

Title 15 Building Code

Chapter 01 Building Code

Division 1 Establishment of Building Code

15.01.11 Building Code Established

- A. **Title.** This Chapter shall be known as the "Building Code of the City of Onalaska" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- B. **Purpose.** The purpose of this Chapter is to:
1. Exercise jurisdiction over the construction and inspection of new one (1)family and two (2)-family dwellings, additions or alterations to existing one (1) and two (2) -family dwellings by Inspectors certified by the Wisconsin Department of Safety and Professional Services ("DSPS").
 2. Provide for plan review and onsite inspections of one (1) and two (2)-family dwellings by Inspectors certified by the state department of safety and professional services.
 3. Provide for review and onsite inspection of commercial structures to the extent permitted by and subject to state law.
 4. Provide for the collection and establishment of fees to defray administrative costs.
 5. To adopt relevant state statutes and administrative code provisions to promote the interests stated in this section.
- C. **Uniform Dwelling Code.**
1. **State Uniform Dwelling Code Adopted.** Wis. Admin. Code SPS Chapters 321 through 325, in associations with SPS 321.40, Manufactured Homes, are hereby adopted by reference and made part of this Chapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this Chapter. Future amendments, revisions, or modifications of the Wisconsin Administrative Code provisions incorporated in this Chapter are intended to be made a part of this Chapter to secure uniform state regulation of one (1)-family and two (2)-family dwellings in this city. The Wisconsin Administrative Codes, as adopted in this Chapter, are intended to apply to additions and alterations to one (1) and two (2)-family dwellings, including existing one (1) -family and two (2)-family dwellings, which were built prior to December 1, 1978 (effective adoption date of the Uniform Dwelling Code), detached garages, accessory buildings, as well as new construction. A copy of these Wisconsin Administrative Code provisions and any future amendments shall be kept on file in the office of the city building inspector.
 2. **Enforcement and Right to Inspect.** The Inspection Department is hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Inspection Department, as a condition of the issuance of a building permit, shall have the authority to enter at any reasonable time during normal work hours, during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance of all state and municipal codes in this Chapter.
- D. **Definitions.** Definitions for this Title are located in Chapter 5.

15.01.12 Building Permits and Inspection

- A. **Permit Required.**
1. **General Permit Requirement.** No one (1)-family or two (2)-family dwelling shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or their agent from the Inspection Department. Application for a building permit shall be in writing upon the form designated by the State Uniform Dwelling Permit Application.
 2. **Alterations and Repairs.** No addition, alteration or repair to an existing one (1)-family or two (2)-family dwelling shall be undertaken unless a building permit for this work is first obtained by the owner

or their agent from the Inspection Department. The Inspection Department may not require a permit for minor repairs (i.e., repairs or alterations not affecting occupancy, area, structural integrity, fire protection, exits, lighting or ventilation).

3. **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements are accepted by the Common Council upon recommendation of the Plan Commission.
4. **Utilities Required.**
 - a. **Residential/UDC Buildings.** No building permit shall be issued for the construction of any one (1) and two (2)-family dwellings until sewer, water, grading, graveling, and pavement are installed in the streets necessary to service the property for which the permit is required.
 - b. **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading, graveling, and pavement in the streets necessary to service the property for which the permit is requested.
 - c. **Occupancy.** No person shall occupy any building until sewer, water, grading, graveling, and pavement are installed in the streets necessary to service the property and a Certificate of Occupancy shall not be issued until such utilities are available to service the property.
 - d. **Utility Service Not Available.** If municipal sewer and water are not available, no building permit or Occupancy Permit will be issued until plans are provided for a private domestic sewage treatment and disposal system and an approved well system. The installation of the above-mentioned systems must be approved by the City Engineer, Inspection Department, and La Crosse County in charge of issuing the applicable state permits.
5. **Accessory Structures.** No accessory building or structure, including detached garages, open sheds, roof covered patios, gazebos, pergolas, or any other accessory building or structure, shall be constructed, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or their agent from the Inspection Department. Further, accessory structures may only be constructed on a parcel after a principal structure has been established.
6. **One (1)-family and two (2)-family homes built prior to December 1, 1978.** No addition, alteration, or repair to a one (1)-family or two (2)-family dwelling that was built before December 1, 1978 as per the effective date of the adoption of the Uniform Dwelling Code shall be undertaken unless a building permit for this work is first obtained by the owner or their agent from the Inspection Department. The Inspection Department may not require a permit for minor repairs (i.e., repairs as defined in SPS 320.05(3) of the Uniform Dwelling Code, alterations not affecting occupancy, area, structural integrity, fire protection, exits, lighting or ventilation).
7. **Submission of Plans.** The applicant shall submit two (2) sets of plans along with a comprehensive site plan and soil erosion control plan for new construction to one (1)-family and two (2)-family dwellings at the time that the building permit application is filed. All required plans submitted for approval, shall be accompanied by sufficient data, calculations and information to determine if the dwelling will meet the minimum requirements of the Uniform Dwelling Code.
8. **Required Inspections and Requests.** Prior to concealment of any electrical, plumbing, or HVAC installations, buildings shall be inspected at such times and in such manner to be in accordance with all state and local codes, ordinances, or rules applicable thereto. No structural portion of any building or structure shall be covered or concealed until the completion of the required inspections and approval by the Inspection Department. The permit applicant or an authorized representative shall notify the building inspector after completion of the required inspections as listed below (inspection types) orally, email or in writing. The Inspection Department shall make a reasonable effort to conduct all inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval by the Inspection Department, except that construction may proceed if an inspection has not been performed within two (2) business days after proper notification has been given.
9. **Inspection Types.** The following inspections shall be completed for all projects whenever applicable:
 - a. **Erosion Control Inspection.** Erosion control measures shall be inspected after implementation and concurrently with the following required inspections for proper maintenance.

- b. **Building Sanitary, Storm and Water Service Inspection.** The building sanitary, storm sewer and water service shall be inspected in accordance with SPS 382.21(1) of the State Plumbing Code prior to be covered or concealed.
 - c. **Foundation Excavation Inspection.** The excavation for the foundation shall be inspected after the placement of any forms or required reinforcement and prior to the placement of the permanent foundation material. If a drain tile system is required, by the local inspector or by groundwater levels in the excavation, the presence and location of bleeders used to connect the interior and exterior drain tile shall be inspected at the same time as the excavation.
 - d. **Foundation Inspection.** The foundation shall be inspected after completion. Where dampproofing, exterior insulation or drain tile are required for code compliance, the foundation shall be inspected prior to backfilling.
 - e. **Underground Building Drains and Drain Tile Inspection.** Plumbing building drain, drain tile, washed stone base, and required sub slab vapor retarder shall be inspected prior to backfilling or placement of basement slab floors.
 - f. **Rough Inspection.** General building construction (basement floor area, framing), plumbing, HVAC, and electrical installations shall be inspected after all work is complete, but before any of the installations are covered or concealed.
 - g. **Insulation Inspection.** Insulation, vapor retarders, air barriers, and exterior drainage planes shall be inspected after installation is complete, but before any of the installations are covered or concealed.
 - h. **Final Inspection.** The dwelling shall not be occupied until a final inspection has been made. The permit applicant shall notify the Inspection Department orally, or by written notification for a final inspection upon completion of the permitted work. The final inspection shall be performed within five (5) business days after proper notification and prior to the issuance of a certificate of occupancy. The Inspection Department shall notify the applicant and/or owner in writing of any code violations to be corrected. All code violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted. Failure to obtain a final inspection upon completion of the permitted work, and/or correct noted code violations prior to occupancy, and refused or neglected to pay for previous permits shall be considered in violation of this Section and may be subjected to citations and/or a re-inspection fee. The Inspection Department may refuse to issue permits to any person or applicant who has refused or neglected to correct any violations of this chapter.
 - i. **Stop Work Order.** If a noted violation is not corrected within thirty (30) days, a stop work order may be served on the owner or the owner's representative, and a copy shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the Inspection Department after satisfactory evidence has been provided that the noted violation(s) have been corrected.
10. **Inspection Disclaimer.** All inspections are intended to cite conditions of noncompliance in accordance with all state and local code standards that are evident at the time of inspections. An inspection does not involve a thorough examination to all appliances, mechanical systems, and closed structural elements of the building or structure.
11. **Certificate of Occupancy and Use.**
- a. **One and Two-Family Dwellings.** No one (1)-family and two (2)-family dwelling shall be used or occupied until the Inspection Department has issued a certificate of temporary occupancy or a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with provisions of this Chapter.
 - b. **Temporary Occupancy.** The Inspection Department may issue a temporary occupancy permit for a part or parts of a building or structure, before the entire work covered by a building permit shall have been completed provided such portions may be occupied safely prior to full completion of the structure without endangering life or public welfare. No such partial occupancy permit may be issued prior to full compliance with those provisions of State Statute and the Wisconsin Administrative Code that affect health and safety or before full completion of accessible routes to, into and through the structure exist. A temporary occupancy permit may be issued for a period

not exceeding six (6) months, except as specifically approved by the Inspection Department for weather related or similar type delays. A temporary occupancy permit shall not be granted until all applicable fees, including necessary inspection fees have been paid. Applications for temporary occupancy shall be on such form as provided by the Inspection Department.

15.01.13 Commercial Buildings

- A. **Wisconsin Uniform Commercial Building Code (UCBC).** Wis. Admin. Code SPS 361, SPS 360-66, and “International (I) Codes”, are hereby adopted by reference and made part of this Chapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this Chapter. Any future amendments, revisions, or modifications of the State Commercial Building Code provisions incorporated in this Chapter are intended to be made a part of this Chapter to secure uniform state regulations.
- B. **Commercial Buildings.** Notwithstanding the provisions of the State Uniform Commercial Building Code, no commercial building (i.e., any building not covered by the Uniform Dwelling Code) shall be built, enlarged, altered or repaired unless a building permit for that work has first been obtained by the owner or owner's agent from the Inspection Department. Application for such building permit shall be made as required by Wis. Admin. Code SPS 361.30 and a copy of such permit, together with the plans and specifications for such construction activities, shall be filed with the Inspection Department for review in accordance with the requirements of the Wis. Admin. Code SPS 361 and the State Uniform Commercial Building Code SPS 360-66.
- C. **Design.** Pursuant to Wis. Stats. § 443.14, a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under Wis. Stats. §§ 443.14 and 443.15; b. Pursuant to Wis. Stats. § 443, a component or a system, including an electrical system, a fire protection system, a heating ventilating and air conditioning system shall be designed by an architect, engineer, or a designer of engineering systems, except as provided under Wis. Stats. §§ 443.14 and 443.15.
 - 1. Pursuant to SPS 361.30-1, the following buildings are exempt from state plan review containing less than twenty-five thousand (25,000) cubic feet in volume:
 - a. Buildings of group assembly A-2; A-3;
 - b. Business B;
 - c. Factory F
 - d. Mercantile M;
 - e. Storage S; and
 - f. Utility and miscellaneous U containing less than twenty-five (25,000) cubic feet in volume.
- D. **Supervision Pursuant to SPS 361.40.**
 - 1. Except as noted below, the proposed construction of a project within the scope of this Code shall be supervised by one (1) or more Wisconsin registered architects or engineers, except that Wisconsin registered designers may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer or designer is confronted with a nonconformance with the Code during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the Inspection Department of the noncompliance.
 - a. A project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one (1) of the following conditions:
 - i. The building contains less than fifty thousand (50,000) cubic feet in volume.
 - ii. An addition to an existing building does not cause the entire building to contain or exceed a volume of fifty thousand (50,000) cubic feet.
 - b. For the purposes of this Subsection, the utilization of the fire walls to divide up a building does not create separate buildings.
 - 2. **Compliance statement.** Pursuant to SPS 361.40(4), initial occupancy of a new building or addition, and final occupancy of an alteration of an existing building, the supervising architect, engineer, or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of their knowledge and belief, construction of that portion to be occupied has been

performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the Department of Safety and Professional Services.

