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**PUBLIC NOTICE OF A COMMITTEE MEETING  
OF THE COMMON COUNCIL OF THE CITY OF WATERLOO**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public & news media, that the following meeting will be held:

**COMMITTEE:** PUBLIC SAFETY AND HEALTH COMMITTEE  
**DATE:** Thursday, October 6, 2016  
**TIME:** 6:30 p.m.  
**LOCATION:** Municipal Building Police Training Room, 136 N. Monroe Street

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING MINUTES: September 1, 2016
3. PUBLIC COMMENT
4. NEW BUSINESS
  - a. Trick Or Treat – Sunday, October 30, 2016 From 2:00 To 5:00 P.M.
  - b. Drones (Interim Chief Lange to provide a handout)
  - c. Permission To Purchase New Squad Car
  - d. Review & Action Regarding Regulation, Vendor Permissions And Liability Of Parades And Other Special Events Held In The Public Right-Of-Way, Chapter 172 Of The Municipal Code Dances & Entertainment
5. FUTURE AGENDA ITEMS, COMMUNICATIONS AND ANNOUNCEMENTS
  - a. Review And Consideration Of Revisions To Chapter 140 Building & Construction Of The Municipal Code As Submitted By SAFEbuilt (documents included in this packet for review prior to October meeting)
6. ADJOURNMENT

Mo Hansen  
Clerk/Treasurer

\*\*\* See Council Packet, Also On Tonight's Council Agenda

Committee Members: Thomas, Griffin and Petts

Printed, Posted, E-mailed and Distributed: 09/29/2016

PLEASE NOTE: IT IS POSSIBLE THAT MEMBERS OF AND POSSIBLY A QUORUM OF MEMBERS OF OTHER GOVERNMENTAL BODIES OF THE MUNICIPALITY MAY BE IN ATTENDANCE AT THE ABOVE MEETING(S) TO GATHER INFORMATION. NO ACTION WILL BE TAKEN BY ANY GOVERNMENTAL BODY OTHER THAN THAT SPECIFICALLY NOTICED. ALSO, UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST SUCH SERVICES PLEASE CONTACT THE CLERK'S OFFICE AT THE ABOVE LOCATION.

**PUBLIC SAFETY AND HEALTH COMMITTEE MEETING MINUTES**  
**September 1, 2016**

1. **Call to Order:**  
The Public Safety Committee meeting was called to order by Alderperson Thomas at 6:30PM
2. **Roll Call:**  
Committee members present – Alderperson Thomas, Griffin, Petts, and Interim Chief Lange.
3. **Approval of Public Safety Committee Minutes of July 7, 2016.** Motion by Alderperson Griffin, second by Petts, motion carried.
4. **Citizen Input:** Alderperson Petts brought up about recent rash of vehicle break-ins and lots of comments on Facebook. Committee informed that there were very few reports to the police department.
5. **Unfinished Business:** (None)
6. **New Business: a. 2017 Police Department Budget.** Discussed the 2017 Police Department budget at length.
7. **Future Agenda Items and announcements: ( None )**
8. **Adjourn :** Motion to Adjourn by Griffin, Second by Petts, motion carried.

Attest To: 

City of Waterloo, WI  
Tuesday, September 27, 2016

## Chapter 172. Dances and Entertainment

### § 172-2. Carnival, circus, concert or other entertainment.

- A. License required. No person shall conduct for gain within the City any carnival, circus, concert, or any other similar entertainment without first obtaining a license.
- B. Application. Application for a license shall be submitted on forms supplied by the Clerk-Treasurer. The application shall be accompanied by a certificate of insurance showing that the applicant is covered by liability insurance by an insurance company licensed to do business in Wisconsin in the amount of \$300,000 for the injury or death of one person, \$1,000,000 for any one accident and \$50,000 for property damage. If the entertainment involves carnival-type rides, proof of current inspection of such rides by the Wisconsin Department of Commerce must also be furnished.
- C. Fee. The license fee shall be as stated in the City of Waterloo Fee Schedule,<sup>[1]</sup> except that no fee shall be charged for events held or sponsored by educational, charitable, nonprofit or religious organizations when the proceeds thereof shall be devoted to the purposes of such organization.

