconsin Administrative Code NR § 811.09(2).
- (c) *Inspections.* The city water and sewer utility shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the city water and sewer utility and as approved by the state Department of Natural Resources.
- (d) *Right of Entry.* Upon presentation of credentials, the representative of the city water and sewer utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Wisconsin Statute § 66.0119. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (e) *Discontinuance.* The city water and sewer utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wisconsin Statute, Chapter 68, except as provided in subsection (f) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.
- (f) *Emergency Procedure.* If it is determined by the city water and sewer utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the city clerk and delivered to the customer's premises,

service may be immediately discontinued. The customer shall have an opportunity for hearing under Wisconsin Statute, Chapter 68, within ten days of such emergency discontinuance.

- (g) *Supplemental Codes.* This section does not supersede the state and city plumbing codes, but is supplementary to them.

(Code 1989, § 15.09(1) – (6), (8))

Section 18-129. Holding Tanks Prohibited.

- (a) Pursuant to Wisconsin Administrative Code ILHR § 83.18 of the state plumbing code, the installation and use of holding tanks for new construction is prohibited.

- (b) Any landowner aggrieved by the application of this provision may appeal to the city planning commission for a variance. Whenever such variance is granted, the commission shall comply with Appendix A, Section 17-48 of this Municipal Code.

(Code 1989, § 15.10)

Section 18-130. Penalty.

Except as otherwise provided in this article, any person who shall violate any provision of this article, or who shall install or allow to be installed any plumbing in violation of this article, shall be subject to a penalty as provided in Section 1-14 of this Code.

(Code 1989, § 15.15)

Sections 18-131 – 18-160. Reserved.

Article V. One-and Two-Family Dwelling Code*

Section 18-161. Application of Provisions.

- (a) *Title.* This section shall be known as the one-and two-family dwelling code of the city.

- (b) *Purpose.* The purpose and intent of this section is to:

- (1) Exercise jurisdiction over the construction and inspection of new one-and two-family dwellings and additions to existing one-and two-family dwellings.
- (2) Provide plan review and on-site inspections of one-and two-family dwellings by inspectors certified by the department of industry, labor and human relations.
- (3) Establish and collect fees to defray administrative and enforcement costs.
- (4) Establish remedies and penalties for violations.
- (5) Establish use of the state uniform building permit as prescribed by the department of industry, labor and human relations.

(Code 1989, § 14.04(1))

*Cross Reference – Zoning, Appendix A.

Section 18-162. State Uniform Dwelling Code.

The administrative code provisions describing and defining regulations with respect to one-and two-family dwellings in Chapters Wisconsin Administrative Code COMM, Chapters 20-25, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this section as if fully set forth in this section. Any act required to be performed or prohibited by an administrative code provision incorporated in this section by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the administrative code provisions incorporated in this section are intended to be made part of this section to secure uniform statewide regulations of one-and two-family dwellings in the city. A copy of these administrative code provisions and any future amendments shall be kept on file in the city clerk's office.

(Code 1989, § 14.04(2))

Section 18-163. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

Department means the department of industry, labor and human relations.

Dwelling means:

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

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

One-or Two-Family Dwelling means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

Person means an individual, partnership, firm or corporation.

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

Chapter COMM 20 – Administration and Enforcement

Chapter COMM 21 – Construction Standards

Chapter COMM 22 – Energy Conservation

Chapter COMM 23 – Heating, Ventilating and Air Conditioning

Chapter COMM 24 – Electrical Standards

Chapter COMM 25 – Plumbing

(Code 1989, § 14.04(3))

Section 18-164. Method of Enforcement.

The city building inspector, as established by Section 18-165, shall have the responsibility of administering and enforcing the provisions of this section and the uniform dwelling code.

(Code 1989, § 14.044)

Section 18-165. Building Inspector.