E. Occupancy and Use.

1. **Certificate of Occupancy and Use.** No building shall be used or occupied until the Inspection Department has issued a certificate of temporary occupancy or a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with provisions of this Chapter.
2. **Temporary Occupancy.** The Inspection Department may issue a temporary occupancy permit for a part or parts of a building or structure, before the entire work covered by a building permit shall have been completed provided such portions may be occupied safely prior to full completion of the structure without endangering life or public welfare. No such partial occupancy permit may be issued prior to full compliance with those provisions of State Statute and the Wisconsin Administrative Code that affect health and safety or before full completion of accessible routes to, into and through the structure exist. A temporary occupancy permit may be issued for a period not exceeding six (6) months, except as specifically approved by the Inspection Department for weather related or similar type delays. A temporary occupancy permit shall not be granted until all applicable fees, including necessary inspection fees have been paid. Applications for temporary occupancy shall be on such form as provided by the Inspection Department.

F. Change of Occupancy or Use. Pursuant to SPS 361.03(c)11, except as provided herein, no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with this Code's requirements for the new division or group of occupancies, as these requirements exist on the following dates:

1. Pursuant to Wis. Admin. Code SPS 361.30, the date when plans for the change in occupancy or use are approved by the Inspection Department;
2. The date a local building permit is issued, if plan submittal and approval is not required under Wis. Admin. Code SPS 361.30;
3. The date construction is initiated, where pars. 1. and 2. above do not apply;
4. The date an occupancy permit is issued, where pars. 1- 3. do not apply.

F. Existing Buildings and Structures. Unless otherwise stated in the State Uniform Commercial Building Code, an existing building or structure, and every element, system or component of an existing building or structure shall be maintained to conform with the building code requirements that applied when the building, structure, element, system, or component was constructed, and to conform to the International Existing Building Code as adopted into the Uniform Commercial Building Code.

15.01.14 Regulation and Permit for Razing Buildings

- A. No building within the City of Onalaska shall be razed without a permit from the Inspection Department. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Inspection Department.
- B. All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate

means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

- C. **Insurance Requirements for Razing Buildings.** The City shall require, in addition to the said bond above indicated, a certificate of insurance naming the city as an additional insured with the City Clerk, giving evidence of liability insurance in the following amounts: Public Liability- Bodily Injury: \$1,000,000 each occurrence, \$2,000,000 aggregate, Property Damage: \$500,000 each occurrence, \$2,000,000 aggregate.
- D. **Asbestos Abatement/Removal.** The City shall require all asbestos material to be appropriately abated per Wisconsin Admin Code NR 447. All properties being razed must be inspected for the presence of asbestos-containing materials prior to demolition. Notification must be submitted to the DNR regardless of whether or not asbestos is present and a copy of the inspector's report submitted to the Inspection Department. All regulated asbestos-containing materials must be properly removed before beginning demolition.

15.01.15 Regulations for Moving Buildings

- A. **General Requirements.**
 - 1. No person shall move any building or structure upon any of the public ways of the City of Onalaska without first obtaining a permit therefor from the Inspection Department and upon the payment of the required fee. Every such permit issued by the Inspection Department for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
 - 2. Issuance of moving permit shall further be conditioned on approval of the moving route.
 - 3. Applicant shall provide copies of all State Permits as required.
- B. **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- C. **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Inspection Department, inspect the trees, streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Director of Public Works, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- D. **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Inspection Department has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Inspection Department, and it shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Code and that, when the same are completed, the building as such will so comply with said Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- E. **Bond.**
 - 1. Before a permit to move any building is granted by the Inspection Department, the party applying therefor shall give a bond in the sum of Ten Thousand Dollars (\$10,000.00) with good and sufficient sureties to be approved by the City of Onalaska conditioned, among other things, that said party will save and indemnify judgments, costs and expenses which may, in any way, accrue against the City

and will save the City harmless against all liabilities, judgments, costs and expense in consequence of granting of such permit.

- F. **Insurance.** The City shall require, in addition to the said bond above indicated, a certificate of insurance naming the city as an additional insured with the Inspection Department, giving evidence of liability insurance in the following amounts: Public Liability- Bodily Injury: \$1,000,000 each occurrence, \$2,000,000 aggregate, Property Damage: \$500,000 each occurrence, \$1,000,000 aggregate; Auto Liability-Bodily Injury: \$100,000 each occurrence, \$300,000 aggregate, Property Damage: \$100,000 each occurrence.

15.01.16 Building Permits and Inspection Fees

- A. **Issuance of Permits.** If the Inspection Department finds that the proposed building repair, alteration or addition complies with all City Ordinances and the Uniform Dwelling Code, the Inspection Department shall approve the application. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Inspection Department. All issued permit becomes null and void if work or construction authorized is not commenced within twelve (12) months or if construction or work is suspended or abandoned for a period of twelve (12) months at any time after work is commenced.
- B. Before issuing a building permit required under this Title, the owner or their agent shall pay to the Inspection Department the necessary building permit fee as set forth on the City of Onalaska Fee Scheduled approved each year by resolution of the Common Council. Such fees may include late fees, inspection fees, fees for expedited process and fees for professional services.
- C. For all fees based upon building square footage, the square footage calculations shall include all floor levels, basements, attached garages, mezzanines, occupied roofs and all spaces enclosed under a room. All fees so calculated shall be rounded to the nearest dollar.
- D. **Permit Duration.** All permits requiring state approval and all permits for initial construction of one (1)-family and two (2)-family dwellings shall be valid as stated in SPS 320.09(9)(5) from date of issuance. All plan approvals and extensions of plan approvals shall be valid as stated in SPS 361.36 (1) and (2). All other permits shall be valid for one year from date of issuance. Renewal of expired permits shall include fee assessments for such renewal in addition to other fees required by law.

Division 2 Building Code

15.01.21 Inspection Enforcement

- A. **Method of Enforcement.**
1. **Certified Inspector to Enforce.** The Inspection Department is hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. Inspectors of the Inspection Department shall be certified for inspection purposes by the Department in each of the categories specified under Chapter SPS 305, Wis. Adm. Code.
 2. **Duties.** The Inspection Department shall administer and enforce all provisions of this Title and the Uniform Dwelling Code.
 3. **Inspection Powers.** Inspectors of the Inspection Department or an authorized agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to a representative of the Inspection Department while in performance of their duties.
 4. **Records.** The Inspection Department shall perform all administrative tasks required by the Department of Industry, Labor and Human Relations under the Uniform Dwelling Code. In addition, the Inspection Department shall keep a record of all applications for building permits 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 (1) and two (2) family dwellings shall be kept.

15.01.22 Unsafe Buildings

- A. Whenever the Inspection Department finds any building or part thereof within the City to be, in its judgment, so old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation or use and unreasonable to repair, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.
- B. Where public safety requires immediate action, the Inspection Department 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.

15.01.23 Abandoned Premises and Protection of Property; Fill Dirt; Basement Subflooring

- A. **Abandoned Excavations.** Any excavation which exists for thirty (30) days or more where construction has not been commenced therein shall be considered abandoned and shall be refilled and leveled to grade by the owner of such lot or parcel of land within ten (10) days after receiving a written notice from the Engineering Department of such requirement; upon the failure of such owner to comply with such requirement within the stated period, the work may be done by the City or its agent and the expense thereof shall be assessed against such lot or parcel of land as a special tax pursuant to Sec. 66.0627, Wis. Stats., to be collected in the same manner as are other real estate taxes.
- B. **Transfer of Solid Fill.** No person, firm or corporation shall transfer to, dump or place upon lands, public or private, solid fill within the City of Onalaska without first obtaining a permit therefor:
 - 1. **Application.** Application for a permit to transfer, place or dump solid fill within the City of Onalaska shall be made by the owner of the lands to be filled or their designated agent in writing to the Engineering Department upon an application furnished by the City. The applicant shall set forth upon the application form the following information:
 - a. Proposed route for hauling fill;
 - b. Other equipment involved in fill operation;
 - c. Descriptions and source of fill material; and
 - d. Grading plan indicating final limits and finished grade of fill area.
 - 2. **Fill Material.** Fill material shall be clean, inert material free from organic material, brush, garbage and material subject to organic decomposition. Where necessary, to avoid dust or similar litter, all material shall be wetted down before transporting. Fill containing items such as hollow containers, appliances and equipment subject to subsequent collapse or settlement is prohibited. Generally, material such as earth fill and broken concrete of a size approved by the Inspection Department or their designee will be classified as acceptable fill subject to other permit requirements.
 - 3. **Permits.** The Engineering Department is authorized to issue a filling permit to each applicant when Department officials are satisfied that the fill material meets the requirements provided herein and that the filling operation will not create noise, traffic or other problems detrimental to the residents of the area of the community in which said filling is taking place; the Engineering Department shall not authorize any filling between the hours of 5:00 p.m. and 8:00 a.m. on weekdays, nor at any time on Saturday, Sunday or a legal holiday; the Engineering Department shall further restrict the hours of filling or the number of trucks involved based upon the location of the filling operation and the traffic conditions of the area where the filling is being placed. The permit shall be for a period not to exceed three (3) consecutive months in a calendar year. Permit applications for subsequent years, when filling operations span a period of several years, will be subject to conditions and fees governing initial applications.
 - 4. **Other Regulations.** Filling operations also shall be subject to all applicable county, state or federal license or permit regulations. Filling operations shall not block a natural drainage course.
 - 5. **Exceptions.** The provisions of this Subsection relating to the transfer of solid fill shall not apply to customary top dressing or fertilizing of lawns and gardens nor shall they apply to the construction of block or concrete patios, driveways or platforms permitted under City Ordinances. Filling involved in an operation requiring a building permit or a wrecking permit is exempt from this Subsection of the Code.

Division 3 Plumbing Code

15.01.31 Purpose and Scope of Plumbing Code

- A. **Title.** This division shall be known as the “Plumbing Code of the City of Onalaska and will be referred to in this Chapter or elsewhere as the “Plumbing Code”
- B. **Purpose.** The purpose of this Division is to:
 - 1. Provide minimum regulations, provisions and requirements in the City of Onalaska to insure safety and adequacy to persons and property wherever plumbing is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to plumbing.
 - 2. Ensure compliance with the requirements of this Chapter; the State Plumbing Code as described below, the City Utility Code, and the City’s Water Utility Rules approved by the Wisconsin Public Service Commission.
- C. **Uniform Dwelling Code.**
 - 1. **State Statutes and Plumbing Admin. Code Adopted.** Wis. Stats. Chapter 145 and Wis. Admin. Code SPS 381 to 384 together with all amendments, are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in this section in full. Failure to comply with the provision of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this Chapter, punishable according to the penalties provided.

15.01.32 Plumbing Permits

- A. **Required.** No person shall engage in any plumbing work in any building, make any connection with any building, sewer or drains, or do any other plumbing work required by this Chapter or any state administrative code without first making application and paying the requisite fee for a plumbing permit under this section. The Inspection Department may require plans and specifications prior to approval of any permit. The permit may be issued by a designee of the Inspection Department.
- B. **Application and Fee.** The application shall be in writing upon forms which the Inspection Department shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Inspection Department may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Chapter. At the time the application for a plumbing permit is filed, the applicant shall pay such fees for such services as are required under the City of Onalaska Fee Schedule. Such fees include late fees, inspection fees, professional services fees and fees for expedited process.
- C. **Issuance, Term, Suspension and Revocation.** When the Inspection Department is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Chapter and after the appropriate fees have been paid, the Inspection Department shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of sixty (60) days without good and reasonable cause for same as may be approved by the Inspection Department and shall automatically expire on completion of the work for which it is used, provided the Inspection Department may, upon notice, suspend or revoke such permit for violation of the provisions of this Chapter.

15.01.33 Restrictions on Issuance.

- A. No permit will be issued to anyone not licensed, where applicable, or who has failed to renew such license or had failed to comply with the provisions of this Chapter. No plumbing permit shall be issued to any person who is in violation of this Chapter until such violation has been corrected. No plumbing permit shall be issued to any person against whom an order issued by the Inspection Department is pending, provided this restriction may be waived by the Inspection Department. 15.01.33 Plumbers to be Licensed
- B. No person shall carry on the business of plumbing or do any plumbing work until they shall have first obtained the proper license to do so from the state. An unlicensed person may remove stoppages in drain pipes or repair valves or faucets.