[1] *Editor's Note: The Fee Schedule is on file at the office of the City Clerk-Treasurer.*

# MODEL

## Building and Mechanical Code

1-1-01 Scope

This Code applies to all 1 & 2 family dwellings, commercial buildings/structures, swimming pools, decks, residential accessory buildings and agricultural buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures.

1-1-02 Permit Required: No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

- 1) The construction which shall require a building permit includes, but is not limited to:
  - a) New buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.
  - b) Additions that increase the physical dimensions of a building including decks.
  - c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
  - d) Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit except as noted in 3) b) below.
  - e) Any electrical wiring for new construction or remodeling.
  - f) Any HVAC for new construction or remodeling.
  - g) Any plumbing for new construction or remodeling.
  - h) Any new or re-wired electrical service, including services for agricultural buildings.
  
- 3) The following construction activities shall not require a building permit:
  - a) Re-siding, re-roofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations may be requested by the property owner for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
  - b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, dimmers and fixtures.

1-1-03 Adoption of Codes

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

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Chs. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Chs. SPS 361-366	Commercial Building Code
Ch. SPS 375-79	Buildings Constructed Prior to 1914

## 1-1-04 Delegated Municipality Authority

- 1) **Delegated Municipality.** The City has adopted the Delegated Municipality Status as described in SPS 361.61 of the Wisconsin Administrative Code.
  - a) **Responsibilities.** The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
    1. Provide inspection of commercial buildings with certified commercial building inspectors.
    2. Provide plan examination of commercial buildings with certified commercial building inspectors.
  - b) **Plan Examination.** Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
    1. A new building or structure, an addition to a building or structure, an alteration.
  - c) **Waive Jurisdiction.** A delegated municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department of Safety and Professional Services for review and approval.
  - d) **Plan Submission Procedures.** All commercial buildings, structures and alterations, including new buildings and additions require plan submission as follows:
    1. Building permit application
    2. Application for review – SBD-118
      - a. Fees per Table 302.31-2 and SPS 302.31
      - b. Fees apply to all commercial projects
    3. 4 sets of plans
      - a. Signed and sealed per SPS 361.31
      - b. (1) set of specifications
      - c. Component and system plans
      - d. Calculations showing code compliance

## 1-1-05 Building-HVAC-Electrical-Plumbing Inspector

- 1) **Creation and Appointment.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.
- 2) **Assistants.** The Building Inspector may employ, assign or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, by the Department.
- 3) **Duties.** The Building Inspector shall administer and enforce all provisions of this ordinance.

- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.
- 5) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
  - a) Footing
  - b) Foundation
  - c) Rough Carpentry, HVAC, Electric and Plumbing
  - d) Drintile/Basement Floor
  - e) Underfloor Plumbing
  - f) Electric Service
  - g) Insulation
  - h) Final Carpentry, HVAC, Electric & Plumbing
  - i) Erosion Control
- 6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- 7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
- 8) Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in 1-1-03. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

#### 1-1-6 Fees

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

#### 1-1-7 Violations and Penalties

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.

- 2) Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

#### 1-1-8 Appeals

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Common Council. The Municipality will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21.

#### 1-1-9 Severability

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

City of Waterloo, WI  
Tuesday, September 27, 2016

## Chapter 140. Building Construction

[HISTORY: Adopted by the Common Council of the City of Waterloo 10-19-1987 by Ord. No. 87-6 as Ch. 14 of the 1987 Code. Amendments noted where applicable.]

### GENERAL REFERENCES

Moving of buildings — See Ch. **144**.  
Numbering of buildings — See Ch. **148**.  
Driveways and culverts — See Ch. **184**.  
Electrical standards — See Ch. **193**.  
Fire prevention — See Ch. **200**.  
Plumbing — See Ch. **283**.  
Property maintenance — See Ch. **288**.  
Utilities — See Ch. **340**.  
Floodplain and shoreland-wetland zoning — See Ch. **375**.  
Subdivision of land — See Ch. **380**.  
Zoning — See Ch. **385**.

