

57.01 Introduction.

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

2. Scope. The provisions of this Chapter shall apply to all buildings and structures in the Village except for the following:

- a. Recreational vehicles and mobile homes. On-site additions to recreational vehicles and mobile homes are not exempt.
- b. Buildings owned by the federal government. Buildings owned by anyone other than the federal government, but leased to the federal government, are not exempt.

3. Authority. The authority of the village to enact this Building code is granted to the village by s. 101.65 Wis Stats. Any provision of this Chapter not conforming to Chapter 101 Wis Stats. and/or applicable sections of SPS 301-399, Wisconsin Administration Code are void.

57.02 Applicability.

1. Application. The provisions of this Chapter shall apply to all new construction; all additions and alterations to existing buildings; all remodeling, repairs, and maintenance of existing buildings; building use changes; buildings being moved from one location to another; and demolition of buildings.

2. Responsibility. This Chapter shall be binding alike upon every owner of a building; every person in charge of, responsible for, or who causes the construction, repair, or alteration of, any building or structure; and every professional engineer, architect, or other person who shall prepare plans for the construction, alteration, or addition to any building or structure in the Village.

3. Performance code. This Chapter shall be interpreted and administered as a performance code. No part of this Chapter is intended to prohibit or discourage the construction of innovative buildings and structures. Minor variances from this Chapter may be approved by the Building Inspector when those variances comply with the spirit and intent of the provisions specifically cited in this Chapter. The Building Inspector may approve alternative materials or methods of construction when he finds that the proposed design is satisfactory and complies with the intent of the provisions of this Chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter in quality, strength, effectiveness, fire-resistance, durability, and safety.

- a. Relationship to other regulations. This Chapter shall not affect violations of any other ordinance, code, or regulation prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed. The provisions of this Chapter shall not be construed to prevent the enforcement of other ordinances or regulations of the Village or of the state of Wisconsin

other than are provided in this Chapter. In case of conflicts among such standards, the more restrictive standard shall apply.

b. Matters not provided for. Any requirement essential for structural, fire, or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof and which is not specifically covered by this Chapter shall be determined by the Building Inspector.

c. Workmanship. All work performed under the scope of this Chapter shall be conducted, executed, and completed in a workmanlike and acceptable manner to secure the results intended by this Chapter.

d. Maintenance. All buildings and structures and all parts thereof shall be maintained in a safe condition, and all devices and safeguards which are required at the erection, alteration, addition, or repair of any building shall be maintained in good working order. This subsection shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards, unless authorized in writing by the Building Inspector. Such maintenance requirements shall apply to all buildings now existing or erected.

e. Liability for damages. This Chapter shall not be construed as assuming any liability on the part of the Village for damages to anyone injured or for any property destroyed by a defect in any building or element.

f. Code availability. A copy of this Chapter shall be kept on file at the office of the Building Inspector and shall be made available to the public for reference, inspection, and purchase upon request during normal business hours. A copy of the provisions of the state administrative code adopted by reference in Section 57.03 shall be kept on file at the office of the Building Inspector and shall be made available to the public for reference and inspection upon request during normal business hours. Copies of the state administrative code referenced in this Chapter may be purchased from the state department of administration.

57.03 Construction Standards.

1. Adoption of state codes. The provisions of the following state administrative codes and subsequent amendments and modifications thereto are hereby adopted by reference and incorporated in this Chapter as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this Chapter and subject to enforcement and abatement procedures as set forth in Sections 57.40 and 57.41.

- a. Electrical code. Wis. Admin. Code SPS Ch. 316.
- b. Electrical inspection and certification of electrical inspectors and master electricians. Wis. Admin. Code SPS Ch. 316.
- c. Uniform dwelling code. Wis. Admin. Code SPS Chs. 320—325.
- d. Certification of Building Inspectors and independent inspection agencies. Wis. Admin. Code SPS Ch. 305.
- e. Commercial Building Code. Wis. Admin. Code SPS Chs. 361—366 and 375—379.
- f. Plumbing code. Wis. Admin. Code SPS Chs. 380—387.
- g. Diggers Hotline S,182.0175 Wis. Stats.
- h. Camping Units Wis. Admin. Code SPS Ch 327.

2. Retaining walls. All retaining walls constructed after the effective date of this ordinance shall comply with the following standards:

- a. Retaining walls of forty-eight (48”) or more shall be structurally engineered.
- b. Retaining walls of thirty inches (30”) or more in height and shall have a railing or fence installed for safety purposes.

3. Exceptions. The Building Inspector may waive the requirements of s. 57.03(2) b and c upon submission of satisfactory evidence that the retaining wall does not present a safety hazard.

57.04 Powers and Duties of the Building Inspector and Zoning Administrator.

The Building Inspector shall be as defined by state law and shall have the same powers and duties. The Building Inspector, and the Zoning Administrator and their designated subordinates, shall enforce all the provisions of this Chapter and all other state laws and Village ordinances relating to the construction, alteration, repair, removal, safety, and use of buildings and permanent building equipment, except as otherwise specifically provided for by statutory requirements or as provided in this Chapter. The Building Inspector shall have full power to pass upon any question arising under the provisions of this Chapter, subject to the conditions contained in this Section.

1. Rule-making authority. Subject to the provisions of Wis. Stat. §§ 101.02(7)—(7w) and 101.12(3g), and the review and approval of the Village Board, the Building Inspector shall have the power as necessary in the interest of public health, safety, and general welfare to adopt and promulgate orders and directives, to interpret and implement the provisions of this Chapter to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions, but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided in this Chapter or violating accepted engineering practice involving public safety. The Building Inspector shall also have the power as necessary to establish department policies, initiate administrative procedures, and adopt rules to ensure effective and efficient department operations.

2. Record keeping. The Building Inspector shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building and structure to which they relate remains in existence, unless otherwise provided by other regulations.

3. Annual report. The Building Inspector shall submit to the Village Board a monthly written report and statement of operations.