15.01.34 Plumbing Inspections

- A. **Inspector.**

1. **Qualification.** The City employs Building Inspectors I, II, III and Lead Building Inspector to perform plumbing inspections. Those Building Inspectors in the Inspection Department with the appropriate certifications and licenses for UDC and Commercial Plumbing shall perform inspections under this Division.
 2. **Duties and Authority.** Those City inspectors certified to perform plumbing inspections shall have control of the supervision and inspection of plumbing and drainage work within or in connection with all buildings within the city. They shall make or cause to be made all inspections of house sewers from the main sewer or other disposal terminal to the buildings, and shall faithfully enforce all laws, ordinances and rules in relation thereto. It shall be the duty of the Inspection Department to see that the construction, reconstruction and alteration of all plumbing, drainage and plumbing ventilation hereafter installed in all of the buildings in the City shall conform with the laws and ordinances of the state and the rules and regulations laid down by the state department of commerce and the city and that the work is done by licensed plumbers as provided by law and this chapter, and to make all inspections required thereby and in the manner therein set forth. The Inspection Department shall have the right to enter any building during reasonable hours in the discharge of their duties. The Inspection Department is empowered to exercise in the best interests of the general public such supervision over all plumbing and drainage installations as may be necessary to adequately enforce and administer the provisions of this Chapter and state law and code to make plumbing safe and sanitary and to promote public welfare in all classes of buildings, private and public.
- B. **Inspections.** Inspections shall be made as provided for in the State Code and this Chapter and shall include:
1. Inspection of the entire house sewer, and drain from the main sewer or other disposal terminal to the building, including connections at point of discharge, and the water service from curb box into building.
 2. The house drain within the building and its branches, under test as prescribed, which inspection shall be made before any part of the drain has been covered.
 3. The soil, waste and vent pipe known as roughing in, shall be inspected under test before it is enclosed or covered.
 4. Final inspection of the plumbing installation after fixtures, appurtenances and appliances have been tested and completed, and the installation is ready for use. When practical, the final inspection shall be made with the water supply serving such plumbing system turned on for such test purposes.
- C. **Notification for Inspection.** The plumber or owner/occupant to whom the permit has been issued, or their agent, shall notify the Inspection Department in the manner prescribed by the Inspection Department when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. The person making the request for inspection shall make such arrangements as will enable the Inspection Department to reach all parts of the building and shall provide the equipment and labor for making tests of the system.
- D. **Final Inspection.** The plumber or owner/occupant to whom the permit has been issued, or their agent shall notify the Inspection Department when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangement for entry into all parts of the building where the inspection is to be performed. When practical, the final inspection shall be made with the water supply serving such plumbing system turned on for such test purposes. The Inspection Department shall furnish the owner or the plumber to whom the permit was issued with a certificate of such inspection indicating whether the installation has been approved or disapproved and giving the reasons therefore in writing.
- E. **Right to Entry.** The Inspection Department shall have the right to enter onto public or private property during reasonable hours to inspect plumbing work. Where entry is refused, the Inspection Department may seek an inspection warrant as provided in Sec. 66.0119, Wis. Stats. as may be amended.

15.01.35 Installation of Check Valves on All New Plumbing

- A. Notwithstanding any other provisions of this Chapter, all residential units/homes within the City of Onalaska, within a secondary water pressure zone, shall have installed a check valve and a pressure-reducing valve. Said check valve is to be located on the home side of the water meter and said pressure reducing valve shall be installed on the street side of the water meter.

15.01.36 Plumbing Records and Reports

- A. The Inspection Department shall prepare suitable records and applications for the permits required and keep an updated record of all inspections.

15.01.37 Discharge of Clear Waters

- A. **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- B. **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of property.
- C. **Groundwater.**
 - 1. Where deemed necessary by the Inspection Department, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
 - 2. Roof water shall be directed to the street storm sewer or between buildings.
- D. **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- E. **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- F. **Conducting Tests.** If the Inspection Department or their designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, they may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

Division 4 Heating, Ventilating and Air Conditioning Code

15.01.41 Purpose and Scope of Heating, Ventilating and Air Conditioning Code

- A. The purpose of this Heating, Ventilating and Air Conditioning Code is to provide minimum regulations, provisions and requirements in the City of Onalaska to insure safety and adequacy to persons and property wherever heating, ventilating and air conditioning is installed and to all alterations or improvements, including replacement of any apparatus or device, pertaining to heating, ventilating and air conditioning.
- B. The provisions of this Chapter shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

15.01.42 State Regulations Adopted

- A. **Adopted by Reference.** Ch. SPS 323, Wis. Adm. Code; Ch. SPS 364 Wis. Adm. Code; NFPA 54; and ANSI Z223.1 are adopted and by reference made a part of this Chapter with the same force and effect as though set out in full.

15.01.43 Heating, Ventilating and Air Conditioning (HVAC) Inspections

- A. In any new building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the Inspection Department that said portions of the installations are ready for inspection; and it shall be unlawful for any person, firm or corporation to lath over, plaster or cover up any heating work before such work has been inspected and a rough inspection card posted. The Inspection Department shall have the right and authority to order the removal of all such lath, plaster or other covering which may have been placed over such work as has not been inspected. The Inspection Department shall make inspections within two (2) working days after notice. Final inspection on new installations is to be made upon completion of such work. Inspection of repairs, replacement or conversion work is to be made upon completion of such work. The heating contractor shall notify the Inspection Department as soon as the installation is complete and ready for inspection.
- B. Wherever any work or project governed by provisions of the HVAC Code and for which a permit has been issued, as provided herein, is being performed or carried on in violation of any of the provisions of said Code, it shall be the duty of the Inspection Department to post a printed notice to "Stop Work" signed by the Inspection Department on the premises where such work is in progress and to notify anyone in charge of such work on the premises of such stop work order. After the posting of such notice, it shall be unlawful for any person, firm or corporation to do any further work on such project until such time as the defects or violations of the HVAC Code have been eliminated to the approval of the Inspection Department.
- C. When the Inspection Department finds any installation in which there are violations of the Code, it shall issue a written order specifying the violation and stating the date by which these corrections shall be made. Any licensee failing or neglecting to comply with written orders at the discretion of the Inspection Department shall not be issued any further permits until such violations have been corrected and penalty fee paid. Failure or neglect to comply with the provisions of the HVAC Code and of the permit issued under this Code shall be considered a violation of this Chapter.

15.01.44 Liability for Damages

- A. This Chapter shall not affect the responsibility or liability of any party owning, operating, controlling, or installing any heating, ventilating, and air conditioning equipment for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

15.01.45 Bonds and Insurance

- A. No permit shall be issued to any person engaging in the business of installing, altering, repairing, or servicing gas burner or gas burner equipment as defined herein within the City of Onalaska without first having on file with the Inspection Department a Surety Bond in the penal sum of ten thousand dollars (\$10,000.00) operating in favor of the City and conditioned that the City will be saved harmless from any cause or damage by reason of work performed under this Section, or by reason of improper or inadequate performance under this Section, by the holder of any such license. Such bond shall be approved as to form and execution by the City of Onalaska and as to surety by the Controller. Surety Bond must be filed with the Inspection Department before any such permit shall become issued.
- B. Gas installers shall carry insurance of the kind specified below and in the amounts herein specified as follows:
 1. **For Personal Injuries.** Liability insurance in the amount of fifty thousand dollars (\$50,000.00) for each person and one hundred thousand dollars (\$100,000.00) for each accident.
 2. **For Property Damage.** Liability insurance in the amount of fifty thousand dollars (\$50,000.00).
 3. **For Completed Operations Insurance.** Insurance for completed operations with coverage sufficiently broad to cover installation, service and repair of equipment sold by the HVAC installer and servicing, installation and repair of equipment not sold by the Gas installer, with coverage for personal injuries to be in the amount of fifty thousand dollars (\$50,000.00) for each person, and one hundred thousand dollars (\$100,000.00) for each accident; and for property damage fifty thousand dollars (\$50,000.00) with one hundred thousand dollars (\$100,000.00) aggregate limit.

4. Copies of such insurance policies or certificates of insurance indicating such coverage must be filed with the Inspection Department before any such permit shall be issued.

15.01.46 Heating, Ventilating and Air Conditioning Permits Required

- A. **Permit Required.** No person shall repair or install any furnace/boiler, air conditioner, fireplace or wood burning stove, or commence any other heating, ventilating or air conditioning work in any structure under the scope of this Chapter, or as provided by the Wisconsin Administrative Code provisions adopted under this section, without first obtaining a permit from the Inspection Department.
- B. **Application.** The application shall be in writing upon forms which the Inspection Department shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Inspection Department may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Chapter.
- C. **Issuance, Term, Suspension and Revocation.** When the Inspection Department is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Chapter and after appropriate fees have been paid, the Inspection Department shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon.
- D. **Fees.** The applicant shall, at the time such permit application is filed, shall pay any necessary HVAC permit fee as set forth on the City of Onalaska Fee Schedule approved each year by resolution of the Common Council. Such fees may include late fees, inspection fees, fees for expedited process and fees for professional services.
- E. **Restrictions on Issuance.**
 1. No HVAC permit shall be issued to any person who is in violation of this Chapter until such violation has been corrected.
 2. No HVAC permit shall be issued to any person, against whom an order issued by the Inspection Department is pending, provided this restriction may be waived by the Inspection Department.
- F. **Data Required as Part of the Permit Application.** All drawings submitted for approval shall be accompanied by sufficient data and information for the Inspection Department to determine if the capacity of the equipment and the performance of the equipment shall satisfy the requirements of the Chapter.

Division 5 Electrical Code

15.01.51 Application of the Provisions of the Electrical Code

- A. **Title.** This Division shall be known as the "Electrical Code of the City of Onalaska" and will be referred to in this Division as "this Code" or "Electrical Code"
- B. **Purpose.** The purpose of this Electrical Code is the practical safeguarding of persons and property from hazards arising from the installation and use of electricity; and to establish rules and fees for the issuance of permits, and the inspection of all electrical and low voltage work covered under the scope of this article.
- C. **Scope.** This Code shall apply to the installation, re-construction, alteration, extension and repair of wiring and equipment for heat, light, power, control, voice, data, CATV, fire alarm, security systems and other **low voltage work (one hundred (100) volts or less)**. Materials, fittings, devices, appliances, luminaries, apparatus and the like used as part of or in conjunction with said installations shall be referred to in this Code as "Equipment" or "Electrical Equipment" unless specifically stated otherwise.
- D. **Conflict.** No part of this Chapter shall be interpreted to prevent the enforcement of other City ordinances or regulations which prescribe standards equal to or more stringent than the standards established by this Article.