### § 140-1. Title.

This chapter shall be known as the "Building Code of the City of Waterloo" and shall be referred to in this chapter as "this code."

### § 140-2. Purpose.

This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.

### § 140-3. Scope.

New buildings hereafter erected in, or any building hereafter moved within or into, the City shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and said Zoning Code.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 385, Zoning.*

## § 140-4. State regulations adopted.

- A. Wisconsin Commercial Building Code. The Wisconsin Commercial Building Code, Chs. COMM 61 through 65, the Flammable and Combustible Liquids Code, Ch. COMM 10, and all amendments thereto are hereby made a part of this chapter by reference with respect to those classes of buildings to which such provisions apply. A copy of said codes is on file in the office of the Clerk-Treasurer.
- B. Wisconsin Uniform Dwelling Code. The Wisconsin Uniform Dwelling Code, Chs. COMM 20 through 25, Wis. Adm. Code, and all amendments thereto are hereby made a part of this chapter by reference and shall apply to all new and existing one- and two-family dwellings and all alterations and additions thereto. A copy of said code is on file in the office of the Clerk-Treasurer.

## § 140-5. Building Inspector.

- A. Appointment. See Chapter **85**, § **85-3** of this Code.
- B. Qualifications.
  - (1) The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable state and local building codes relating to the construction of buildings.
  - (2) The Building Inspector shall be certified by the Wisconsin Department of Commerce to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.
- C. General powers and duties. The Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter. He shall coordinate the activities of the Plumbing Inspector and the Electrical Inspector. The Building Inspector may grant variances from the terms of Chapter **385**, Zoning, in those cases where a setback, side yard or rear yard variance would clearly be consistent with those existing in the neighborhood.  
[Amended by Ord. No. 90-9]
- D. Records. The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make a quarterly report to the Council on the above matters.
- E. Appeals. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may, within 20 days thereafter, appeal from such order or ruling to the Board of Zoning Appeals, such appeal to be in writing.

## § 140-6. Building permits; inspections.

- A. Permit required. No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.
- B. Application. Application for a building permit shall be made in writing upon a form furnished by the Building

Inspector, which may be obtained at the office of the Clerk-Treasurer, and shall state the name and address of the owner of the land, and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

- C. Utilities required. No occupancy permit shall be issued for the construction of any residential building until sewer is installed and grading and graveling of the street necessary to service the property for which the permit is required is completed. See Chapter **385**, Zoning, of this Code.
- D. Plans. With each application there shall be submitted three complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce, if necessary. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of § COMM 20.09(4), Wis. Adm. Code.
- E. Plat of survey required.
  - (1) A plat of survey prepared by a registered land surveyor shall be submitted to the Building Inspector showing the location, boundaries, dimensions, elevations, uses and size of the following:
    - (a) The subject site.
    - (b) The existing and proposed structures.
    - (c) The existing and proposed easements, streets and other public ways.
    - (d) Off-street parking, loading areas and driveways.
    - (e) The existing highway access restrictions.
    - (f) The existing and proposed street, side and rear yards.
  - (2) In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 60 feet of the subject site. The Building Inspector may waive any portion or all of the requirements of this subsection.
- F. Approval of plans. If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one foot above the finished or proposed grade of the center line of the adjacent street.
- G. Waiver of plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.
- H. Grant or denial of permit. After the receipt of an application and plans required by this section, the Building Inspector shall grant or deny the application within 10 business days.
- I. Minor repairs and alterations. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.
- J. Inspection of work. The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The

Building Inspector shall perform the requested inspection within 48 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Building Inspector.

- K. Permit lapses. A building permit shall lapse and be void unless building operations are commenced within six months, or no significant progress has been made within two construction seasons, from the date of issuance thereof. In any event, all permits shall lapse two years from the date of issuance.
- L. Revocation. If the Building, Plumbing or Electrical Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.
- M. Erosion control permit required. See Chapter **385**, Zoning, of this Code.
- N. Report of violations. The police or other City officers shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

## § 140-7. Permit fees.

[Amended by Ord. No. 90-5; Ord. No. 92-4; Ord. No. 96-9; Ord. No. 98-3; 11-17-2005 by Ord. No. 2005-4]

Fees shall be as stated in the City of Waterloo Fee Schedule.<sup>[1]</sup>

[1] *Editor's Note: The Fee Schedule is on file at the office of the City Clerk-Treasurer.*

## § 140-8. Smoke detectors required.

In all one- and two-family dwellings one smoke detector shall be installed on each floor.