4. Plumbing Inspector. The Building Inspector shall have all powers and authority of the plumbing inspector.

57.05 Indemnification.

The Building Inspector or other Village personnel charged with the enforcement of this Chapter, while acting on behalf of the Village, shall not thereby be rendered liable personally and the Building Inspector or department employee is hereby relieved of all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any department officer or employee because of an act performed by that person in the lawful discharge of duties and under the provisions of this Chapter shall be defended by the legal representative of the Village until the final termination of the proceedings. The Building Inspector or any subordinates shall not be liable for any costs in any

action, suit, or proceeding that is instituted in pursuance of the provisions of this Chapter and any officer of the building inspection department, acting in good faith and without malice, shall be free of liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

57.06 Permits.

- 1. Building Permit.** No person shall erect or construct any building or structure whatsoever or add to, enlarge, move, modify, alter, extend, convert, change the use of or demolish any building or structure; cause the same to be done; or commence work covered by this Chapter on any building or structure without first obtaining a building permit from the Building Inspector.
- 2.** Notwithstanding the provisions of section (1), building permits shall not be required for the following:
 - a. Non-electrical repairs required for the maintenance and upkeep of any building which do not exceed the cost of two thousand dollars (\$2,000.00),
 - b. Actions which and do not affect the structural strength, fire hazard, exits, natural lighting, or the replacement of a major piece of equipment and do not affect the exterior dimensions of the building.
 - c. Buildings and structures owned by the Village of Lake Delton.
- 3. Compliance with construction standards.** Construction referred to in Subsection 57.06(1) shall comply with all applicable code sections and construction standards, regardless of building permit requirements.
- 4. Electrical permit.** No person shall commence any electrical work covered by this Chapter without first obtaining an electrical permit from the Building Inspector.
- 5. Plumbing permit.** No person shall commence any plumbing work covered by this Chapter without first obtaining a plumbing permit from the Building Inspector.
- 6. HVAC permit.** No person shall commence any heating, ventilating, or air conditioning work covered by this Chapter without first obtaining a HVAC permit from the Building Inspector.
- 7. Waiver of permit.** If, in the Building Inspector's opinion, a proposed alteration to a building or equipment is insignificant or the equipment or part is being replaced through normal maintenance, the requirement of a permit may be waived.

57.07 Applications and Plans.

- 1. Plan Review and Application** for a permit for all new 1- and 2-family dwellings shall be made in accordance with the requirements and procedures specified in sections SPS 320-326 of Wisconsin Administrative Code by the owner, or authorized agent.
- 2. Plan Examination of Commercial structures.** Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures and other structures exempted in SPS 361.03(3), to be constructed within the limits of the municipality shall be submitted for review in
 - a. A new building or structure.
 - b. An addition to a building, structure, or building system such as fire alarm, sprinkler, plumbing, or HVAC system.
 - c. An alteration of a building space, element, or structure. Including alteration of an existing fire alarm system, fire sprinkler system, plumbing system, HVAC system or replacement of equipment or fixtures within those systems or as required by the Department of Safety and Professional Services.

d. A Village may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.

e. The department may waive its jurisdiction for the review of a specific project if the nature of the project is minor in scope in the opinion of the Building Official in accordance with SPS 361.30(4). Note: all other code provisions as stated in State Statutes, these Municipal Ordinances, and State Administrative Building Codes as adopted must still be adhered to for any project granted such exemption.

57.07 Modifying and Amending Ordinance #22-004 Passed: 03/14/2022 Published: 03/24/2022

57.08 Issuance of Permits.

The Building Inspector shall examine all applications for permits, plans, and amendments thereto within a reasonable time after filing. If the application, plans, and specifications are in substantial conformity to the requirements of this Chapter, with all applicable ordinances of the Village and with all laws and lawful orders of the state, the Building Inspector shall, upon receipt of the required fees, issue a permit for the work and shall sign, date, and stamp the plans "approved" or "conditionally approved."

1. Access to public right-of-way. No building permit shall be issued unless the property on which the building is proposed to be built has access to a public right-of-way.

2. Approved plans. One (1) set of approved plans and specifications shall be retained by the Building Inspector and one (1) set shall be returned to the applicant, which set shall be kept at the job site at all times until the work authorized is completed and shall be made available for inspection by any department official. Such approved plans and specifications shall not be changed, altered, or modified in any respect which involves any of the laws, ordinances, or administrative rules referred to above or which involves the safety of the building or its occupants, except with the consent of the Building Inspector.

3. Building permit card. With every building permit issued, the Building Inspector shall issue to the applicant an appropriate card properly filled out as evidence of permit issuance and the applicant shall post the card in a conspicuous place on the job site not more than fifteen (15) feet above the grade of the building. The card shall be unobstructed from public view and shall remain posted until all the work covered under the permit is completed.

4. Permit expiration. A permit issued under the authority of this Chapter shall have lapsed and be void, unless work has commenced within twelve (12) months from the date thereon for electrical permits and twenty-four (24) months for a Uniform Dwelling Code permit, and unless otherwise extended by the Building Inspector to a maximum of thirty-six (36) months. Any exterior portion of a building project which is visible to the public and which is not completed within the allotted twelve (12)-month period shall constitute a public nuisance. No person shall commence but fail to complete all repairs during the time in which the permit is valid.

5. Permit to start construction. The Building Inspector or designated appointee is authorized to issue a permit to start construction for the construction of foundations or any other part of the building or structure before the plans and specifications for the entire building or structure have been submitted, but work on any building shall not be commenced, unless department approval has been granted or a permit has been issued. The holder of a permit to start construction shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

6. Permit suspension or revocation. The Building Inspector may suspend or revoke a permit or approval issued under the provisions of this Chapter where the Building Inspector or authorized department official is denied access to the premises, where the applicant has willfully refused to correct a violation of the provisions of this Chapter or in case of any false statement or misrepresentation of fact in the application or in the plans on which the permit or approval is based. No construction activity shall take place on a job site after suspension or revocation of the permit, except such work as the Building Inspector shall order be done as a condition precedent to the issuance of a new permit or which the Building Inspector may authorize as reasonably necessary to protect work already completed on the job site, existing property, adjoining property, and the general public. Appeal of the Building Inspector's determination under the Uniform Dwelling Code shall be made in accordance with the provisions of SPS 320.21 Wisconsin Administrative Code.

7. Permit authority. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Chapter. No permit presuming to give the authority to violate or fail to comply with the provisions of this Chapter shall be valid, except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of the permit, be discovered in the application, plans, specifications, or execution of the work, the Building Inspector may require the correction of the errors in the application, plans, specifications, or construction.

8. Processing of applications. Application for a Building Permit under the Uniform Dwelling Code shall be processed in accordance with the requirements of SPS s.320.09 Wisconsin Administrative code.