15.01.52 State Regulations Adopted

- A. **Adopted by Reference.** Chapter 101, Wis. Stats.; SPS 305, 316 and 320, Wis. Adm. Code and NFPA 70 together with all amendments and reinstatements are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this Chapter, punishable according to the penalties provided below. References in this Chapter to Wisconsin statutory section or chapter or Wisconsin Administrative Code sections or Chapter describing

or defining procedures or author for enactment or enforcement shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

15.01.53 State of WI Electrical Licenses

- A. **State Codes Adopted.** Secs. 101.80-101.88 Wis. Stats. relating to the regulation of electrical wiring and electricians; and Wisconsin Administrative Code Chapters 305, 316 and 324 and all future amendments thereto are hereby adopted by reference in their entirety except as to penalties contained therein. A copy of these provisions shall be permanently on file and open to public inspection in the Inspection Department. It is intended that all modifications, amendments, and renumbering of the foregoing provisions as may occur from time to time shall likewise be immediately adopted and fully incorporated into this code by reference. Any act prohibited by any of the foregoing provisions is prohibited by this Electrical Code. In the event any of the provisions of this code, whether incorporated by reference or enumerated hereinafter, are in conflict, it is intended that the more restrictive provisions shall be applied and enforced.
- B. **License Required.** No person, firm or corporation shall alter, install, or repair electrical wires and apparatus for the utilization of electric current for light, heat or power in the City of Onalaska, without first having procured a contractor's license as provided by Sec. 101.862 Wis. Stat. unless an exception identified in Sec. 101.862(4)am-q (5)(6) Wis. Stat. applies. The City of Onalaska requires that only licensed electrical contractors may perform the aforementioned work in all single and two family dwellings. Any equipment owned or controlled by any customer shall be subject to inspection and shall not be considered as part of regular operations of the utility.
- C. **Electrical Contractor Responsibility.** An electrical contractor licensed under SPS 305.41 shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

15.01.54 Permits, Fees and Inspections

- A. **Low Voltage Permit Required.**
1. An unlicensed individual may perform work on **non-UDC residential** parcels without an Electrical Contractors license upon obtaining a Low Voltage Permit if the work meets one of the licensing exceptions under 101.862(4)(am-q).
 2. **Low Voltage Permit Application.** Application for low voltage (**one hundred (100) volts or less**) shall be made by the installer on forms provided by the Inspection Department and shall include such plans, specifications, and other information as requested by the Inspection Department. No permits shall be issued to any installer who does not have a current certificate of insurance on file, or any installer who has ignored orders to correct code deficiencies or has fees, fines or penalties outstanding. Permits shall be invalid if work is not commenced within one (1) year of permit issuance and shall expire one (1) year after permit issuance. The Inspection Department may extend the period not more than two (2) times for up to an additional one hundred eighty (180) days each.
- B. **Electrical Permit Required.** Except for electrical wiring projects described in Sec. 101.875(2) Wis. Stats. and as provided below, no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the City of Onalaska if the project involves the installation of new or an addition to any electrical services, feeder, or branch circuit serving any of the following:
1. A farm;
 2. A public building, structure or premises;
 3. A place of employment;
 4. A campground;
 5. A manufactured home community;
 6. A public marina, pier, dock or wharf; or
 7. A recreational vehicle park.

Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur or their agent submits a permit application to the Inspection Department for the installation no later than the next business day after commencement of the installation.

- C. **Electrical Permit Application.** All work requiring an electrical permit shall submit an application form provided by the City that complies with SPS 361.012(2).
- D. **Permit Fees.** Permit fees shall be based upon the square footage of the work to be done, as determined by the Inspection Department on the basis of current costs as set forth on the City of Onalaska Fee Schedule. Fees shall be due at the time of application.
1. The permit fee shall be doubled when work is commenced before a permit is obtained and in addition the City may issue citations pursuant to Division 5 of the Building Code herein.
 2. There shall be a re-inspection fee for each occurrence as set forth on the City of Onalaska Fee Schedule.
- E. **Electrical Inspections:**
1. **Inspections.** Electrical wiring shall remain accessible and exposed for inspection purposes and may not be energized. The City shall be notified that electrical wiring installation is ready for final inspection when all electrical fixtures, outlets and face plates are in place and the installation or that portion of the installation is energized.
 2. **Concealment Prior to Inspection(s).** The concealment or energizing of electrical wiring, other than an electrical service, may proceed if inspection has not been completed within two (2) business days after notification is received by the City or as otherwise agreed between the wiring installer and the Inspection Department.
 3. **Orders for Incompleteness and Non-Compliance.** The Inspection Department shall issue orders requiring that electrical code violations be corrected within a specified time. A written order to correct electrical code violations must be complied with as stated in the written order, the order itself shall remain active for twenty-four (24) months from the date of issuance, meaning that any subsequent violations during the twenty-four (24) month period may result in an immediate issuance of a municipal citation. A continued failure to correct a violation identified in an order may result in the issuance of a municipal citation to the person to whom the order was issued.
 - a. **Content of Orders.** Whenever the Inspection Department determines that there are reasonable grounds to believe a violation of any provision of this Chapter exists, they shall order the person responsible to correct the violation. The order shall be in writing and shall:
 - i. Include a description of the real estate sufficient for identification;
 - ii. Specify the violation which exists and the remedial action required;
 - iii. Allow a reasonable time for the performance of any act it requires; and
 - iv. Include the following disclaimer: "The findings of this inspection report are intended to identify code violations that are readily apparent at the time of inspection. The inspection did not involve a detailed examination of the electrical systems or the closed structural or nonstructural elements of the buildings and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."
 - b. **Service and Timeline for Correction Orders.** Orders to correct electrical violations shall be served upon the Permit Holder and such corrections shall be made within ten (10) days. Concealment of electrical work before inspection shall constitute an offense punishable in accordance with the provisions of this Chapter.
 4. **Compliance.** Upon the failure of any inspection due to code deficiencies or the electrical work scheduled to be inspected has not complete at the time of inspection, a re-inspection fee shall be assessed against the permit holder. If the Inspection Department determines that the work conforms to this Code, a certificate of compliance may be issued. All wiring and equipment covered under the Scope of this Electrical Code shall be inspected and approved by the Inspection Department before the installation or equipment is put into normal or permanent service.
 5. **Notice to Purchasers.** An owner shall notify a purchaser, in writing, that an order has been issued concerning a violation of this Electrical Code, whenever the condition of the property giving rise to the order has not been corrected. Any owner who fails to give written notice to a purchaser, prior to acceptance of a written offer to purchase, of any order concerning this property shall be subject to a forfeiture as provided below. No owner may accept an offer to purchase which was made prior to the disclosure required by this Subsection, unless the purchaser acknowledges receipt of a notice of outstanding orders and a willingness to proceed despite such knowledge.

6. **Liability for Damages.** This Code shall not affect the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.
- D. **Investigations.** The Inspection Department may investigate any charges or complaints filed which may be brought against the holder of any permit, for noncompliance with any provision of this code on the part of the permit holder or any person performing any work under their direction. Any licensed Electrical Contractor who knowingly and willfully procures a permit for electrical work which is to be performed by anyone not properly licensed by the State of Wisconsin shall be subject to the maximum penalty prescribed by in Division 6 of this Building Code. No person may obtain a permit for electrical work in the City of Onalaska while that person is failing or refusing to correct an electrical violation after having been convicted of that violation.

15.01.55 Electrical Inspector

- A. **Qualification.** The City employs Building Inspectors I, II, III and a Lead Building Inspector to perform electrical inspections. Those Building Inspectors in the Inspection Department with the appropriate certifications and licenses for UDC and Commercial Electrical shall perform inspections under this Division.
- B. **Restrictions.** It shall be unlawful for any Building Inspector to engage in the installation of electrical wiring and appliances for hire, either directly or indirectly, and such Building Inspectors shall have no financial interest in any concern engaged in such business in the City of Onalaska at any time while employed in the Inspection Department. Any violation of any provisions of this Subsection by an employee of the Inspection Department shall be sufficient cause for dismissal.
- C. **Duties.** It shall be the duty of the Building Inspectors to enforce the provisions of this Chapter. Complete records of all permits issued and inspections made and other official work performed under the provisions of this Electrical Code shall be kept and so arranged as to afford prompt information concerning electrical installations.
- D. **Right of Access.** The Inspection Department shall have the right during reasonable hours to enter any public or private buildings, structures, or premises in the discharge of his official duties or for the purpose of making any inspection or test of electrical wires or appliances contained therein. The BuildInspection Department shall be given prompt access to any premises upon notification to the proper authority.
- E. **Right to Cut Off Current.** The Inspection Department shall have the authority to cause the turning off of all electrical currents to any equipment which they find to be in an unsafe condition, and cut off or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property, or may interfere with the work of the Fire Department. No person, firm or corporation shall reconnect any equipment thus cut off until written permission is given by the Inspection Department.

15.01.56 Standards for the Installation of Electrical Equipment

- A. Standards for the installation of electrical conductors and equipment in the City of Onalaska shall conform to and comply with the applicable provisions of this Code, Chapters SPS 305, SPS 316 and SPS 320 of the Wisconsin Administrative Code and all subsequent amendments, the Statutes of the State of Wisconsin, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this ordinance or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.
- B. Only that equipment which has been expressly made for electrical, control, voice, data, CATV, fire alarm and security system purposes shall be installed for said purpose. All heat, light, power, control, voice, data, CATV, fire alarm, security system equipment and other low voltage system equipment shall be installed and used in the exact manner and for the exact purpose indicated by the equipment's listings, labels and the manufacturer's markings and instructions. The original manufacturer's listings, labels, ratings and markings shall be visible and the equipment shall not be changed or altered in any manner,

except that normal replacements and repairs may be made to such equipment if the replacements and repairs do not change the listing, original characteristics or design.

- C. All materials and construction methods shall adhere to SPS 316.022 (1)(2)(3).
- D. The City of Onalaska may require existing installations to be brought into compliance with the minimum wiring requirements of the Building Code or Uniform Dwelling Code and within the time determined by the City.
- E. Interpretation of this Code shall be at the discretion of the Inspection Department. Written requests for formal interpretations or variances of SPS 316 shall be directed to the Wisconsin Department of Safety and Buildings Division, Electrical Unit.

15.01.57 Public Liability Insurance and Completed Operations Insurance

- A. Permit holders, except those residential owner occupied permit holders for low voltage work (defined as installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less), shall carry insurance having aggregate coverage of not less than One Million Dollars (\$1,000,000.00) covering all of the following risks: public liability, personal injuries, property damage, and completed operations. Insurance for completed operations coverage shall be sufficiently broad to cover installation, service and repair of equipment sold by the permit holder and servicing, installation and repair of equipment not sold by the permit holder. Permit holder shall submit a certificate of insurance indicating such coverage at the time the application for license or renewal thereof is made.

15.01.58 Unsafe or Illegal Electrical Equipment

- A. When the Inspection Department finds any electrical equipment to be unsafe or dangerous to persons or property, the person owning, using or selling such electrical equipment shall be notified in writing to remove or cause to be removed, or to make any changes or repairs or cease to sell, so as to restore such electrical equipment to a safe condition. Failure to comply with such notice within the time specified in such notice shall be sufficient cause for the Inspection Department to disconnect or order the removal of, or order the discontinuance of, electrical service to said electrical equipment. In any case of emergency affecting the safety of persons or property, or where electrical equipment interferes with the work of the fire department, or where electrical equipment is not installed in conformity with the regulations of this Electrical Code, the Inspection Department shall have the authority to disconnect immediately or cause the removal of or disconnection of any such electrical equipment. When the Inspection Department disconnects or causes to be disconnected electric current from electrical equipment, an official notice, tag, lock or seal shall be attached to such electrical equipment to prevent the use of electricity. It shall be unlawful for any unauthorized person to attach such official notice, tag, lock or seal, or to break open, change, remove, destroy, tear, alter, mutilate, cover or otherwise deface or injure any such official notice, tag, lock or seal. The Inspection Department shall have the power and authority to seize and take possession of any electrical equipment or materials which, in its opinion, are dangerous to life or property, or which are suspected or found to have been the cause of any fire, accident, injury or fatality and to retain possession for the purpose of making an investigation, an examination or for official evidence. After such electrical equipment and materials have served their purpose, they shall be returned to the owner.

Division 6 Enforcement and Penalties

15.01.61 Violations and Stop Work Orders

- A. Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of the Building Code, the Electrical Code, Plumbing Code and Heating, Ventilating and Air Conditioning Code (all included within the definition of "this Chapter" for purposes of this Section), shall be deemed an unlawful building, structure or use. The Inspection Department 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 of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as set forth below. Any person who fails to obtain a building permit before starting construction shall be charged double the regular rate for this late filing violation. 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 Inspection Department or other City officials 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.