## § 140-9. Residential garages.

Residential attached garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Residential garages shall be located in accordance with Chapter **385**, Zoning, of this Code and not less than 10 feet from any other building on the same premises when not a part of the building. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than forty-five-minute fire-resistive construction as specified in § COMM 21.08, Wis. Adm. Code.

## § 140-10. Private swimming pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the City except in accordance with the following regulations:

- A. Definitions. As used in this section, the following terms have the meaning indicated:

### **SWIMMING POOL**

Any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than two feet deep is contained and which is used primarily for the purpose of bathing or swimming.

- B. Permit.
- (1) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefor has first been obtained from the Building Inspector.
  - (2) Application. Application shall be on a form provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:
    - (a) Location of pool on lot, distance from lot lines and distance from structures.
    - (b) Location of septic tank, filter bed and sewer lines.
    - (c) Pool dimensions and volume of water in gallons.
    - (d) Location and size of fence and gate location.
    - (e) Existing overhead wiring relative to proposed pool.
- C. Construction requirements.
- (1) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by Chapter **385**, Zoning, of this Code for permitted accessory building uses, and the waterline of any pool shall not be less than five feet from any setback line or building.
  - (2) No connection shall be made to the sanitary sewer or septic system.
  - (3) Gaseous chlorination systems shall not be used for disinfecting pool waters.
  - (4) No aboveground pool shall be less than five feet from any septic system.
- D. Plumbing and electrical requirements.
- (1) To comply with plumbing and electrical codes. All plumbing and electrical installations shall require separate permits and shall be governed by the City or State Plumbing and Electrical Codes.<sup>[1]</sup>  
*[1] Editor's Note: See Ch. 193, Electrical Standards, and Ch. 283, Plumbing.*
  - (2) Pool lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.
- E. Fence requirements. All private residential swimming pools, whether in ground or above ground, shall be enclosed with an adequate and secure fence at least 48 inches high above adjoining ground. Required fences shall be constructed so as to prohibit the passage of a six-inch-diameter sphere between fence members. Any gates installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least 30 inches above ground level. A pool dome or pool top fencing attached to the pool to extend at least 48 inches above the ground, or a pool cover capable of supporting 100 pounds per square foot of area, is an acceptable substitute for fencing. Pool covers shall be fixed securely in place at all times when the pool is not supervised by a responsible person. Aboveground pools with walls that are at least 48 inches high at all points around said pool or have platforms and railings that are 48 inches or more in height above ground are not required to be enclosed as provided in this section; however, all ladders and stairways providing access to such pools shall be adequately fenced and fitted with gates to prevent entry when the pool is not in use.
- F. Use of pool. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.
- G. Variances. The Board of Zoning Appeals may grant variances to the requirements of this section, pursuant to Chapter **385**, Zoning, of this Code.

## § 140-11. Fences and walls.

- A. Permit required. No person shall construct a fence in the City without first obtaining a permit from the Building Inspector.
- B. Application; fee. Application for a permit shall be filed with the Building Inspector on a form supplied by the Inspector, together with a sketch of the proposed fence and the payment of the required fee as provided in § 140-7 of this chapter.
- C. General requirements.
  - (1) Fences and walls in front yards. On any corner lot, no fence, wall or shrub shall be within the vision triangle prescribed in Chapter 385, Zoning, of this Code. Fences, walls or shrub plantings shall not be erected on any lot within 10 feet of the front property line in such a manner as to interfere with traffic visibility from a driveway. In no case shall a fence, wall or planting in a residential area exceed four feet in height in that part of a front yard which extends 25 feet back from the property line.  
[Amended 11-5-2009 by Ord. No. 2009-17]
  - (2) Fences in side yards. No fence or wall, other than a retaining wall, along a side line of a lot shall be higher than six feet unless the adjoining lot is not in a residential district. Except as provided in Subsection C(1) above, no side yard fence or wall shall extend into the required street setback area.
  - (3) Fences in rear yards. Fences having a height of six feet or less may be located within the required rear yards in residential districts.
  - (4) Property line fences. Fences shall be erected in relation to the property line so as to be normally serviceable by the owner, unless the adjoining property owner consents, in writing, to the fence being erected on the property line.
  - (5) Dog pens and runs. Dog pens and runs shall be erected in the rear yard only and shall be located at least 20 feet from any property line.