57.09 Permits and inspections for connecting to municipal services

No building and/or structure of any kind whatsoever, or any part thereof, shall be permitted to connect to either the municipal sewer system or the municipal water system unless the owner, or his agent, first obtains a permit for that connection from the Village Building Inspector. Application for a connection permit shall be made in writing upon the form provided by the Building Inspector. The Building Inspector or an authorized Village representative shall inspect and approve all connections to municipal sewer or water systems. The fee for such inspection shall be as established under section 57.09 of this Chapter or as otherwise established by the Village Board.

57.10 Permit Fees.

The Village Board shall establish appropriate fees for all permits issued by the Building Inspector. A list of all permit fees shall be kept on file in the office of the Building Inspector and shall be referred to as the permit fee schedule. The permit fee schedule shall be considered a supplement to this Chapter and shall be made available for reference and public inspection during normal business hours.

1. Payment of fees. Permit fees shall be paid to the Village Clerk-Treasurer-Coordinator by the applicant prior to permit issuance.

2. Delinquent permit penalty. Permit fees shall be doubled if any work is commenced prior to permit issuance.

3. Waiver of permit fees. Permit fees shall be waived for buildings and structures owned by the Village and where such waiver is approved by the Village Board.

57.11 Inspections new projects.

Buildings under construction shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules, and orders applicable thereto. The Building Inspector shall determine the number and types of inspections to be completed for each building project, but in no case shall any electrical, plumbing, or heating installations be enclosed or any structural portion of any part of any building or structure be covered or concealed prior to completion of required inspections and approval by the Building Inspector, except as specifically provided for in Paragraph (1) of this Section. After inspection, the Building Inspector may issue a certificate of occupancy or prescribe any changes necessary for compliance to all applicable codes upon which the certificate may be issued. After the issuance of such certificate, no structural part of such building shall be changed.

1. Requests for inspections. The permit applicant or an authorized representative shall notify the Building Inspector after the completion of each phase of construction and shall request all inspections orally or in writing. The Building Inspector shall make every reasonable attempt to complete all requested inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval has been granted by the Building Inspector; however, construction may proceed if an inspection is not completed within two (2) business days after proper notification has been received unless otherwise agreed upon by the Building Inspector and the applicant.

2. Inspection types. In general, the following inspections shall be completed for all building projects whenever applicable:

- a. Building sewer installation. Building sewer installation is to be completed after building sewer is installed while the water or air test is on, but before being covered or concealed.
- b. Footing inspection. Footing inspection is to be completed after forms and required reinforcing are in place, but before the concrete is poured.
- c. Foundation inspection. Foundation inspection is to be completed after forms are removed, but before backfilling. Drain tiles, when required, shall be in place and foundation waterproofing and insulation shall be applied.
- d. Rough inspection. Rough inspection is to be completed for all electrical, plumbing and heating, ventilating and air conditioning installations, and all general construction and framing work. Inspections shall be completed after all rough work is finished, but before it is covered or concealed.
- e. Insulation/energy inspection. Insulation/energy inspection is to be completed after insulation and vapor barrier are in place, but before they are covered or concealed.
- f. Final inspection. Final inspection is to be completed for electrical, plumbing and heating, ventilation and air conditioning installations, and all general construction work after all work is finished, but before use or occupancy of the building or part thereof.

3. Notification of inspection results. The Building Inspector shall inform the permit applicant or property owner of the results of all inspections completed. Notification of inspection results shall be in the form of a written notice posted in a conspicuous place at the job site, a written inspection report mailed to the applicant or property owner, or verbal communication between the inspector and the applicant, property owner, authorized representative, or other responsible party.

4. Stop work order. Subject to the provisions of Wisconsin Administrative Code Section SPS 320.10(4)(b)2 or SPS 320.11(1) upon notice by the Building Inspector that work on any

building or structure is being prosecuted contrary to the provisions of this Chapter, or in an unsafe or dangerous manner, such work may be ordered immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's agent, or the person doing the work and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the building or structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be deemed guilty of a violation of this Chapter and shall be subject to penalties and forfeitures as described in Section 57.41.

5. Right of entry. The Building Inspector or other authorized department employee may, at all reasonable times, in the performance of his duties, enter upon any public or private premises and make inspections thereof to determine compliance with the provisions of this Chapter and may require production of the permit for any building, permanent building equipment, electrical, plumbing, heating, ventilating, or air conditioning work. In carrying out this authority, the Building Inspector or other authorized department employee shall comply with the provisions of Wis. Stat. § 66.0119, if applicable.

6. Inspection disclaimer. Inspection findings are intended to report conditions of apparent noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building or premises. No guarantee or warranty of the premises, operation, use, or the durability of equipment or materials is expressed or implied.

57.12 Tent Conditions.

1. Any person operating or conducting a retail business in a permanent building or structure conforming to the provisions of this Chapter, and as an adjunct to the normal business or as an approved conditional use who shall use and utilize one or more freestanding tent for merchandising or the display of merchandise shall be subject to the conditions of this ordinance.

2. Such tent shall have the canvas treated with a flame-retardant chemical that is certified not to wash out of the canvas.

3. Unless approved as a conditional use, no tent, awning or canopy shall be placed closer than twenty-five (25) feet to any building, structure or lot line, and the location shall be approved by Building Inspector and shall conform to all other codes and ordinances.

4. Any person, firm or corporation desiring to use a tent, in the manner and for the purpose herein stated shall obtain a permit there for from the Building Inspector.

5. Lighting.

a. All lighting requirements shall conform with the state electrical code as required under s. 101.86(1)(a) Wis, Stats.

6. No flame producing equipment or gasoline operated motors shall be demonstrated in any tent.

7. The floor space of the tent shall provide adequate access to customers to allow safe passage and movement within the tent area.

8. Based on such a permit, the Village Clerk-Treasurer-Coordinator shall issue a term license to the applicant for a period not to exceed one (1) week, unless a longer period is approved as a conditional use, upon the payment of the permit fee.

9. No person or persons shall be granted an extension of any license nor shall more than two (2) licenses be granted for any location in any calendar year.

57.13 Automatic sprinkler systems.

All qualified buildings shall be protected with automatic fire sprinkler systems installed and operated in accordance with regulations of the Department. Adopting Wis. Admin. Code SPS §§ 362.0901-362.0904.

57.14 Certificate of Use and Occupancy.

No building or structure erected shall be used or occupied in whole or in part until a certificate of occupancy has been issued by the Building Inspector.