- (a) *Creation and Appointment.* The building inspector shall be certified for inspection purposes by the department in each of the categories specified under Wisconsin Administrative Code ILHR § 20.10, and by the department of health and social services in the category of plumbing.
- (b) *Subordinates.* The building inspector may appoint subordinates as necessary, which appointments shall be subject to confirmation by the council. Any subordinate hired to inspect buildings shall be certified under Wisconsin Administrative Code ILHR, Chapter 20, by the department.
- (c) *Duties.* The building inspector shall administer and enforce all provisions of this article and the uniform dwelling code.
- (d) *Powers.* The building inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes any may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the building inspector or his or her agent while in the performance of his or her duties.
- (e) *Records.* The building inspector shall perform all administrative tasks required by the department under the uniform dwelling code. In addition, the inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one-and two-family dwellings shall be kept. The building inspector shall make a written annual report to the common council relative to these matters.

(Code 1989, § 14.04(5))

Cross Reference – Officers and Employees, § 2-251, et seq.

Section 18-166. Building Permits.

- (a) *Required.* No one-or two-family dwelling of which initial construction shall be commenced after July 1, 1980, shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his or her agent from the building inspector. Application for a building permit shall be made, in writing, upon that form designated as the state uniform dwelling permit application, furnished by the department of industry, labor and human relations.
- (b) *Repairs and Additions Requiring Permit.* No addition, alteration or repair to an existing one-or two-family dwelling not deemed minor repair by the building inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner or his or her agent from the inspector.
- (c) *Submission of Plans.* The applicant shall submit two sets of plans for all new one-and two-family dwellings or repairs or additions to existing one- and two-family dwellings at the time that the building permit application is filed.
- (d) *Issuance of Permit.* If the building inspector finds that the proposed building or repair or addition complies with all city ordinances and the uniform dwelling code, the inspector shall officially approve the application and the building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of an issued building permit shall be kept on file with the building inspector.

(Code 1989, § 14.04(6))

Section 18-167. Fees for Building Permits and Inspections.

At the time the application for a building permit is filed, the applicant shall pay the fees as set by Section 18-94.

(Code 1989, § 14.04(7))

Section 18-168. Violation and Penalties.

- (a) No person shall erect, use, occupy or maintain any one-or two-family dwelling in violation of any provision of this section or the uniform dwelling code, or cause to permit any such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, be subject to a penalty as provided in Section 1-14 of this Code.
- (b) If an inspection reveals noncompliance with these provisions or the uniform dwelling code, the building inspector shall notify the applicant and the owner, in writing, of the violations to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Wisconsin Administrative Code COMM § 20.21(3). Soil erosion control provisions shall be complied with within 72 hours after written notice.
- (c) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(d) Each day each violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this section shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this section or the uniform dwelling code.

(e) If any construction or work governed by the provisions of this section or the uniform dwelling code is commenced prior to the issuance of a permit, double fees shall be charged.

(Code 1989, § 14.04(8))

Section 18-169. Appeal to Board of Appeals.

Any person feeling aggrieved by an order or a determination of the building inspector may appeal from such order or determination to the board of appeals. Those procedures customarily used to effectuate an appeal to the board of appeals shall apply.

(Code 1989, § 14.04(9))

Section 18-170. Liability for Damages.

These provisions shall not be constructed as an assumption of liability by the city for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

(Code 1989, § 14.04(10))

Sections 18-171 – 18-200. Reserved.

Article VI. Gas Code

Section 18-201. Regulating the Sale of Gas Appliances.

(a) All gas appliances and accessories 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.

(Code 1989, § 21.01)

Section 18-202. Regulating the Installation of Appliances.

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

(b) Installation of gas appliances, equipment, accessories and piping that complies with the standards recommended by the American National Standards Institute in its manual entitled, "National Fuel Gas Code", the latest promulgated edition thereof as of the date of adoption of this Municipal Code shall be considered prima facie as conforming to reasonable standards of safety.