1. If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Inspection Department shall notify the applicant and the owner, electronically, if allowed, otherwise in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. SPS 320.10(4) Wis. Adm. Code.
 2. If, after written notification, the violation is not corrected within thirty (30) days, a Stop-Work order may be served on the owner or their 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 Inspection Department after satisfactory evidence has been supplied that the cited violation has been corrected.
 3. Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 4. If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- B. Any person feeling aggrieved by an order or a determination of the Inspection Department may appeal from such order or determination to the Board of Zoning Appeals or as provided by State Law. Those procedures customarily used to effectuate an appeal to the Board of Zoning Appeals shall apply.
- C. Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Onalaska charged with the enforcement of this Chapter shall render themselves personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

15.01.62 Severability

- A. If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

15.01.63 Penalties and Enforcement Actions

- A. **Forfeiture.** Any person who violates any provision of this Title, or fails to comply with a lawful order of the Inspection Department to correct a violation of this Chapter shall, upon conviction of the violation, pay a forfeiture of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for each violation together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days for a first offense. Each day of violation shall constitute a separate offense.
- B. **Refusal to Issue Permits.** No person may obtain permits to do construction work in the City of Onalaska while that person is failing or refusing to correct a violation after having been convicted of that violation.
- C. **Suspension or Revocation of a Permit.** The Inspection Department may revoke or suspend a permit if the Inspection Department finds that the permit holder has:
1. Made a material misstatement in the application for a permit or renewal thereof; or
 2. Has failed to correct a code violation within thirty (30) days after having received notice of the violation.
- D. **Action to Enjoin.** The City Attorney may, in addition to, or in lieu of other remedies provided by law, bring an action to enjoin a person from committing repeated violations of this Chapter.

Chapter 02 Construction Site / Excavation Erosion Control

Division 1 Administration

15.02.11 Authority

- A. This Chapter is adopted under the authority granted by Sec. 62.234, Wis. Stats, as may be amended and supersedes all provisions of an ordinance previously enacted under Sec. 62.23, Wis. Stats., relating to construction site erosion control. Except as otherwise specified in Sec. 62.234, Wis. Stats., Sec. 62.23 Wis. Stats., applies to this Chapter and to any amendments thereof. The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body. The City Common Council hereby designates the City Engineer or Designated Agent to administer and enforce the provisions of this Chapter. The requirements of this Chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
1. Wisconsin Department of Natural Resources (WDNR) administrative rules, permits or approvals including those authorized under Sec. 281.16 and 283.33, Wis. Stats.;
 2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Sec. NR 151.004, Wis. Adm. Code.; or
 3. La Crosse Sewer Service Area Water Quality Management Plan through cooperative agreement with La Crosse County Land Conservation Department.

15.02.12 Statement of Findings and Purpose

- A. The finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to neighboring properties, public holdings, and waters of the State. It is the purpose of this Chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Onalaska.

15.02.13 Applicability and Jurisdiction

- A. **Applicability.** This Chapter applies to a construction site with land disturbing construction activity except as follows:
1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land disturbing construction activity.
 2. Land development and land disturbing activities exempted by State or Federal law, including highway construction projects.
 3. Nonpoint discharges from agricultural facilities and practices.
 4. Nonpoint discharges from silviculture activities.
 5. Agricultural or horticultural activities, landscaping activities of one half (0.5) acre or less, the construction or maintenance of a septic system or associated drain field or any project involving excavation or fill of less than one hundred (100) cubic yards of earth and quarry operations are governed by Title 7 related to Regulation of Nonmetallic Mining.
- B. Notwithstanding the exceptions noted above, this Chapter applies to construction sites of any size that, in the opinion of the City Engineer or Designated Agent, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- C. **Jurisdiction.** This Chapter applies to land disturbing activity located within the boundaries and jurisdiction of the City of Onalaska.
- D. **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Sec. 227.01 (1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Sec. 281.33 (2), Wis. Stats.

Division 2 Standards, Permitting Requirements, and Erosion and Sediment Control Plans

15.02.21 Technical Standards

- A. **Design Criteria, Standards and Specifications.** All drainage facilities and practices required to comply with this ordinance shall incorporate technical standards and design methods specified in the document

City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. Where not superseded by stricter requirements in City of Onalaska Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:

1. Applicable design criteria, standards and specifications identified in the Wisconsin Department of Natural Resources Stormwater Technical Standards; and
 2. Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.
- B. **Other Standards.** Other technical standards not identified or developed above, may be used provided that the methods have been approved by the City Engineer or Designated Agent.

15.02.22 Performance Standards

- A. **Responsible Party.** The responsible party shall implement an Erosion and Sediment Control Plan, developed in accordance with this Chapter that incorporates the requirements of this Chapter.
- B. **Plan.** A written plan shall be developed in accordance with Section 15.02.24 and implemented for each construction site.
- C. **Erosion and Sediment Control Performance Standards.** All drainage facilities and practices required to comply with this ordinance shall meet performance standards specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer.
- D. **Alternate Requirements.** The City Engineer or Designated Agent may establish erosion and sediment control requirements more stringent than those set forth in City of Onalaska Erosion Control Stormwater Management Requirements, if the City Engineer or Designated Agent determines that an added level of protection is needed to address downstream stormwater management issues.

15.02.23 Permitting Requirements

- A. **Permit Required.** No responsible party may commence a land disturbing construction or excavation/fill activity subject to this ordinance without receiving prior approval of an Erosion and Sediment Control Plan for the site and a permit from the City Engineer or Designated Agent. The City Engineer may issue a written waiver of the permit requirement if it is satisfied that the nature or size of the excavating/grading project will not result in erosion or be detrimental to the public health, safety, and welfare.
- B. **Wisconsin Department of Natural Resources Permits.** All land disturbance activities of greater than one (1) acre in size shall obtain any necessary permits as required by NR 216, Wis. Adm. Code. unless sites are construction of public buildings or places of employment, then permit must be issued by the Wisconsin Department of Commerce. Copies of any needed permits or supporting documents shall be given to the City of Onalaska as part of the Erosion Control Permit.
- C. **Permit Application and Fees.** At least one (1) responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an Erosion and Sediment Control Plan that meets the requirements of Section 15.02.31 and shall pay an application fee identified in the Fee Schedule. By submitting an application, the applicant is authorizing the City Engineer or Designated Agent to enter the site to obtain information required for the review of the Erosion and Sediment Control Plan.
- D. **Review and Approval of Permit Application.** The City Engineer or Designated Agent shall review any permit application that is submitted with Erosion and Sediment Control Plan, and the required fee. The following approval procedure shall be used:
1. All proposed applications for grading and/or excavating which involve ten thousand (10,000) cubic yards or less shall be reviewed by the City Engineer or Designated Agent prior to the issuance of any permit.
 2. The City Engineer or Designated Agent may request additional information if required for a complete application within fifteen (15) business days of receipt of any permit application. Within forty-five (45) business days of the receipt of a complete permit application, the City Engineer or Designated Agent shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this Chapter.
 3. If the permit application and plan are approved, the City Engineer or Designated Agent shall issue the permit. If the permit application or plan is disapproved, the City Engineer or Designated Agent shall state in writing the reasons for disapproval.
 4. The City Engineer or Designated Agent may request additional information from the applicant. If additional information is submitted, the City Engineer or Designated Agent shall have thirty (30) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 5. All proposed project applications for grading and/or excavating in excess of ten thousand (10,000) cubic yards shall be reviewed by the Common Council prior to issuance of any permit. Said review

shall be made after consideration of the application by the City Engineer, Zoning Administrator or Designated Agent and the Plan Commission, if applicable.

- E. **Permit Standards and Provisions.** The standards and provisions for all permits granted herein are as follows:
1. All fill material added to an approved site shall be clean, noncombustible and non-deleterious.
 2. All decisions made by the City Engineer or Designated Agent under this Chapter shall be made to affect the purpose of controlling erosion to the extent that this is reasonable under the circumstances. Under no circumstances shall a permit be issued for disturbance or excavation of lands having slopes in excess of thirty percent (30%) or any area within ten (10) foot prior to the start of thirty percent (30%) slope except for the following purposes (per La Crosse Sanitary Service agreement):
 - a. Access road developments for residential and non-residential purposes where an Erosion and Sediment Control Plan has been submitted to and approved by the City Engineer; and / or
 - b. Quarry operations where an Erosion and Sediment Control Plan has been submitted to and approved by the City Engineer or Designated Agent.
 3. The recipient of a permit agrees to indemnify and hold harmless the City of Onalaska, its employees, agents, or officers, from any cost, suit, liability or award which might come or be brought or assessed because of the issuance or exercise of the permit, or because of any adverse effect upon any person or property attributed to a partially or entirely completed project of the applicant.
 4. The City Engineer or Designated Agent may require at any time that a surety bond or irrevocable letter of credit be secured by the owner, applicant, contractor, or developer holding the permit; such bond or irrevocable letter of credit amount and conditions thereto are to be made and approved by the City Engineer or Designated Agent to effectuate the purpose of this Chapter.
 5. If conditions arise during development or construction which require the taking of measures or precautions of the imposition of limits or restraints to control erosion, the City Engineer or Designated Agent, at their discretion, may require that such be taken. When, during development or construction, it appears that measures or precautions previously required are unnecessary, the City Engineer or Designated Agent may choose to waive them in writing.
 6. Any permit issued under this chapter is limited to the stated project, description, time frame and cubic yardage granted in the permit. The permit shall be invalid if work is not commenced within one (1) year of permit issuance and shall expire two (2) years after permit issuance for residential construction or one (1) year after issuance for commercial construction. The City Engineer or Designated Agent may extend the period one (1) or more times for up to an additional one hundred and eighty (180) days each.
 7. As a condition of granting the permit, the applicant agrees that the site may be inspected by the City Engineer or Designated Agent.
 8. The City Engineer or Designated Agent may require that the owner/developer comply with the recommendations of officials or agencies designated by the City Engineer or Designated Agent which may:
 - a. Require where appropriate and reasonable under the circumstances, erosion control practices set forth in the Wisconsin Department of Natural Resources Stormwater Technical Standards, including but not limited to the construction of silt traps, the mulching and temporary or permanent planting of areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures and bank protection structures;
 - b. Place limits on the area of land which may be exposed and staging timetables; and/or
 - c. Require all acts and impose all other limits and restraints which are necessary and reasonable to control erosion.
 9. No permit shall be issued for more than one (1) excavation season. The permit shall set forth all time limitations with which the permit holder is required to comply. All restoration of top soil and/or re-vegetation must be completed in the fall season (target date should be September 15th) in order that the seeding is effective before the commencement of the winter season. The City Engineer or Designated Agent shall have the authority to waive re-vegetation requirements in no set circumstances in which the City Engineer or Designated Agent determines that re-vegetation is not necessary to meet the purposes of this Chapter. If it is determined that delays have occurred due to an act of God and topsoil spreading and re-vegetation is impossible, then the contractor/developer is required to take appropriate action to eliminate erosion during the seasons that the site will remain uncovered.
 10. Construction excavating/disturbance beginning on or after September 15th and/or prior to April 1st of each year shall include dormant seeding, and erosion control measures per Wisconsin Department of Transportation Erosion Control (PAL) Product Acceptability List or approved equal.
- F. **Financial Guarantee.** As a condition of approval and issuance of the permit, the City Engineer or Designated Agent may require the applicant to deposit a surety bond or irrevocable letter of credit to

guarantee a good faith execution of the approved Erosion and Sediment Control Plan and any permit conditions.

- G. **Permit Requirements.** All permits shall require the responsible party to:
1. Notify the City Engineer or Designated Agent two (2) full business days prior to commencing any land disturbing construction activity.
 2. Notify the City Engineer or Designated Agent of completion of any Best Management Practices (BMP) within three (3) full business days after their installation and prior to the start of any excavating or land disturbance.
 3. Obtain finalized permit from the City Engineer or Designated Agent prior to any modification pursuant to Section 15.02.24.B.3 of the Erosion and Sediment Control Plan.
 4. Install all BMPs as identified in the approved Erosion and Sediment Control Plan prior to construction or excavation activity.
 5. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the Erosion and Sediment Control Plan.
 6. Inspect and or repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing activities and document said inspection and repairs in a site erosion control log, weekly. Any displaced sediment must be removed from downstream culverts, streets, adjoining properties, storm sewers, and other drainage facilities within twenty-four (24) hours.
 7. Inspect the BMPs within twenty-four (24) hours after each rain of one half (0.5) inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection and any needed corrections, and a description of the present phase of the construction at the site.
 8. Allow the City Engineer or Designated Agent to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the approved plan. Keep a copy of the Erosion and Sediment Control Plan at the construction site.
- H. **Permit Conditions.** Permits issued under this section may include conditions established by City Engineer or Designated Agent in addition to the requirements set forth in Subsection E. above, where needed to assure compliance with the performance standards in Section 15.02.22.
- I. **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain and inspect all BMPs weekly or within twenty-four (24) hours of a rain event in a necessary methodology to meet the requirements of this Chapter until the site has undergone final stabilization.