1. Buildings altered. No portion of any building or structure altered, enlarged, moved, improved, or converted from one use to another shall be used or occupied until a certificate of occupancy has been issued by the Building Inspector.

2. Existing buildings. Upon written request from the owner of an existing building, the Building Inspector shall issue a certificate of occupancy, provided that there are no violations of law or orders of the Building Inspector pending and it is established that the alleged use of the building has previously existed legally. Nothing in this Chapter shall require the removal, alterations, or abandonment of, or prevent the continuance of the use and occupancy of, a lawfully existing building unless such use is deemed to endanger public safety and welfare.

3. Temporary occupancy. Upon request of the holder of a permit, the Building Inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the permit shall have been completed, provided such portion may be occupied safely prior to full completion of the building without endangering life or public welfare.

57.15 Conformance Requirements for Existing Buildings.

The requirements specified in this Section shall apply to all existing buildings which do not conform to the requirements of this Chapter for new buildings. If alterations or repairs are made to any existing building, where deemed practical by the Building Inspector, the entire building shall be made to conform to the requirements specified herein for new buildings.

1. Change of use or occupancy. If the existing use or occupancy of any existing building or structure is changed to a use or occupancy which would not be permitted in a similar building erected, the entire building shall be made to conform to the requirements specified in this Section for new buildings; however, the Building Inspector may approve any such change in the use or occupancy of any existing building or structure even though such building is not made fully to conform to the requirements of this Chapter if, in his judgment, such a change in use or occupancy of the existing building or structure will not extend or increase any nonconformity or hazard of the building and provided further that such use or occupancy conforms to the provisions of the Department. Adopting Wis. Admin. Code SPS § 320.04 (4) and Chs. 362-366 regulating change of use.

2. Structural alterations and repairs. Every alteration or repair to any structural part or portion of any existing building or structure shall when, in the opinion of the Building Inspector deemed necessary for the safety of the occupants, be made to conform to the requirements of this Chapter.

57.16 Moving of Buildings.

1. Permits. No building or structure shall be moved without first obtaining a permit from the Building Inspector. When any building or structure is to be moved over any public thoroughfare,

a separate permit shall also be obtained from the Village engineer and the route and time of moving shall be approved in writing by the Police Chief. The application for a permit shall conform to the regulations of Section 57.06 and shall show the type of construction of the building or structure, its occupancy and use, its location, and the intended occupancy and use in the new location.

2. Moving Buildings or structures within the village.

a. A permit may be granted for the moving of any building or structure which is structurally sound and safe from one location to another location on the same premises, or from one premises within the Village to another premises. A permit may be granted for moving a building or structure out of the village provided that the applicant provides proof of an approval from the jurisdiction where the building or structure will be relocated.

3. Insurance requirements. The applicant for a moving permit shall provide to the Building Inspector a certificate of insurance evidencing insurance coverage as follows:

a. Comprehensive general liability written on an occurrence basis, including premises, products, completed operations, elevators, independent contractors, broad form property damage, contractual liability, explosion, collapse, and underground. Bodily injury and property damage combined shall not be less than five hundred thousand dollars (\$500,000.00) per occurrence and one million dollars (\$1,000,000.00) aggregate.

b. Comprehensive automobile liability protecting contractor and employees from claims arising from the ownership, maintenance, or use of any motor vehicle, including owned, non-owned, or hired vehicles. Bodily injury and property damage combined shall not be less than five hundred thousand dollars (\$500,000.00) per occurrence and one million dollars (\$1,000,000.00) aggregate.

c. The insurance coverage shall be issued by an insurance company licensed to do business in the State of Wisconsin.

d. Additional insured. The insurance certificate shall name as an additional insured the Village, its employees, elected officials, representatives, and members of its boards or commissions.

e. Indemnification certificate. The indemnification certificate shall indemnify the Village and hold it harmless and waive rights of subrogation against all loss, cost, and expense, including, but not limited to, attorney's fees and other costs of defense, occasioned to the applicant at any time by reason of liability imposed by law upon the applicant for damages because of operations of the applicant conducted due to moving the building or structure pursuant to rights granted hereunder, but only as such liability arises in whole or in part by reason of any negligent act or omission of applicant or of any persons or organization for whose acts or omissions the applicant is legally responsible. In addition, the paid applicants or the insurer shall notify the Village in writing at least thirty (30) days prior to cancellation of any certificate of insurance afforded under this Section.

57.17 Demolition of Buildings.

A permit shall be obtained from the Building Inspector prior to the razing or demolition of any building or structure within the Village.

1. Barricade required. A snow fence or other approved barricade shall be provided around the site as soon as any portion of the building or structure is removed and shall remain during razing operations.

2. Service connections.

a. Before a building or structure may be demolished or removed, the owner or agent shall notify all utility companies providing service (i.e., water, gas, electrical) to disconnect all service connections and appurtenant equipment. A utility disconnection notification shall be submitted to the Building Inspector prior to demolition of any structure. Such notification shall bear the signature of an authorized person or agent of the utility.

b. The sanitary or storm sewer lateral shall be permanently capped by the owner or agent at the street right-of-way line or designated location as determined by the Building Inspector. The permanently capped laterals shall be inspected by the Building Inspector prior to backfilling.

3. Restoration of site. Whenever a building or structure is razed or demolished under the provisions of this Section, all debris and materials resulting from such demolition shall be removed from the premises, all basements and other excavations and depressions revealed or caused by such demolition shall be filled to the general grade of the premises and all surfacing on such premises shall be removed, unless intended to be used in connection with the proposed use of the premises. All appurtenant structures on the premises no longer useful for the intended use of the premises shall likewise be razed or demolished and the resulting debris removed from the premises. All resulting vacant areas shall be seeded or planted as required by the Building Inspector.

4. Asbestos abatement. No permit shall be issued for the demolition of razing of a building or structure without certification by a licensed asbestos inspector has been filed with the building inspector.

57.18 Residential Swimming Pools and Ponds. The term "swimming pool," when used in this Chapter, shall mean any permanent manmade depression in the ground, or a container of water either above or below the ground, in which water sixteen (16) inches or greater in depth is contained and which is used primarily for the purpose of swimming or wading. For the purposes of this section the term "permanent" shall mean a device which remains in place year-round and is not dismantled, stored, moved or removed on a seasonal basis. This definition does not include such temporary devices as children's wading pools, inflatable pools or similar devices, regardless of water depth. The term "pond," when used in this Chapter, shall mean any manmade depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, in which water sixteen (16) inches or greater in depth is contained and which is used primarily for the purpose of, but not limited to, landscaping, aesthetics and the support of aquatic life.