(c) No person, except an authorized agent or employee of the gas supplier, shall turn on or reconnect gas service in or any premises where and when 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 her or from turning on gas that he or she had temporarily turned off for the purpose of connecting an appliance or making repairs.

(d) 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.

(Code 1989, § 21.02)

Section 18-203. Enforcement.

(a) 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 article or would be unsafe or dangerous.

(b) The board of public works may disconnect or order disconnection of any gas appliance, accessory or gas piping which does not conform to the requirements of this article 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 be removed nor shall the appliance, accessory or gas piping be reconnected until it conforms to the requirements of this article and its reconnection has been authorized by the board of public works.

(Code 1989, § 21.03)

Section 18-204. Penalty for Violation of Article.

Any person who violates any provision of this article shall be subject to a penalty as provided in Section 1-14 of this Code.

(Code 1989, § 21.04)

Sections 18-205 – 18-240. Reserved.

Article VII. Satellite Dish-Type Antennas

Section 18-241. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dish means that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

Dish-Type Satellite Signal Receiving Antennas (Earth Stations or Ground Stations) means one or a combination of two or more of the following:

(1) A signal receiving device (antenna, dish antenna or dish-type antenna) larger than 24 inches, the purpose of which is to receive communications or other signals from satellites in earth orbit, other signals from satellites in earth orbit and other extraterrestrial sources.

- (2) A low noise amplifier (LNA), which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer or transmit electronic or light signals.
- (3) A coaxial cable, the purpose of which is to carry or transmit such signals to a receiver.

Ground Rod means a metal pole permanently poised in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

Receiver means a television set or radio receiver.
(Code 1989, § 14.08(1))

Section 18-242. Permit Required.

No permit shall construct an earth station without a permit, nor shall construction commence before a permit is issued, pursuant to this section.
(Code 1989, § 14.08(2))

Section 18-243. Application for Permit.

The owner or occupant with written permission of the owner, of any lot, premises or parcel of land within the city who desires to construct an earth station on such lot, premises or land parcel must first obtain a permit to do so from the city building inspector. The building inspector shall issue such permit provided the applicant submits a written application on forms provided and approved by the building inspector. The application must be accompanied by a plot plan, showing the location of such earth station or satellite dish. The applicant shall submit with each application a permit fee of \$5.00, which shall cover the cost of processing the application and inspection.
(Code 1989, § 14.08(3))

Section 18-244. Earth Stations; General Requirements.

- (a) No earth station shall be constructed in any front or side yard in any residential zoning district.
- (b) All earth stations shall comply with the side and rear lot line dimensions and setback requirements for accessory structures as specified in the zoning district where the earth station is located.
- (c) No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.
- (d) The earth station dish shall not exceed 12 feet in diameter.
- (e) All earth stations must be bonded to a grounding wire.
- (f) All earth stations shall comply with the height requirements specified in the zoning district where the earth station is located.
- (g) All earth stations shall be erected and designed so as to reduce visual impact from surrounding property at street level and from public streets.

- (h) The footing for the earth station shall be at least four feet deep to avoid frost heaving and be secure from winds.

(Code 1989, § 14.08(4))

Section 18-245. Alternate Communications Systems; Specific Requirements.

- (a) *Additional Standards.* Alternate communications systems, commonly referred to as cable television or satellite television disks, dishes or devices shall also comply with the requirements of this section in addition to those found elsewhere in this article.
- (b) *Applications.* Application for the erection of a communication system shall be accompanied by a plat of survey for the property on which the system is to be located showing the location of the system and all other improvements on the property. If the system is intended to provide communication to more than one premises, the plat of survey shall show all properties to be served and the means of connection to the communication system. A copy of all agreements with the system users of the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, if any, and provide assurance as to the safety features of the system.
- (c) *Noise.* The maximum level of noise permitted to be generated by a communications system shall be 50 decibels as measured on a dB (A) scale, measured at the lot line.
- (d) *Electromagnetic Interference.* Communication system devices shall be filtered or shielded so as to prevent emission of radio frequency energy that would cause any harmful interference with radio or television broadcasting or reception. If harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the communication system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications commission regulations.