15.02.24 Erosion and Sediment Control Plan

- A. **Plan Requirements.** An Erosion and Sediment Control Plan shall be prepared and submitted to the City Engineer or Designated Agent. The Erosion and Sediment Control Plan shall include, at a minimum, information required in the City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. The City Engineer or Designated Agent may waive certain submittal requirements, if determined to be unnecessary to demonstrate compliance with the Chapter standards.
- B. **Amendments.** The applicant shall amend the plan if any of the following occur:
1. There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 2. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 3. The City Engineer or Designated Agent or designee notifies the applicant of changes needed in the plan.

Division 3 Enforcement

15.02.31 Inspection and Enforcement

- A. If land disturbing construction activities are being carried out without a permit required by this Chapter, the City Engineer or Designated Agent may enter the land pursuant to the provisions of Sec. 66.0119, Wis. Stats.
- B. The City of Onalaska shall inspect construction sites weekly during the period starting March 1 and ending October 21 and at least two (2) times during the period starting November 1 and ending February 28 or after a rain event of equal to or greater than one half (.5) inch, to ensure compliance with the approved plan.

- C. After official notice has been given for a violation of nonconformance to the Erosion and Sediment Control Plan, the property owner or land developer shall be given forty-eight (48) hours to correct a minor nonconformance and twenty-four (24) hours to correct a major nonconformance. The City shall adopt rules and regulations regarding what shall constitute a “major” and “minor” nonconformance.
- D. The City Engineer or Designated Agent may post a Stop-Work order if any of the following occurs:
 - 1. Any land disturbing construction activity regulated under this Chapter is being undertaken without a permit.
 - 2. The Erosion and Sediment Control Plan is not being implemented in a good faith manner.
 - 3. The conditions of the permit are not being met.
- E. If the responsible party does not cease activity as required in a Stop-Work order posted under this Chapter or fails to comply with the Erosion and Sediment Control Plan or permit conditions, the City Engineer or Designated Agent may revoke the permit.
- F. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the City Engineer or Designated Agent, or if a responsible party violates a stop-work order posted under Subsection D. above, the City Engineer or Designated Agent may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- G. The City Engineer or Designated Agent may retract the stop-work order issued under Subsection D. above or the permit revocation under Subsection E. above.
- H. After posting a stop-work order under Subsection D. above, the City Engineer or Designated Agent may issue a notice of intent and to the responsible party of its intent to perform work necessary to comply with this ordinance and complete such work. The costs of the work performed under this Subsection by the City Engineer or Designated Agent, plus interest at the rate Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Finance Director shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sub Chapter VII of Ch. 66, Wis. Stats.
- I. Any person violating any of the provisions of this ordinance shall be subject to penalties as outlined in Section 15.02.33. Each day a violation exists shall constitute a separate offense.
- J. Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

15.02.32 Appeals

- A. **Board of Zoning Appeals.**
 - 1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer or Designated Agent in administering this Chapter except for cease and desist orders obtained under Section 15.02.31.F.
 - 2. Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - 3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- B. **Who May Appeal.** Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Onalaska affected by any decision of the City Engineer or Designated Agent.

15.02.33 Violations and Penalties

- A. It is a violation of this Chapter:
 - 1. To fail to meet any time limits imposed by regulation under this Chapter, except failure caused by an act of God; or
 - 2. To fail to do any act required by this Chapter or any regulation imposed hereunder; or
 - 3. To do any act prohibited by this Chapter or any regulation imposed hereunder; or
 - 4. To continue any construction or development work on a site, except to correct a violation while a Stop Work order is in effect; or
 - 5. To suffer or permit any violation to continue in existence, except continuance caused by an act of God.
- B. Any person, firm, or corporation violating this Chapter or any part thereof shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00) and the cost of prosecution and, in default of such fine and costs, shall be imprisoned in the County Jail until payment of such forfeiture and the costs for a period not to exceed thirty (30) days for each violation. Each day of violation shall constitute a separate offense.
- C. In addition to the aforementioned penalties, no Plat submitted to the City and no Site Plan or Certified Survey required by the City shall be approved unless it shows all improvements reasonably required to

prevent erosion after completion of development as required in this Chapter and the subdivision code of the City of Onalaska.

Chapter 03 Fair Housing

Division 1 Authority

15.03.11 Statement on Fair Housing

A. It is hereby declared to be the policy of the City of Onalaska, pursuant to the United States and Wisconsin Constitutions, and also its power to protect the public health, safety and general welfare, that all persons, regardless of sex, race, color, disability, as defined in Sec. 106.50 (1m) (g) Wis. Stats., sexual orientation, as defined in Sec. 111.32 (13m), religion, national origin, marital status, family status, as defined in Sec. 106.50 (1m) (k) Wis. Stats., status as a victim of domestic abuse, sexual assault, or stalking, as defined in Sec. 106.50 (1m) (u) Wis. Stats., lawful source of income, age, or ancestry are assured equal opportunity to live in adequate housing facilities and, to that end, to prohibit discrimination in housing by any persons.

15.03.12 Unlawful Practices

- A. In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the City for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:
1. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
 2. To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;
 3. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth ;
 4. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
 5. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
 6. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase; rental, lease or financing of any housing accommodation, which indicates and discrimination or any intent to make discrimination;
 7. To offer, solicit, accept or use a list of any homing accommodation for sale: purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;
 8. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
 - a. The lowering of property values in the area;
 - b. An increase in criminal or antisocial behavior in the area; or

- c. A decline in the quality of schools serving the area.
9. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any homing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions;
10. To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;
11. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter;
12. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder;
13. By canvassing, to commit any unlawful practices prohibited by this Chapter;
14. Otherwise to deny to, or withhold any housing accommodation from, a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
15. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth of such person or of any person associated with them in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
16. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth.

15.03.13 Exemptions

- A. This Chapter shall not apply to the following:
 1. A religious organization, association, or society or any nonprofit institution or organization operation supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth.
 2. A private club not open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purposes, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
 3. Any single family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single family houses at any one time; provided further, that in the case of the sale of any such single family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption shall apply only with respect to one (1) such sale within any twenty-four

(24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on their behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single family houses at one (1) time; provided further, the sale or rental of any such single family house shall be exempted from the application of this Chapter only if such house is sold or rented:

- a. Without the use of any money of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
 - b. Without the publication, posting or mailing after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
 - c. Without the violation of Section 15.03.12 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
4. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as their residence.

15.03.14 Enforcement

- A. Any person aggrieved by any unlawful practice prohibited by this Chapter may file a complaint with the Board of Zoning Appeals within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and no event more than sixty (60) days after the alleged unlawful practice has occurred. The Board of Zoning Appeals shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Board of Zoning Appeals to forward the complaint and findings to appropriate state and federal in this Chapter shall be deemed to prohibit an owner or agent from requiring that a person who seeks to buy, rent or lease housing supply information concerning family marital, financial and business status but not concerning race, color, physical condition, disability as defined in Sec. 106.50(1m)(g)Wis. Stats., or creed.

Chapter 04 Minimum Residential Housing Code

Division 1 Administration

15.04.11 Intent and Purpose

- A. This Chapter is adopted for the purpose of preserving and promoting the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, spiritual and monetary values.
- B. It is recognized that there may now be, or may in the future be, residential and residential-related buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

15.04.12 Board of Zoning Appeals

- A. **Hearing and Opportunity to Be Heard.** Upon filing a written petition for hearing in connection with any order or notice pursuant to this Chapter or any rule or regulation adopted pursuant thereto, the person affected may request a hearing by filing a written petition on a form provided therefor in the Planning Department. Such petition shall set forth a statement of the grounds therefor and be filed with the Planning Department within twenty (20) days after the day on which the notice or order was served. The petition shall be accompanied by a fee as set forth in the City of Onalaska Fee Schedule. Within forty-five

(45) days of receipt of the petition, the Board of Zoning Appeals shall hold a hearing. At such hearing the petitioner shall be given an opportunity to be heard and show cause why such notice should be modified or withdrawn. The Board of Zoning Appeals, may postpone the date of the hearing for a reasonable time beyond such forty-five (45) day period, if, in its judgment, the petitioner has submitted good and sufficient reason for such postponement

- B. **Board of Zoning Appeals to Sustain, Modify or Withdraw Notices.** After such hearing, the Board of Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. The Board of Zoning Appeals may also modify any notice so as to authorize a variance from the provisions of this Chapter when, because of special conditions, a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, provided that the spirit of this Chapter will be observed, public health and welfare secured and substantial justice done. If the Board of Zoning Appeals sustains or modifies such notice, it shall be deemed to be an order and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within six (6) months, as determined by the said Board of Zoning Appeals. The proceedings of any such hearing, including the findings and decision of the Board of Zoning Appeals, shall be set forth in writing and maintained as a matter of public record in its office. A copy of the Decision shall be mailed to the person who filed the petition.
- C. **Court Review.** Any person or persons jointly or severally aggrieved by the decision of the Board of Zoning Appeals, or any resident, or any officer, department, board or commission of the municipality may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, provided the petition for the writ is presented to the Court within thirty (30) days after the date on which said Board of Zoning Appeal's decision was mailed to the person who filed the petition for the hearing. Persons seeking such a writ shall give notice of intention to do so by serving on the Board of Zoning Appeals a written notice within ten (10) days of the date of mailing of the Board of Zoning Appeals's decision. The petition to the Court duly verified shall set forth that such decision is illegal in whole or in part and does not comply with the provisions of Subsection (b) and shall specify the grounds thereof.

Division 2 Minimum Standards for Dwelling Units

15.04.21 Minimum Standards for Plumbing

- A. **Connection to City Services.** Each dwelling or other building used for human habitation or other buildings where human beings are in need of sewer and water facilities which is located upon or adjacent to any street in and along which sewer and water pipes have been laid or which has reasonable access to sewer or water mains shall be connected with the sewer and water systems; except that when a private well is in compliance with the Wisconsin Well Code, is adequate and safe, this supply may be continued in operation until such time as it is in need of repair. If the owner fails to comply with a notice in writing served upon him or his agent or tenant requiring him to connect with the public sewer or water within thirty (30) days, the Board of Health may cause a connection to be made and necessary fixtures to be installed and the cost shall be assessed as a special tax against the property. The owner may file, within thirty (30) days, a claim of inability to pay the amount in one (1) sum, and ask that the levy be made in five (5) equal installments with interest at eleven and one-half percent (11.5%).
- B. **Connection to Septic Tank.** The owners of all premises used for human habitation which are not located upon or adjacent to any street in and along which sewer and water pipes have been laid or which have no reasonable access to sewer or water mains must provide a septic tank-seepage pit system therefor, constructed and maintained in accordance with the requirements of this Code. All other privy vaults, cesspools and dry wells shall be removed or abated and the use thereof discontinued. Where no City sewer facilities are available to service a dwelling unit, the following shall apply:
1. No person shall construct a septic tank, seepage pit or disposal field within the City without first having obtained a permit from the La Crosse County Health Department.
 2. No person shall build, erect or construct any seepage pit, septic tank or cesspool within five (5) feet of the property line or fence of the adjacent lot, or within twenty (20) feet of any building in which people live or work.

3. Whenever a seepage pit or septic tank is cleaned, the contents must be disposed of in the facilities at a municipal disposal plant.