1. Permit required. No person shall construct, install, erect, inflate, set-up, enlarge, or alter any residential swimming pool or pond without first obtaining a permit from the Building Inspector.

2. Permit applications. Application for a residential swimming pool or pond permit shall be made by the occupant of the property on a form provided by the Building Inspector and shall be accompanied by plans drawn to scale, showing the following:

a. Proposed location of the pool or pond on the lot or parcel, distance to lot lines and distance to existing structures on the property.

b. Pool or pond dimensions and proposed water depth.

c. Existing overhead or underground wiring relative to the proposed location of the swimming pool or pond.

d. The plans must show compliance with s. 101.86(1)(a) Wis. Stats.

3. Permit fees. Permit fees for residential swimming pools and ponds shall be as specified in the permit fee schedule as adopted by the Village.

4. Setback requirements. Residential swimming pools and ponds shall be allowed in the rear yard setback area only. A swimming pool or pond shall be a minimum of ten (10) feet from any building or accessory structure that is located on the same lot. Setbacks to side yard and rear yard property lines shall be a minimum of seven (7) feet from the outermost edge of the pool structure or high-water mark of a pond. Swimming pools and ponds shall be located a minimum of ten (10) feet, as measured from the outermost edge of the pool structure or high-water mark of a pond from any overhead or underground electrical wire.

5. Fences required.

a. All residential in-ground pools not enclosed within a permanent building shall be completely enclosed by a fence of not less than sixty (60) inches in height, of sufficient strength to prevent access to the pool and so constructed as not to have voids, holes or openings larger than four (4) inches in any one (1) dimension. Gates or doors in fences shall be of a lockable self-closing design to prevent access or entry by small children into the pool area while the pool is not in use.

b. Where the wall height of an above-ground pool at any point of such pool wall is less than forty-eight (48) inches above the ground surface at such point of such pool wall, safeguard fencing and gates shall be required equivalent to those specified in Section 57.15 (5) (a) above. Where pool wall heights are greater than forty-eight (48) inches above ground, a locking self-closing gate or removable ladder shall be required for any access to such pool by ladder or by raised deck or platform so as to prevent access or entry by small children into the pool area while the pool is not in use.

6. Exemption. Stormwater and sediment ponds, required and constructed under the scope of Wis. Admin. Code Chs. NR 216 or NR 151 or as may be approved by the Plan Commission for multi-property neighborhood ponds, are exempt from the requirements of this Section.

57.19 Footing Drain Tiles.

Drain tiles, sumps, and sump pumps shall be required in conformance with Wis. Admin. Code SPS § 321.17, unless an analysis from a certified soil testing agency determines that the soil is of such type that would adequately provide drainage at the footing level.

57.20 Garage Provisions.

1. Unattached garages and accessory buildings. Unattached garages and accessory buildings shall be constructed on concrete slabs as provided in Section 57.03(1)(c). Accessory structures, under one hundred and twenty (120) square feet in area, do not require a concrete slab base, but shall be securely anchored to the ground.

2. Attached garages. Garages attached to a primary structure shall have footings and foundation walls to the established frost line. Garage floor drains shall be connected to the building sanitary sewer system.

57.21 Minimum Landscaped Area Required.

1. General Provisions. Landscaped area is to comprise at least ten percent (10%) of the total lot area in all districts in the Village.

2. Definitions. As used in this section:

- a. Landscaped area: The pervious area of the site that can support and is continually maintained in vegetation, including but not limited to, grasses, flowers, herbs, garden plants, native or introduced ground covers, shrubs, bushes, or trees. Landscaped area plus impervious area equal one hundred percent (100%) of the total lot area.
- b. Impervious area: Areas of the site used for pedestrian/vehicular traffic or buildings including but not limited to, roofs, concrete or asphalt covered areas, bare earth or graveled areas used for vehicular traffic, plastic-lined landscaped areas, natural or manmade rock-faced areas such as shoreline rip-rap or nonvegetative portions of rock gardens. Impervious area plus landscaped area equal one hundred percent (100%) of the total lot area.
- c. Total lot area: Landscaped area plus impervious area equal total lot area.

57.22 Damage to utilities/Digger's Hotline. No person shall excavate, drill into or remove any topsoil to a depth of more than 12 inches without first identifying the location of all underground utilities by use of the Digger's Hotline system. Any damage to underground utilities requiring emergency response shall be punishable by a forfeiture for each violation of one thousand dollars (\$1,000.00). In addition, any person violating any provision of this section may be liable to pay restitution to the village or public service agencies for:

1. The total cost incurred by the village and emergency services agencies in responding to an emergency caused by damaging a utility.
2. Any damage to village property resulting from the violation.

57.23-57.24 *Reserved.*

Article II Heating, Ventilating and Air Conditioning Regulations

57.25 Heating, Ventilating and Air Conditioning Code.

The standards for heating ventilation and air conditioning found in Wis. Admin Code Table 320.24- 6 are hereby adopted by reference and incorporated in this chapter as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this Section, and subject to enforcement and abatement procedures as set forth in this Chapter.

57.26 - 57.29 *Reserved.*

Article III Electrical Regulations

57.30 Electrical Code.

1. **Adoption of state codes.** The state administrative electrical code, volume 2, and the state administrative illumination code, Wis. Admin. Code Ch. SPS 316, are hereby adopted by reference and incorporated in this chapter as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this Section, and subject to enforcement and abatement procedures as set forth in this Chapter. In event of conflict between SPS 316 and this Chapter, the requirements of SPS 316 shall prevail.

2. Permits.

- a. Generally. In no case shall any electrical work be done unless an electrical permit has been issued. The Building Inspector shall issue permits for all electrical installations at

farms, public buildings, place of employment, campgrounds, manufactured home communities, public marinas, piers, docks, wharves, and recreational vehicle parks. Permits shall be issued to the master electrician in charge upon filing of proper application, which shall be made on forms furnished by the Building Inspector and shall describe the nature of work, as well as such other information as may be required for inspection. The Building Inspector may require the applicant to furnish plans, specifications, or calculations covering the work of the permit.

b. Exemptions. Electrical work performed by an industrial electrician in the plant or shop of his employer, where such electrical work does not involve a service change or work involved in a new or remodeled building requiring plan approval by the state Department of Safety and Professional Services (Wis. Admin. Code SPS § 316.002(2)), is exempt from the electrical permit requirement of this subsection.

c. Permit suspension, revocation, or denial. The Building Inspector may suspend, revoke, or deny any electrical permit subject to the appeal procedure as described under Subsection (16)(c) of this Section.

d. Seasonal and temporary work.