(Code 1989, § 14.08(5))

Section 18-246. Temporary Placement of Earth Stations.

The owner or occupant, with written permission from the owner, of any lot, premises or parcel of land within the city who desires to temporarily place an earth station on such lot, premises or land parcel on a temporary basis for the purpose of testing whether or not to install an earth station on a permanent basis may do so without obtaining a permit under this section; however, such temporary placement of an earth station shall be limited to a period of ten days in any calendar year. Any earth station temporarily erected shall conform to setback, side and rear lot line requirements specified in the zoning district where the earth station is temporarily located. No sign or other advertisement shall be placed on or near the earth station unless the sign complies with applicable zoning laws.

(Code 1989, § 14.08(6))

Section 18-247. Violations and Penalties.

Any person failing to comply with the provisions of this section will be subject to the same penalties, injunction and removal of the structure as set out in Section 1-14.

(Code 1989, § 14.08(7))

Section 18-248. Appeals.

Any person aggrieved by a decision of the building inspector shall appeal to the board of appeals established under Section 17-48. The procedures customarily used to effectuate an appeal to the board of appeals shall apply.

(Code 1989, § 14.08(8))

Sections 18-249 – 18-280. Reserved.

Article VIII. Moving Buildings*

Section 18-281. Permit Required.

No person shall move any building within the city without a permit from the building inspector, upon 30 days' notice, designating the streets and alleys along which the building is sought to be moved. Such permit shall state the date upon which the work is to commence in moving the building, a description of the building and its location, the place to which such building is sought to be moved, the name of the owner of such building, the name of the person who is performing the work, and the name of the streets and alleys along which the building may be moved.

(Code 1989, § 8.06(1))

Section 18-282. Notice to Utilities.

Upon receipt of the notice under Section 18-281, the building inspector shall immediately notify any public utility whose lines or poles may be interfered with of the application. Such utility shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles.

(Code 1989, § 8.06(2))

Section 18-283. Deposit Required.

At the time of application, the applicant shall deposit with the city clerk \$500.00 to cover the costs to the utilities of whatever work is necessary to permit moving of the building and damages to property resulting from such moving. Upon completion of the moving, the street superintendent shall inspect the route and report to the city clerk any damages and the estimated amount thereof caused the streets and any public or private property. Upon payment of the utilities' expenses and settlement of all damage claims, the city clerk shall release the balance of the deposit remaining. The applicant shall be liable for any costs and damages exceeding the deposit.

(Code 1989, § 8.06(3))

Sections 284-300. Reserved.

*Cross Reference – Environment, Chapter 30.

Article X. Minimum Housing Code

Section 18-301. Title.

This article shall be known as the city of Tomahawk Minimum Housing Code.

Section 18-302. Intent and Purpose.

(a) *Purpose.* It is the intent and purpose of this section to establish minimum standards for and provide for the enforcement of minimum level of care and maintenance to buildings throughout the city. It is not the intent of this section to discourage or inhibit owners of older residences from upgrading such residence over an extended period of time.

Section 18-303. Definitions.

The following words, terms, phrases, when used in the article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate means adequate as determined by the building inspector under the regulations of this article or adequate as determined by and authority designated by law or this Code. The term “adequately” means the same as adequate.

Apartment means one or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

Approved means approved by the building inspector under the regulations of this article or approved by an authority designed by law, this article or Code.

Attractive Appearance means an appearance which is in accordance with generally accepted professional practices for new construction within the city and which is not likely to adversely affect the value of abutting or neighborhood properties, or of the principal property.

Basement means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Boarding-House see *Lodging House* and *Lodging Room*.

Building means a combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose. The term “building” shall be construed as if followed by the words “or portion thereof.” For the purpose of this article, each portion of a building completely separated from other portions by an unpierced firewall shall be considered a separate building.