15.04.22 Minimum Standards for Electrical

- A. Every habitable room, bathroom and kitchen shall contain at least one (1) fully operational electrified outlet and one (1) switched lighting outlet properly installed and maintained in good and safe working condition and connected to an approved source of power in a safe and approved manner as per the Wisconsin Electrical Code.

15.04.23 Minimum Standards for Heat, Light, and Ventilation

- A. **Natural Light.** Every habitable room shall be provided with natural light by means of glazed openings per Sec. 321.05(1) Wis. Admin. Code.
- B. **Adequate Ventilation.** Every habitable room shall be provided with natural ventilation per Sec. 321.05(2) Wis. Admin. Code.
- C. **Electric Outlets Required.** Every electrical receptacle, switch and fixture shall be maintained in reasonably good working condition, and shall be installed according to applicable electrical codes and manufacturer's instructions.
- D. **Heating Facilities.** Every dwelling shall be equipped with a heating system. The system shall be properly installed, maintained in reasonably good working condition, and capable of adequately heating all habitable rooms, kitchens, bathrooms, and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least seventy (70) degrees Fahrenheit, at a distance three (3) feet above floor level when the outdoor temperature is at or above fifteen (15) degrees below zero (0) degrees Fahrenheit. Every central heating system must be listed by a recognized testing agency and shall comply with all of the following requirements:
 1. The central heating unit shall be in reasonably good operating condition;
 2. Every heat duct, steam pipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended;
 3. Every seal between the sections of a hot air furnace shall be tight so noxious gases will not escape into heat ducts. Every supplied space heater must be listed by a recognized testing agency and shall comply with all of the following requirements:
 - a. No space heater burning solid, liquid, or gaseous fuels shall be a portable type;
 - b. Every space heater burning solid, liquid or gaseous fuels shall be properly vented to a chimney or duct leading to outdoor space;
 - c. Every coal, wood or other approved combustible material burning space heater shall have a fire-resistant panel, extending a minimum of eighteen (18) inches on all sides, beneath it;
 - d. Every space heater location shall comply with Wis. Admin. Code SPS 323.04; and
 - e. Every space heater chimney connector shall comply with Wis. Admin. Code SPS 323.045(4).
- E. **Lighting of Public Halls and Stairways.** Every public stairway, passageway or exit door in every dwelling containing four (4) or more dwelling units shall be adequately lighted by means of properly located electric light fixtures from one (1) hour before sunset to one hour after sunrise. Every public hall and stairway in dwellings containing two (2) or three (3) dwelling units shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

15.04.24 Minimum Standards for Basic Equipment and Facilities

- A. No person shall occupy as owner-occupant, or let another for occupancy, and dwelling or dwelling unit, for the purposes of living, sleeping, cooking, and/or eating of meals therein, which does not comply with the following minimum requirements:
 1. **Kitchen.** Every dwelling unit shall have a kitchen equipped with the following:
 - a. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.
 - b. A counter for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets

- shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable.
- c. A range for cooking food. The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than thirty (30) inches from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.
 - i. Exception. If the lease or rental agreement does not provide for a range for cooking food, adequate connections for the occupant's installation and operation of a range shall be provided.
 - d. Ventilation which shall be maintained in good working condition, of sufficient capacity to deliver fresh air and to remove moisture-laden or otherwise contaminated air generated during cooking. Range hoods shall be installed in accordance with manufacturer's specifications.
 - e. A refrigerator with a freezer which shall be in good working condition and capable of maintaining a temperature less than forty-one (41) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit. The freezer section shall be capable of maintaining a temperature below zero (0) degrees Fahrenheit.
 - i. Exception. If the lease or rental agreement does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.
 - f. A kitchen floor in good condition with a sealed, water-resistant, nonabsorbent and cleanable surface.
2. **Bathroom.** Every dwelling unit shall have a private bathroom equipped with the following:
- a. A toilet in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system.
 - b. A sink in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe.
 - c. A bathtub or shower in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. Every bathtub shall have a wall covering extending at least forty-eight (48) inches above the joint between the bathtub and wall, and every shower shall have a wall covering extending at least seventy-two (72) inches above the floor of the shower stall, which is cleanable, nonabsorbent, and reasonably impervious to moisture. Such materials shall form a watertight joint with each other and with the bathtub or shower.
 - d. A bathroom floor that is so constructed and maintained as to be reasonably impervious to moisture and all such floor and floor coverings shall be kept in a clean and sanitary condition.
 - e. Bathroom ventilation in accordance with Wis. Admin. Code SPS 323.02(3)(d).
3. **Maintenance of Supplied Plumbing Fixtures.** Every supplied plumbing fixture, water distribution system and waste or vent pipe shall be properly installed and maintained in good, sanitary working condition.
4. **Safe and Effective Functioning of Supplied Facilities.** Every supplied facility, piece of equipment, or utility which is required under this Chapter shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.
5. **Discontinuance of Required Services, Facilities, Equipment, or Utilities.** No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this Chapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are in the process of being made.
6. **Garbage Disposal Facilities.** Every dwelling unit shall have adequate garbage disposal facilities or garbage containers.

15.04.25 Minimum Standards for Space Requirements

- A. No person shall occupy or let to another for occupancy and dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
1. **Minimum Ceiling Height.** The minimum ceiling height of every dwelling unit shall be in accordance with Wis. Admin. Code SPS 321.06, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered a part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
 2. **Minimum Floor Area for Dwelling Unit.** Every dwelling unit consisting of only one (1) habitable room shall contain at least one hundred and fifty (150) square feet of habitable room floor area.
 3. **Minimum Floor Area for Occupancy by More than One Occupant.** No dwelling unit containing less than one hundred and seventy (170) square feet of habitable room floor area shall be occupied by more than one (1) occupant; provided, that if a dwelling unit consisting of only one (1) habitable room has a closet with a minimum ceiling height of six (6) feet, contained within the dwelling unit and connected thereto with a doorway or other similar opening, the actual floor area of the closet, up to and including a maximum of twenty (20) square feet, shall be included in computing the habitable room floor area of the dwelling unit.
 4. **Maximum Occupancy for One-Room Dwelling Unit.** No dwelling unit consisting of only one (1) habitable room shall be occupied by more than two (2) occupants.
 5. **Maximum Occupancy for Dwelling Units of Two (2) or More Rooms.** No dwelling unit consisting of two (2) or more rooms shall be occupied by more occupants than the total number which is calculated on the following basis:

Type of Room	Occupancy Subtotal
Kitchen	0
Each habitable room containing less than seventy (70) square feet of floor area	0
Each habitable room containing at least seventy (70) but less than one hundred (100) square feet of floor area	1
Each habitable room containing one hundred (100) or more square feet of floor area	2

6. **Arrangement of Sleeping, Bath and Toilet Rooms.** No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.
7. **Cellar Space Not Habitable.** No cellar space shall be used as a habitable room or dwelling unit.
8. **Basement Space May Be Habitable.** No basement space shall be used as a habitable room or dwelling unit unless:
 - a. The floor and walls are of waterproof and damp proof construction;
 - b. The total of window area in each room is equal to at least the minimum window area sizes as required in Wis. Admin. Code SPS 321.05(1);
 - c. Exiting from the basement shall be in accordance with Wis. Admin. Code SPS 321.03(5) and/or (6);
 - d. The total of openable window area in each room is equal to at least the minimum as required under Wis. Admin. Code SPS 321.05(2), except where there is supplied some other approved device affording adequate ventilation.
9. **Occupants to Have Access to Sanitary Facilities.** Every occupant of every dwelling shall have unrestricted access to a kitchen sink, toilet, bath and lavatory basin, required in accordance with the provisions 15.04.24.

Division 3 Minimum Standards and Owner Responsibilities

15.04.31 Minimum Standards for Interior Structure

- A. It shall be a violation of this section to own a building which does not comply with the requirements of this Section:
1. **Interior Surfaces.** Interior surfaces, including walls, windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Every interior wall or partition shall be capable of affording privacy, be structurally sound, and be kept in good, clean and sanitary condition.
 2. **Stairs and Walking Surfaces.** Every interior stair, ramp, landing, or other walking surface shall be maintained in sound condition and good repair.
 - a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
 - b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.
 3. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
 4. **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
 5. **Exits.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Exits shall be provided to meet requirements of local and State building codes.
 - a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
 - b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.

15.04.32 Minimum Standards for Building Maintenance

- A. It shall be a violation of this section to own a building which does not comply with the requirements of this Section.
1. **General.** All structures shall be maintained in good repair, and shall be structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
 2. **Protective Treatment.** Exterior surfaces, including, but not limited to, siding, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Use of moisture barriers and insulation materials as a method of permanent protective treatment is prohibited and shall be allowed for no more than thirty (30) days unless an extension is authorized by the Inspection Department.
 3. **Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than three (3) inches in height with a minimum stroke width of one-half inch.
 4. **Foundation Walls.** Foundation walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

5. **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
6. **Chimneys.** Every chimney, cooling tower, smokestack and similar appurtenances shall be adequately supported, reasonably clean, protected from deterioration and maintained in good condition.
7. **Stairways, Decks, Porches and Balconies.** Every exterior stairway, ramp, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
 - a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
 - b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.
8. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
9. **Windows and Skylights.** Every window and skylight shall be reasonably weathertight, watertight and rodent proof and shall be kept in reasonably good working condition. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. Windows located in whole or in part within six feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. Every openable window and storm door shall be supplied with adequate sixteen (16)-gauge screens to prevent entry of pests. Glazing materials shall be maintained free from cracks and holes. Every dwelling having a bedroom in the basement shall have at least one (1) window which meets the requirements of Wis. Admin. Code SPS 321.03(6) and SPS 321.05(1) and (2).
10. **Doors and Door Assemblies.** Exterior doors, door assemblies, operator systems, if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock through of one inch. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For purposes of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
11. **Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.
12. **Accessory Structures.** Accessory structures, including detached garages, fences and walls, storage sheds, kennels, play houses, tree houses, and similar structures shall be structurally sound, clean, sanitary, and maintained in good repair.

15.04.33 Owner Responsibilities

- A. Owners of buildings containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises.
- B. Occupants of dwellings or dwelling units shall keep in a clean and sanitary condition that part of the building and premises which they occupy and control.
- C. Occupants of dwellings or dwelling units shall be responsible for hanging all screens and double or storm doors and storm windows whenever the same are required under the provision of this Chapter or any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.
- D. Occupants of dwellings containing a single dwelling unit shall be responsible for the extermination of insects, rodents or other pests. The occupants of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever their dwelling unit is the only one

(1) infested. Notwithstanding the foregoing provisions of the Subsection, whenever infestation is caused by the failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

- E. Occupants of dwelling units shall keep all plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their use and operation.
- F. Every owner of any dwelling containing three (3) or more dwelling units shall appoint, in the manner and form the Inspection Department prescribes, as agent, a person who is eighteen (18) years of age or over and resident of La Crosse County, Wisconsin, and shall vest in the agent full authority and control of the building and premises, described in the appointment document and of the conduct of all business on the premises relative to any and all regulations contained in this Code. The name, address and phone number of said agent shall be posted in the dwelling in a conspicuous place. Such appointment shall be made annually on or before January 1 of each year.

Division 4 Designation of Unfit Dwellings

15.04.41 Designation of Unfit Dwellings

- A. Any dwelling or dwelling unit 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 Inspection Department and/or Health Officer:
 - 1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
 - 2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
 - 3. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; and/or
 - 4. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Inspection Department or Health Officer shall be vacated within a reasonable time as specified by the Inspection Department or Health Officer.
- B. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Inspection Department. The Inspection Department shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- C. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.
- D. Whenever the Inspection Department and/or Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this Chapter or any rule or regulation adopted pursuant thereto, they shall give or cause to be given notice of such violation or alleged violation to the person or persons responsible therefor; such notice shall be in writing, including a description of the real estate involved, including a statement of the violations and corrective actions required and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require and may be served by ordinary mail or in the manner provided by the Wisconsin Statutes. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Section and with rules and regulations adopted pursuant thereto.
- E. Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this Chapter may request and shall be granted, upon request, a hearing in the matter before the Board of Zoning Appeals.