1. Required. Permits and inspections shall be required for seasonal and temporary work.

2. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

Seasonal work means work performed for the utilization of electrical current during public events such as Village functions, carnivals, church picnics, and other events where the event is open to the public.

Temporary work means electrical wiring and devices installed for a specific amount of time and then removed. The term "temporary work" includes temporary services.

57.31. Concealment of electrical installation. Upon the completion of the wiring of any building, or before any wiring is to be hidden from view, the person doing the same shall notify the Building Inspector, and he shall inspect within forty-eight (48) hours of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with this Section and does not constitute a hazard to life or property, he shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is not strictly in accordance with this Section, he shall issue orders to the person installing the same to remove all hazards and make the necessary changes or additions within ten (10) days. Concealment of electrical work before inspection or failure to comply with the orders of the electrical inspector shall constitute a violation of this electrical code. Provided that the Building Inspector has been given proper notice and fails to inspect the installation within 48 hours, this section does not apply.

57.32 Construction requirements. All new wiring and electrical equipment and apparatus installed to conduct electricity or facilitate the operation thereof in new or existing buildings shall be installed and connected in strict conformity with the provisions Chapter SPS 316 Wisconsin Administrative Code.

57.33. Liability of owner of electrical wiring and equipment. This Section shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling, installing, or repairing any electrical equipment for damages to anyone injured or any property destroyed by a defect therein. The Village and its elected or appointed officials shall not be held as assuming any liability by reason of this electrical code, the inspection authorized in this Section or certificate issued.

57.34 Reserved.

Article IV Plumbing Regulations

57.35 Adoption of state codes. The state administrative plumbing code, Wisconsin Administration Code Chs. SPS 325 and 380-387, are hereby adopted by reference and incorporated in this chapter as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this Section, and subject to enforcement and abatement procedures as set forth in this Chapter, Department of Natural Resources, Wisconsin Administration Code NR Ch. 809, and Department of Health Services, and such additional rules and regulations as may be adopted by any of these or other state departments regulating plumbing private sewage disposal, drainage, drain laying and well drilling, are hereby adopted and shall govern all plumbing, private sewage disposal, drainage, and drain laying in the Village of Lake Delton unless otherwise specifically provided in this Chapter.

57.36 Sewer Classifications and Definitions.

The sewerage system of the Village of Lake Delton shall be divided into two classes of sewers, namely, sanitary sewers and storm sewers.

1. Sanitary sewers are those designed and used for disposing of all waste products discharged from plumbing fixtures located in buildings and structures along the line of such sewer. The term plumbing fixtures as herein used shall not include down spouts or any other fixtures discharging rainwater. The system of sanitary sewers shall, for the purposes of this code, be considered as consisting of the following separate parts:

- a. A sewer main is the principal artery extending along a public street, alley or other public way into which the house sewer or drain may feed.
- b. A house sewer or drain is that part of the sewer leading from the property to be served to the sewer main.

2. Storm sewers are those designed or used for disposing of rainwater, snow, ice, slush and other material coming from the surface of the streets and surrounding area as the result of storms.

57.37 Use of public sewer and water required

1. No person shall place, deposit or permit to be deposited upon public or private property within the Village, or in any area under the Village's jurisdiction, any human or animal excrement (other than the normal type of fertilizer) or garbage or other objectionable waste.

2. No person shall discharge or cause to be discharged to any natural outlet within the Village, or in any area under the Village's jurisdiction, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with a Village board order, or in accordance with the Village Plumbing and Draining Code.

3. The owners of all houses, buildings or properties used for human habitation, occupancy, employment, recreation, business or any other purpose situated within the Village and abutting on any streets, alley or right-of-way on which a public sewer is located, or in which an extension of the public sewer may be deemed feasible by the Village board are hereby required, at their expense, to install suitable toilet facilities directly with the proper public sewer within sixty (60) days after date of official notice to do so.

4. The owners of all commercial buildings and operations situated within the Village and abutting on any streets, alley or right-of-way on which a public water main is located, or in which an extension of the public water main may be deemed feasible by the Village board are hereby required, at their expense, to connect directly with the proper public water main by June 1, 1995. The owners of all residential houses, buildings or properties used for human habitation, occupancy, employment, recreation, business or any other purpose situated within the Village and abutting on any streets, alley or right-of-way on which a public water main is located, or in which an extension of the public water main may be deemed feasible by the Village board are hereby required, at their expense, to connect directly with the proper public water main by September 1, 1995. Failure to comply with the provisions of this paragraph will result in the imposition of a fine of ten dollars (\$10.00) per day for each day of violation. In addition to the fine, the Village Water Utility shall impose a charge upon each property failing to comply with the provisions of this Article III in an amount equal to the charges for the estimated water usage had the property been connected to the municipal water system.

57.38 Sewer Connection Inspections.

Any person, firm or corporation, as owner, or any other person, firm or corporation or entity of any kind acting in behalf of any property owner or user, who intends to propose to connect onto the collecting sewer line of the Village's sanitary sewerage system, or the municipal water system, shall not take such connection until the plumbing inspector, who is designated by the Village for the purpose of inspecting the sewer connections and private water laterals, shall inspect the proposed installation, and who shall inspect such connection and installation after the same shall have been made to ensure compliance with this code's requirements. In the event the plumbing inspector or the Village Board should discover any violation, and should the Village Board deem the penalty by civil forfeiture as provided in its code for violation of any provision thereof is insufficient, unfeasible or impractical, the plumbing inspector shall make written demand upon the occupant of the property and upon the owner, if known, and give them fifteen (15) days' notice, by certified mail, within which to excavate and allow the plumbing inspector to make such inspection, and in the event such excavation is not done within the required period, and in the event the Village Board should require, in order to meet the proper standards, the same should be done over and reconstructed, the Village Board may direct the same be done, and bill the occupant or the owner of the property for such payment; and should the same be not paid within thirty (30) days after billing, the same shall be added to the real estate tax roll of the owner of the property and constitute a lien thereon as provided by law.