Capacity in Persons means the maximum number of persons that can occupy a building, as determined by the required floor space per person as established in this article.

Compliance Inspection means an inspection performed in conjunction with lawful order of the common council or building inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

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Dwelling means a place of abode, a residence, or a house for use by one or more persons, excluding hotels or motels.

Dwelling Unit means one or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

Extermination means the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigating, by a licensed fumigator, or any other effective elimination procedures.

Family means and individual, or two or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two roommates. For the purpose of this definition, the term "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

Friable Material means any material applied on ceilings, wall, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized or reduced to powder by hand pressures. The term "friable material" means and includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

Good Working Condition means capable of performing the task for which it was designated and in the manner intended by this article.

Habitable Space means one or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.

Impervious to Water means constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the building inspector, and having tightfitting joints.

Infestation means the sustained presence of household pests, vermin, or rodents.

Living Room means a room used primarily for living, dining, or cooking purposes.

Lodging Room means a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

Lodging-House means a dwelling containing lodging rooms that will accommodate five or more persons not members of a family.

Mixed Occupancy means occupancy of a building in part for residential use and in part for some other use not accessory thereto.

Occupant means one who occupies or has actual possession of usable space.

Operator means any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.

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Owner means every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the city, any sewer district, drainage district, any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent or other person having the ownership, control custody, or management of any building. The term "owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

Person means and includes any individual, firm, corporation, association or partnership.

Property means as deemed proper by the building inspector under the regulations of this article or deemed proper by an authority designated by law.

Residential Building means a building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but not limited to, the following types:

- (1) Single-Family Dwellings.
- (2) Two-Family Dwellings.
- (3) Multiple-Family Dwellings.
- (4) Lodging-Houses.
- (5) Fraternity and Sorority Houses.

For the purpose of this article, any building containing any of the uses in this definition together with other uses shall be considered a residential building.

Room means any partitioned part of the inside of a building. For the purpose of this definition, the term "partition" means something that divides interior space, especially an interior dividing wall. The term "wall" means one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third of the least dimension of an existing room may be regarded as creating an additional separate room if privacy is implied; light and ventilation are affected; or bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

Rooming-House. See *Lodging-House* and *Lodging Room*.

Sleeping Room means a room used for sleeping purposes.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Supplied means paid for, furnished, or provided by or under control of the owner or operator.

Section 18-304. Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service.

- (a) *Purpose.* The purpose of this section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof, and to obtain the public and private benefits accruing from the provisions of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage, recyclables and other refuse, safe means of egress, provisions of light, heat, and electrical service.
- (b) *Occupancy Requirement.* No person shall occupy as owner or let another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
- (1) *Basic Plumbing.* Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available to all fixtures as specified in the state administrative code.
 - (2) *Water Heating Facilities.* Every residential building shall have supplied water heating facilities which are: properly installed; maintained in a safe and good working condition; properly connected with the hot water lines required hereunder; and capable of heating water to such temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 110 degrees Fahrenheit.
 - (3) *Refuse Storage.* Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location of which is in compliance with city regulations.
 - (4) *Dwelling Code Adopted.* The city adopts by reference and incorporates herein as if fully set out herein the Wisconsin Uniform Dwelling Code. (UDC).
 - (5) *Plumbing.* Each lodging-house shall provide at least one flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the board of appeals for lodging-houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
 - (6) *Windows and Ventilation.*
 - (a) Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one air change per hour. All required exhaust vents shall terminate outside the structure.