## § 140-12. New methods and materials.

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Department of Commerce. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Commerce. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce.

## § 140-13. Unsafe buildings.

Whenever the Building Inspector finds any building or part thereof within the City to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in § 66.0413, Wis. Stats. 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 expenses of such work may be recovered by the City in an action against the owner or tenant.

## § 140-14. Moving buildings.

See Chapter 144 of this Code.

## § 140-15. Satellite television antennas.

- A. Permit required. No person shall install a satellite television antenna within the City until a permit is obtained from the Building Inspector. However, pursuant to § 62.23(7)(he), Wis. Stats., no permit is required for a satellite dish less than two feet in diameter.  
[Amended by Ord. No. 95-1]
- B. Application. Application for a permit shall be made on a form provided by the Building Inspector.
- C. Permit fee. See § 140-7 of this chapter.
- D. Definitions. As used in this section, the following terms have the meaning indicated:

### **SATELLITE TELEVISION ANTENNA**

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

### **USABLE SATELLITE SIGNAL**

A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

- E. Size and height limitations.
  - (1) Antennas shall not extend more than 10 feet above the height limit established for a zone in which the structure is located.
  - (2) Antennas shall not exceed 11 feet in diameter in a residential zone.
- F. Location and construction requirements.
  - (1) Subject to Subsection **F(4)** below, in any business, commercial, agricultural or manufacturing zone, such antenna may be located anywhere on the lot or building thereon.
  - (2) In a residential zone, subject to the provisions contained herein, such antenna shall be located either in the rear yard of any lot or on the roof. If usable satellite signal cannot be obtained from such rear yard or roof, the antenna may be located on the side or front yard of the property, subject to the requirements contained herein.
  - (3) Ground-mounted antenna shall be located at least five feet from the nearest part of the main building on the same lot and at least five feet from any rear, front or side property line.
  - (4) No antenna on a corner lot shall be constructed within a vision triangle contrary to Chapter **385**, Zoning, of this Code.
  - (5) Except in business, commercial, agricultural or manufacturing zones, the antenna shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.
  - (6) Not more than one satellite antenna shall be allowed in any residential zone on any lot less than one acre in size.
  - (7) All antennas and the construction and installation thereof shall conform to applicable regulations and requirements of the this chapter and the Electrical Code.<sup>[1]</sup>  
[1] *Editor's Note: See Ch. 193, Electrical Standards.*
  - (8) The antenna shall meet all manufacturer's specifications, shall be on noncombustible and corrosive-resistant materials, and shall be erected in a secure, wind-resistant manner.
  - (9) Every antenna must be adequately grounded for protection against a direct strike of lightning.
- G. Location on conditional basis. The construction, location, installation and erection of a satellite antenna

shall be on a conditional basis, and in the event said satellite antenna interferes with radio or television reception on adjacent properties such satellite antenna shall be moved or shielded to eliminate said interference.

- H. Temporary placement permitted. Satellite antennas may be temporarily located on a lot or parcel for the purpose of testing reception for a period not to exceed 10 days in any calendar year without a permit, provided that the provisions of this section are complied with.
- I. Previously erected antennas. Subject to Subsection **G** above, this section shall not affect any satellite antenna erected prior to the adoption of this section.

## **§ 140-16. Liability.**

This chapter shall not be considered as assuming any liability on the part of the City or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment or in any plumbing or electric wiring or equipment.

## **§ 140-17. Violations and penalties.**

Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use or to cause such building, structure or use to be removed, and such violation may also be subject to a penalty as provided in Chapter **1**, § **1-4** of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.