Division 5 Enforcement and Penalties

15.04.51 Enforcement, Services of Notices and Orders and Hearing

- A. **Service of Notices.** Whenever the Inspection Department determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Inspection Department shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:
1. Be written;
 2. Include a description of the real estate sufficient for identification;
 3. Include a statement of the reason(s) why it is being issued;
 4. Allow for a reasonable time for the performance of any act required; and
 5. Be served upon the owner, owner's agent, or the occupant, as the case may require. Such notice shall be deemed properly served upon such owner or occupant if a copy thereof is delivered to him/her personally; or by leaving a copy thereof at his/her usual place of abode, in the presence of a family member of suitable age and discretion who shall be informed of the content thereof; or by sending a copy thereof by first class or certified mail, with return receipt requested to his/her last known address; or, if the mailed copy is returned with a receipt showing that it was not delivered to the intended recipient, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.
- B. **Enforcement – Notices, Orders and Hearings.** Any person affected by any notice issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto, may request in writing, and shall be granted, a hearing before the Board of Zoning Appeals on the matter. Any request shall set forth the grounds therefor, shall be filed within 20 days after the day the notice was served and shall be accompanied by a filing fee as set forth on the City's Fee Schedule. Within 10 days of receiving such request, the Inspection Department shall set a time and place for such hearing and shall give the petitioner written notice thereof and an opportunity to be heard.
- C. **Exception.** The appeals process set forth in this subsection does not apply to citations or to convictions for offenses cited.
- D. **Board of Zoning Appeals to Sustain, Modify or Withdraw Notices.** After such hearing the Board of Zoning Appeals shall sustain, modify, or withdraw the notice, depending upon their finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. The Board shall be guided by a policy of reasonable compliance in order to promote the public health and may, at its discretion, permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole. The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State.
- E. **Adoption of Rules and Regulations by Inspection Department.** The Inspection Department is hereby authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this chapter. Such rules and regulations shall be submitted by said Inspection Department, after consultation with the City Attorney, to the Common Council and, if approved by a vote of a majority of the members thereof, shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter, as hereinafter provided. A copy of such rules and regulations shall be kept on file in the City Clerk's office and in the Inspection Department.

15.04.52 Penalties

- A. **Penalties.** Violations of this section shall be punishable by a forfeiture of not more than Two Thousand Dollars (\$2,000.00). Each day a violation exists or continues to exist shall constitute a separate offense.

Chapter 5 Definitions

Division 1 Definitions

15.05.11 Definitions

- A. The following definitions shall be applicable in this Title:
1. **Accessory Building.** A detached building or structure not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.
 2. **Accommodation.** Any room, apartment, house, building or structure, any part of which is used for human habitation on a temporary or permanent basis.
 3. **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 4. **Agricultural Facilities and Practices.** See Sec. 281.16(1), Wis. Stats.
 5. **Air Conditioning.** The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirements of the conditioned space.
 6. **Alteration.** An enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a dwelling.
 7. **Apprentice.** A person other than a master or journeyman plumber, registered as such with state division of health in compliance with the rules and regulations governing apprentices.
 8. **Basement.** A portion of a building partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of adjoining ground.
 9. **Best Management Practice (BMP).** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
 10. **Building System.** Plans, specifications and documentation for a system of manufactured building or for a type or system of building components, which may include structural, electrical, mechanical, plumbing and variations which are submitted as part of the building system.
 11. **Business Day.** Any day other than Saturday, Sunday or a legal holiday.
 12. **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
 13. **Ceiling Height.** The clear vertical distance from the finished floor to the finished ceiling.
 14. **Cellar.** A portion of a building partly or wholly underground, with half or more than half of its clear floor-to-ceiling height below the average grade of adjoining ground.
 15. **Construction Site.** An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one (1) plan.
 16. **Department.** The Department of Safety and Professional Services.
 17. **Detached Building.** Any building which is not physically connected to the dwelling.
 18. **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Title.
 19. **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
 20. **Dwelling Unit.** Any room or group of rooms located with a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
 21. **Electrical Apprentice.** A person registered by the State of Wisconsin as an Electrical Apprentice under 305.46 of the Administrative Code.
 22. **Electrical Contractor (active).** Any person who is skilled in the installation, planning, designing, superintending or inspection of electrical wiring and equipment and who is engaged in this work. Before any person shall be licensed as an electrical contractor such person must have served at least two years as a journeyman electrician and meet all other qualifications for an electrical contractor's license as determined by the Board of Electrical Examiners.
 23. **Electrical Wiring.** All equipment, wiring, material, fittings, devices, appliance, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures and apparatus used by a public utility, an

- electric cooperative or a wholesale merchant operator for the purpose of generating, transmitting, distributing or controlling heat, light, power or natural gas to its customers or members.
24. **Electrical Work.** The installation, superintending or inspection of electrical material, fittings, devices, appliances, fixtures, apparatus, wiring and equipment for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting or similar purposes.
 25. **Electrician, Beginning.** A person registered by the State of Wisconsin as a Beginning Electrician under 305.45 of the Administrative Code.
 26. **Electrician, Journeyman (active).** Any person other than an electrical contractor who is skilled in the installation of electrical wiring and equipment for the production, modification, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, and who is engaged in this work. They shall have had at least four years' practical experience. Two (2) or more years in an accredited trade school shall be equivalent to the first two years. They shall be at least 18 years of age and shall pass such examination as determined by the Board of Electrical Examiners. In no case shall a licensed journeyman electrician do electrical work in the City of Onalaska unless under the supervision of a licensed electrical contractor, who shall be responsible in accordance with this Electrical Code. A person licensed by the State of Wisconsin as a Journeyman Electrician under 305.44 of the Administrative Code.
 27. **Electrician, Journeyman Industrial.** A person licensed by the State of Wisconsin as an Industrial Journeyman Electrician under 305.443 of the Administrative Code.
 28. **Electrician, Journeyman Residential.** A Residential Journeyman Electrician is a person licensed by the State of Wisconsin as a Residential Journeyman Electrician under 305.447 of the Administrative Code.
 29. **Electrician, Master.** A person licensed by the State of Wisconsin as a Master Electrician under 305.43 of the Administrative Code.
 30. **Electrician, Registered Master.** A person licensed by the State of Wisconsin as a Registered Master Electrician under 305.437 of the Administrative Code.
 31. **Electrician, Residential Master.** A person licensed by the State of Wisconsin as a Residential Master Electrician under 305.435 of the Administrative Code.
 32. **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
 33. **Erosion and Sediment Control Plan.** A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
 34. **Extermination.** The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing materials that serve as food source or by other authorized elimination methods approved by the Health Officer.
 35. **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second, or third class city.
 36. **Family.** One (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
 37. **Final stabilization.** That all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
 38. **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
 39. **Foundation.** The structural system used to transfer the weight of the building to the earth.
 40. **Furnace.** A completely self-contained direct-fired automatically controlled, vented appliance for heating air by transfer of heat of combustion through metal to air and designed to supply heated air through ducts to spaces remote from the appliance location.
 41. **Governing body.** The City of Onalaska Common Council.
 42. **Habitable Room.** Any room used for sleeping, living or dining purposes, excluding such places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
 43. **Heating System.** Any combination of building construction, machines, devices or equipment, so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating service.
 44. **Homeowner.** A person owning and occupying as their permanent address a single-family dwelling or two-family dwelling.
 45. **Hot Water.** An adequate supply kept at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

46. **House Sanitary Drain.** All underground piping inside the building and to a point three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
47. **House Sanitary Sewer.** That part of the sanitary drainage system extending from the sewer service lateral or other disposal terminal to within three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
48. **House Storm Drain.** All underground piping inside the building and to a point three feet to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
49. **House Storm Sewer.** All underground piping designed to convey the discharge of the house storm drain, surface drains, yard drains, cistern overflows and all other clear water drains to the storm sewer service lateral at the curb or other disposal terminal.
50. **Housing.** Any improved property, including any mobile home as defined in Sec. 66.0435, Wis. Stats., which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence.
51. **Infestation.** The presence, within or around a dwelling, of any insects, rodents or other pests.
52. **Journeyman, Contractor (inactive).** An inactive contractor or journeyman holds a valid license but is not actively engaged in the trade. At any time upon payment of an annual fee the license shall become active.
53. **Land disturbing construction activity.** Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
54. **Low Voltage Installer.** Any person engaged in installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less.
55. **Manufacture.** The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished, semi-finished or finished materials.
56. **Minor Repair.** Repair performed for maintenance on replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
57. **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
58. **Multiple Dwelling.** One consisting of more than two (2) dwelling units.
59. **Occupant.** Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit.
60. **Open Construction.** Any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction.
61. **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.
62. **Operator.** Any person or group who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.
63. **Ordinary Minimum Winter Conditions.** The temperature fifteen (15) degrees Fahrenheit above the lowest recorded temperature for the previous ten (10) year period.
64. **Owner Occupied Dwelling.** A building used for human habitation in which the owner thereof maintains their permanent living quarters.
65. **Owner.** Any person who, alone or jointly or severally with others, shall have legal title of any dwelling, dwelling unit, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling or dwelling unit, as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, personal representative, trustee or guardian of the estate of the owner.
66. **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
67. **Permit.** A written authorization made by the City of Onalaska to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
68. **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
69. **Plumbers.** Master and journeyman plumbers licensed by the state division of health.
70. **Plumbing.**

- a. All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage system within a building and to a point from three to five feet outside of the building.
 - b. The construction and connection of any drain or waste pipe carrying domestic sewage from a point three to five feet outside the foundation walls of any building and the connection to any sewer service lateral at the curb or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe except minor repairs to faucets, valves, pipes, appliances and the removal of stoppages.
 - c. The water service piping from the building to the curb box at the street curb, alley or other terminal, and the connection of domestic hot water storage tanks, water softeners and water heaters with the water supply system
 - d. Water supply piping and plumbing appliances including water pressure systems other than the City system and water mains and appurtenances in connection therewith.
 - e. The construction of all stormwater drains from a point within three to five feet outside of the foundation wall of any building to the storm sewer at the curb or other disposal terminal. The construction and connection of all piping and appurtenances in connection with the stormwater drains within a building and to a point three to five feet outside the building.
71. **Pollutant.** See Sec. 283.01 (13), Wis. Stats.
 72. **Pollution.** See Sec. 281.01 (10), Wis. Stats.
 73. **Probable Cause.** Reasonable grounds to believe that a violation may have occurred or may be occurring.
 74. **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed or acting on behalf of any of these.
 75. **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
 76. **Repair.** The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.
 77. **Responsible Party.** Any entity holding fee title to the property or performing services to meet the performance standards of this Title through a contract or other agreement.
 78. **Rooming House/Rooming Unit.** Any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let to three (3) or more persons who are not related to the owner or operator. A rooming unit refers to any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for preparation of food.
 79. **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
 80. **Sediment.** Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
 81. **Sewer Service Lateral.** That part of the drainage system extending from the curb to the connection with the main sewer.
 82. **Single Occupancy Room.** Any room which the owner has leased or rented, or in any way offered to lease or rent, to a sole individual, provided, however, that the owner permanently occupies living quarters in the same dwelling.
 83. **Storm Sewer Service Lateral.** That part of the stormwater drainage system extending from the curb to the main in the street.
 84. **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
 85. **Stop Work Order.** An order issued by the City of Onalaska which requires that all construction activity on the site be stopped.
 86. **Story.** That portion of a building located above the basement, between the floor and the ceiling.
 87. **Stress.** Internal resistance to an external force expressed in load per unit area; stresses acting perpendicular (compression or tension) to the surface, shear stresses acting in the plane of the surface or bending stresses which cause curving.
 88. **Supplied.** Paid for, furnished or provided by or under the control of the owner or operator.
 89. **Technical standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

90. **Temporary Housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable.
91. **Uniform Dwelling Code.** See Ch. SPS 320 to 325 of the Wisconsin Uniform Dwelling Code.
92. **Ventilating.** The process of supplying or removing air by natural or mechanical means, to or from any space.