- (7) *Electrical.* Every dwelling unit and all public common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be conducted to a source of electrical power in a manner prescribed by the state electrical code, Wisconsin Administrative Code, Chapter COMM 16 and the National Electrical Code (NEC), which are adopted by reference and incorporated herein as if fully set out.
- (8) *Heating.*
- (a) All habitable rooms shall be provided with a permanently connected heating system complying with the city ordinances.
- (b) The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of 67 degrees Fahrenheit shall be maintained, absent the wind chill factor, and a minimum temperature of 60 degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero degrees Fahrenheit or lower, absent the wind chill factor. The outdoor temperature of the city shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- (c) The occupant of a room or an apartment may maintain a lesser temperature than is specified in subsection (8) (b) of this section, as long as it does not affect the temperature in other habitable areas of the building.
- (9) *Lighting.*
- (a) Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three or more apartments, and lodging-houses. The illumination shall be provided during a period one hour before sunset to one hour after sunrise.
- (b) Every residential building that will accommodate transients, three or more families, or 20 persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five inches high, or a red illuminated translucent exit sign may be used.
- (10) *Emergency Work Information.* Every owner of multifamily dwellings shall make available to the occupants the names of two or more persons that may be called at arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Section 18-305. Safe and Sanitary Maintenance of Property.

- (a) *Purpose.* The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well maintained property will enhance the neighborhood and city and provide a suitable environment for increased physical and monetary values.

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- (b) *Maintenance Requirements.* Every owner or operator shall improve and maintain all property under his or her control to comply with the following minimum requirements:
- (1) *Drainage.* All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with grading of at least one-half inch per foot for a minimum of five feet where possible or by other means such as eaves, troughs and downspout extensions.
 - (2) *Weeds.* All exterior property areas shall be kept free from noxious weeds as required by this Code and the state statutes. Where required weed and grass cutting is not performed by the property owner, the city shall cause said weeds and grass to be cut and removed and process the charge therefor as a special charge against the benefited property.
 - (3) *Debris.* All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within 24 hours.
 - (4) *Fences, Walks, Parking Areas.* Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings.
 - (5) *Exterior Surfaces.* Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservatives shall be applied in a workmanlike fashion.
 - (6) *Yard Areas.* Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accordance with the following:
 - (a) Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials, debris, or refuse.
 - (b) Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building materials not used within ten days, or any unsightly bulk items.
 - (c) Landscaping, planting and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.
 - (d) Lawns shall be maintained to a height not to exceed six inches.
 - (e) Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of property on which located, and hereby the appearance and value of the neighborhood and city.
 - (f) The city, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.

(7) *General Requirements.*

- (a) Every interior floor, wall and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
- (b) Every foundation, exterior wall, floor and roof shall be reasonably weather tight, watertight, and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained as to ensure that it safely and properly removes the product of combustion from the building.
- (c) Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet or food preparation areas shall be tightly sealed with an impervious and cleanable material.

(8) *Window and Doors.*

- (a) Every window, exterior door, interior door, and basement hatchway shall be reasonably weather tight, watertight, rodent proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (b) Each main entrance door into a non-owner dwelling unit shall contain an approved door viewer, except where a window in the door, or a window immediately adjacent to the doorway, provides a clear view of the entrance.
- (c) All doors into each dwelling unit shall be equipped with door hinges so arranged as to be inside the dwelling unit or with approved locking pin hinges.
- (d) All doors into each dwelling unit shall have a keyed deadbolt lock with a minimum one-inch throw, which is operable with a key on the exterior side of the door and a knob on the interior side of the door. The strike plate shall be held in place by 2½ screws. Patio doors shall have an approved secondary locking device (i.e. locking pins or two by fours of proper length).
- (e) All basement, first and second story windows and all other windows accessible by balconies, fire escapes, trees, or other existing means shall be provided with sash fasteners.
- (f) All double-hung and sliding windows and doors below the second story and all other double hung and sliding windows accessible by balconies, fire escapes, trees or other existing means shall be equipped with approved window ventilating sash fasteners to allow each window to be located at one to five inches open. Such window ventilating bolts or locks shall be movable to permit the window to be fully opened from the inside of the dwelling unit.
- (g) Alternative locking devices to equally resist illegal entry may be substituted with the approval of the board of appeals.