57.39 Damages and Obstructions Prohibited.

1. No person having any sewer or drain connected with any portion of the Village's public sewerage system shall deposit or suffer to be deposited in such sewer or drain, any garbage, unless treated or processed so as not to cause any obstruction, grease, rags, paper or other substance liable to obstruct such public sewer or to create a nuisance.

2. No person shall destroy or damage any culvert, drain or sewer located in any street, public way or elsewhere, or obstruct the drainage or flow of water through the same.

57.395 Grease Interceptors.

1. External and Internal grease interceptors shall be required for all nonresidential uses involved in the preparation, processing or serving of food or food products. All grease interceptors shall conform to the requirements of Wisconsin Wis. Administrative Code SPS § 382.34(5).

2. **Mandatory servicing.** Each grease interceptor shall be inspected and serviced by a licensed plumber at least once every year. An inspection report signed by the licensed plumber shall be filed with the Zoning Department within ten (10) days of the inspection.

3. **Reporting requirements.** Each property owner required to have a grease interceptor system installed, shall file a description of the grease interceptor system, including the name of the manufacturer, the dimensions and the location thereof, with the Zoning Department. All grease interceptors shall be maintained and kept in continuing, efficient operation at all times. On or before March 31 of each year every owner, manager, lessee or operator of a property with a grease interceptor shall file a maintenance report detailing all maintenance and service performed on the grease interceptor during the previous year.

4. **Penalty for failing to file reports.** Any user delinquent in filing a maintenance report shall be notified of the delinquency and the penalty for failure to report. Any user who has not submitted the required annual maintenance report by March 1 shall be assessed a penalty of \$100.00 per day, with each day constituting a separate violation. The penalty shall be assessed from March 1 until the maintenance report has been received by the Zoning Department.

57.40 Down Spouts.

No person shall connect the down spouts of any building with any sanitary sewer.

57.41 Steam Engine Etc. Exhaust Prohibited.

All exhausts from steam engines and all blow offs from steam boilers shall be first connected with a proper catch basin, and in no case shall they be allowed to connect directly with any public sewer.

57.42 Encasing Sewer Lines.

In all cases where buildings are to be built over existing sewer lines, such sewers shall be encased with six (6) inches of concrete on three sides of the same, before such building may be built over the sewer. In the event an existing sewer line is dug up and encased in concrete before a building is to be built over the same, the existing sewer line shall be encased on all sides, and no part of any excavation below the sewer pipe shall be filled with sand or other material without the concrete encasement to eliminate the possibility of settlement. The provisions of this Article III shall apply to the area under any overhang of any part of the building, its roof, or extensions to the area, underneath any sidewalk, patio or other structure underneath which the sewer line exists.

57.43 Reserved.

57.44 Village plumbing inspector. The village board shall appoint a plumbing inspector who, under the village board's direction, shall have control of the supervision and inspection of

plumbing, drainage and drain laying, and shall enforce all laws, ordinances and rules in relation thereto.

57.45 Village plumbing inspector powers and duties

It shall be the duty of the plumbing inspector to see that the construction, reconstruction and alteration of all plumbing drainage and plumbing ventilation hereafter installed in any building in the Village of Lake Delton shall conform to the laws and ordinances of said village and to the rules and regulations to such plumbing, drainage and ventilation promulgated by the Wisconsin State Board of Health, and to make all inspections required by such ordinances, laws, rules and regulations, and in the manner required. The inspector shall be paid compensation for his services in a sum the village board shall fix. Such compensation shall be paid by an order drawn on the village treasury and subscribed by the president and village clerk.

57.46 Plumbing permits, application procedure, records

1. The village clerk shall prepare suitable forms for applications and for permits, and the village clerk shall keep in his or her office a proper daily record of all transactions, which record will be a public record and the property of the village. The plumbing inspector shall file with the village board a monthly report of all applications, permits and inspections during the preceding month.
2. The plumbing inspector shall keep a record of the exact location of all wells, septic tanks, privy vaults, dry wells, filter beds and drains.

57.47 Plumbing permit and inspection fees

1. Payment of fees. No plumbing or drain laying shall be done in the Village of Lake Delton, except in the case of repairing a leak or stoppage, without a permit having been issued therefore by the plumbing inspector and the paying of the proper fee as hereinafter provided.
2. Application. The applicant for a plumbing or drain laying permit shall file with the village clerk plans and specifications showing in detail the work to be done. Upon the village board's approval of the application, the village clerk shall issue to the applicant a statement of the fees to be paid upon the issuance of the permit applied for. This statement shall be filed with, and the fees indicated thereon paid to, the village clerk who shall issue a receipt therefore. Upon exhibition of this receipt to him, the plumbing inspector shall issue a permit for the work set forth in the application.
3. Schedule of fees. The fees to be paid for the permits provided for in the last preceding subsection shall be as set by the village board by resolution.

57.48 Plumbing inspector's authority to enter premises

1. The plumbing inspector shall have the power and authority at all reasonable times for any proper purpose to enter upon any private or public premises and make inspection thereof, and to require any person or persons doing plumbing work to produce the license and permit therefor.
2. Except in the case of an emergency, all inspections shall be with the permission of the owner or tenant, or in case inspection is refused, pursuant to a Special Inspection warrant as provided under Wis. Stat. § 66.0119.
3. Any person who shall resist or obstruct any lawful exercise of authority by said plumbing inspector shall be subject to the penalties provided in this chapter.

57.49 Notice of plumbing and well drilling inspection

Whenever any work is ready for inspection, the plumbing inspector shall be notified by the plumber, drainlayer or well driller in charge of persons receiving permit, specifying the plan or permit number under which work is being done. Unless otherwise especially permitted by the inspector, all plumbing shall be left uncovered for examination until examined and approved by the inspector. The inspector shall then notify the plumber in charge or the owner of the property at what time the inspection shall be made and shall proceed at that time to make the inspection. The plumber in charge or the owner shall make such arrangements as will enable the inspector to reach all parts of the building readily, and shall have present the proper apparatus and appliances for making the tests, and shall furnish all materials and shall perform all labor in making such tests as required by the plumbing inspector.