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- (9) *Stairs.* Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in Wisconsin Administrative Code COMM 21.04, as dictated by the type of occupancy in the building.
- (10) *Plumbing Fixtures.* Every plumbing fixture and water and waste water pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (11) *Bathrooms.* Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonable impervious to water and so as to permit such floor to be easily kept in clean and sanitary condition.
- (12) *Supplied Facilities.*
- (a) Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - (b) The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
 - (c) It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (13) *Equipment Removal Restricted.* No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this article to be removed from or shutoff from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by and authorized inspection.
- (14) *Abandoned Fuel Tanks.* Abandoned fuel oil tanks shall be removed from the building.
- (15) *Removal of Debris.*
- (a) No person shall dispose of rocks, trees, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the city, except at approved disposal sites.
 - (b) No landowner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten days.
 - (c) All vacant lands within the city shall be leveled off to permit the mowing of weeds as outlined within this Code. This includes the removal of stones, bottles, wires and other debris that will interfere with mowing operations.

- (d) All lands in the city shall be kept free of weeds and maintained so there is no detrimental influence to the public health, safety, comfort or general welfare of the immediately neighborhood or community.

Section 18-306. Quality, Location, and Use of Space in Residential Buildings.

- (a) *Purpose.* The purpose of this section is to establish minimum standards for the quality, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (b) *Size of Dwellings and Rooms.*
- (1) *Detached Single-Family Dwellings.* Every detached single-family dwelling other than a manufactured home shall have at least 500 square feet of floor area on the first floor level.
- (2) *Size of Rooms.* The floor area for rooms is as follows:
- (a) *Apartments.* The floor area of an apartment shall provide not less than 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor area for each additional occupant.
- (b) *Lodging Rooms.* The floor area of a lodging room shall provide not less than 70 square feet of floor area for one occupant and 50 square feet for each additional occupant.
- (3) *Excluded Spaces.* The space used as laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in subsections (b)(1) and (2) of this section.
- (4) *Hallways.* Access to all lodging and sleeping rooms shall be from common hallways and not through bathrooms or other lodging and sleeping rooms.
- (5) *Cellar Spaces.* No cellar spaces shall be used as a sleeping room.
- (6) *Basement Used as a Sleeping Area.* No basement space shall be used for a sleeping room unless:
- (a) The floor and walls are impervious to leakage or underground and surface runoff water and are insulated against dampness.
- (b) The total window area in each room is equal to at least the minimum window area required in this article. The required window area must be located entirely above the grade of the ground adjoining such window area.
- (c) The total of openable window area in each room is equal to at least the minimum as required under this article, except where there is supplied some other device affording adequate ventilation and approved by the building inspector.
- (d) It has two exits.

Section 18-307. Fixing the Responsibility of Owners, Operators and Occupants.

- (a) *Purpose.* The purpose of this section is to fix the responsibility of owners, operators, and occupants of residential buildings.
- (b) *Responsibilities.* The responsibility of owners, operators, and occupants of residential buildings is as follows:
- (1) Every owner of a residential building must contain two or more dwelling units and shall be responsible for maintaining a clean, proper, and sanitary condition of the shared or public areas of the residential building and premises thereof.
 - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he or she occupies and controls, except the operator of every lodging-house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging-house. Every occupant of a residential building shall dispose of all his or her refuse, recyclables, and garbage as required by this Code.
 - (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm windows, whenever the same are required under provisions of this Code.
 - (4) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insect, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.
 - (5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 - (6) The owner or operator shall not occupy, nor let another for occupancy, any space in a residential building, unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this article and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.
 - (7) Every owner of a lodging-house shall make available to the occupants the names of two or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain information at all times.
 - (8) The operator of every lodging-house shall change supplied linen and towels therein at least once each week prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

Section 18-308. Administration and Enforcement.

- (a) The building inspector is authorized to prepare and distribute procedural rules as it deems necessary to administer the purpose of this section.
- (b) Complaints referred to the building inspector shall be investigated by the building inspector to assert the seriousness and validity.
 - (1) *Valid Complaints.* When it has been determined that a complaint is valid, the building inspector shall notify the owner or occupant of the offending property, stating the nature of the complaint and the corrective action required. When the building inspector deems it appropriate, the notice may be in writing, which will then contain a time line in which the complaint must be resolved. The time limit shall not exceed 30 days. Copies of all correspondence of complaints shall be provided to the mayor.
 - (2) *Complaints not Valid.* When, in the opinion of the building inspector, the complaint is not valid, the building inspector will respond to the person that registered the complaint with reasons why the complaint is not valid. Should the complainant still feel that violations of the section exists, the complainant has the right to contact the mayor or the planning and zoning commission to state their case.
 - (3) If the violation has not been corrected within the time limits allowed by the building inspector, the building inspector may issue a citation to the property owner or the occupant regarding such violation.
 - (4) Any party receiving a notice of violation from the building inspector may apply to the planning and zoning commission to be heard regarding the alleged violation and the corrective activities by the building inspector.

Section 18-309. Inspection.

- (a) The building inspector is authorized and empowered to inspect all residential buildings within the city for the purpose of determining whether or not said residential buildings comply with the requirements of this article. If any owner or occupant denies the building inspector entry into any residential building or portion thereof, the building inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- (b) No owner of a residential building may deny the building inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

Section 18-310. Designation of Unfit Dwellings and Legal Procedure Thereof.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (1) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the building inspector:
 - (a) On which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
 - (b) One which lacks illumination, ventilation, heating, basic equipment, or sanitary facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - (c) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
 - (d) One which, because of its general condition, location or appearance, is a blighting influence or cause decreasing physical or monetary value of property in the neighborhood.
- (2) Any dwelling, dwelling unit, building or structure designating and placarded as unfit for human habitation and in need of repair by the building inspector shall be vacated within such a reasonable time as is ordered by the building inspector.
- (3) No building or structure or part thereof, which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the building inspector. The building inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action where based have been eliminated.
- (4) No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.
- (5) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the building inspector, which in the opinion of the building inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of the building inspector. If the owner shall fail or refuse to comply with the order, the building inspector shall refer such violation to the city attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this article.
- (6) Any building which has been vacant for more than 30 days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism of damage.
 - (a) The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so to prevent hazardous and dangerous conditions.

- (b) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three days of the damage by fire or other cause.

Section 30-311. Service of Notice and Orders; Hearings.

(a) Notice Procedure.

- (1) Whenever the building inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this article or of any rule or regulation adopted pursuant thereto; he or she shall give notice of such alleged violation to the person responsible therefor as hereinafter provided. Such notice shall:

- (a) Be in writing.

- (b) Include a statement of the reasons why it is being issued.

- (c) Allow 30 days for the performance of any act it requires. An extension of time may be granted by the building inspector if in his or her sole discretions he or she determines such extension is warranted.

- (d) Be served upon the owner or his or her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him or her personally; or if a copy thereof is sent by registered mail to his or her last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he or she is served with such notice by any other method authorized or required under the laws of this state.

- (2) The notice in subsection (a) (1) of this section may contain any outline of remedial action which, if taken, will effect compliance with the provisions of this article and with rules and regulations adopted pursuant thereto.

- (b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this article, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking injunction in a court of record.

- (c) Whenever the building inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he or she deem necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply within therewith immediately, but upon petition of the building inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his or her findings as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the building inspector shall continue such order in effect, or modify it, or revoke it.

- (d) Determinations of the building inspector under this section may be appealed to the board of appeals using the procedures prescribed in Appendix A.

Section 18-312. Fines and Penalties.

Any person whether owner or occupant who shall violate any provision of this Section or fails to comply with any order, rule or regulation hereunder shall be subject to penalties as provided in Section 1-14 and 1-15.