57.50 License to install plumbing

1. No person shall engage in or work at the business of a master or journeyman plumber in the Village of Lake Delton unless licensed by the state of Wisconsin, Department of Health and Social Services, pursuant to Wis. Stat. Ch145. A master may also work as a journeyman. No person shall act as a plumber's apprentice in the Village of Lake Delton unless indentured in accordance with Wis. Stat. Ch. 106 and registered as provided for in Wis. Stat. Ch. 145. No person shall engage in well drilling unless registered with the Department of Health and Social Services pursuant to Chapter 160 of the Statutes.

2. No person, firm or corporation shall install plumbing, private sewage disposal systems, private water supply systems and drainage works unless at all times a licensed journeyman plumber is in charge, who shall be responsible for the installations in accordance with the provisions of this chapter.

3. No master plumber, journeyman plumber, indentured apprentice plumber and registered well driller shall perform work in the Village of Lake Delton until he files his name, address, license or registration number with village clerk. Any such registration may be revoked by the village board for violation on the part of the registered person of any of the provisions of this chapter or for failure to comply with the orders of the village plumbing inspector or health officer. Each such registration, unless sooner revoked, shall expire on December 31 next after issuance thereof and shall be renewed annually thereafter.

57.51 *Reserved.*

57.52 License not required by homeowner

1. Nothing contained in this chapter shall ever be held to prohibit, or limit, the performance of any work, without a plumber's license, done by a property owner in person, in a building owned by him and occupied by him as his home, anything anywhere in this chapter apparently to the contrary notwithstanding.

2. Any property owner wishing to do his own plumbing on premises that he owns and occupies as his home shall secure a permit and pay such inspection fees as required by this chapter. Work shall be subject to state code.

57.53 Unsanitary installations

Whenever it shall be reported to the village plumbing inspector that due to defective plumbing an unsanitary condition exists and that such condition is a menace to health, he shall use the authority given him under state laws to effect a remedy.

57.54 – 57.55 *Reserved.*

57.56 Discharging sewage into lakes or rivers

It shall be unlawful for the owner or occupant of any of any real estate to discharge domestic sewage or industrial waste into the water of Lake Delton, Bass Lake, Mirror Lake or any stream, creek or ravine within the village limits.

57.57 Discharging sewage and drains

No person shall permit any drain or sewer from a dwelling or other building owned or occupied by him to discharge into any open sewer or gutter, upon the private property of others, or upon any public street or highway.

57.58 Owners of private water systems must flush fire hydrants

Owners of private water systems with fire hydrants shall maintain each fire hydrant pursuant to rules adopted by the Water Department. Each hydrant shall be flushed twice annually in conjunction with the hydrant flushing conducted by the Water Department. The Water Department shall send written notification to each owner of private fire hydrants of the department rules for flushing fire hydrants, dates of the flushing and a form to be filed by the owner notifying the Water Department of the date and time of the flushing. After flushing the private fire hydrant, the owner shall file a certification of flushing with the Water Department on a form provided by the Water Department.

57.79 *Reserved.*

Article IV Fences

57.60. Adoption of State Codes. The provisions of Chapter 90 of the Wisconsin Statutes., regulating Fences, and as amended are hereby adopted and incorporated herein. In the event of a conflict between the provisions of this Article V and the statute, the more restrictive provisions shall control.

57.61 General Provisions.

Fences are permitted to the lot line with no set back provided. Before it is constructed, installed, or any part of same put in place, an application with plans and specifications attached shall have been filed with the Building Inspector. The Building Inspector shall have approved such plans and shall have granted a permit. Minimum criteria for such fences shall be:

1. The height of any fence located in the front yard shall not exceed four (4') feet and all other fences shall not exceed six (6) feet above the ground in all districts.
2. The fence height regulations established shall not prevent an increase of two (2) inches or less to allow for clearance between the fencing material and the ground below to prevent decay or corrosion.
3. No barbed wire or single strand fence shall be allowed in the Village of Lake Delton except in Agriculture zoning district.

57.62 Vision Triangle.

All fences must comply with the vision triangle required in §§ 66.13 and 42.13(c) of the Village Municipal Code.

57.63 Joint Fences Between Property Owners.

Nothing in this Chapter shall prevent adjoining property owners from entering into a written agreement for the mutual construction and maintenance of a fence that may be placed on or on either side of the exact property line. In such cases a copy of the agreement shall be attached to the application for permit. The permit may be issued jointly to the property owners involved.

57.64-57.69 Reserved.

Article V Violations and Penalties

57.70. Prosecution.

1. Building Inspector. The Building Inspector shall take necessary action to see to it that violations of this Chapter are prosecuted in the Sauk County Circuit Court. However, nothing in this Chapter shall preclude the Building Inspector from commencing actions directly under Wis. Stat. § 66.0413, under local ordinances relating to the abatement of nuisances or under Wis. Stat. §§ 823.02 or 823.22. In any court action or legal proceeding, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Building Inspector.

2. Notice of violation and order. As a complete alternative to the direct commencement of a court action, the Building Inspector may serve a notice of violation and order on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this Chapter, or in violation of a permit or certificate issued under the provisions of this Chapter. The Building Inspector may also suspend or revoke any permit for any building or structure on any property on which such noncompliance is discovered in accordance with Section 57.08(7). If a notice of violation and order is not complied with promptly, the Building Inspector shall see to the enforcement thereof under Subsection (1) of this Section. Where circumstances warrant, the Building Inspector may grant reasonable extensions of time for the completion of any remedial action required.

a. The notice and order provided for in this Subsection shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Specify the violation and the remedial action required.
4. Allow a reasonable time for the performance of any action required.
5. Include a copy of the appeal procedure.

b. Notice of violation and order. Where the owner of record cannot be found, notice of violation shall be deemed to have been delivered by leaving a copy of the notice of violation at the individual's usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, by posting a copy of the notice of violation in a conspicuous place in or about the structure affected by the notice or by causing such notice to be published in a newspaper of general circulation in the area as a class 2 notice.

3. Appeals. Any person aggrieved by an order entered by the Building Inspector under Subsection (2) of this Section shall have the right to appeal the order under the provisions of Section 57.30(16) (c).

4. Assistance from other officials. The Building Inspector, in the performance of his duties, shall receive the assistance of the Chiefs of the Police Department and Fire Department and of all other appropriate Village officials, including the Village attorney, in prosecuting violations of this Chapter.

57.71 Penalties.

1. The forfeiture schedule for violations of this chapter is as follows: is

Schedule of Forfeitures

Violation	Section Number	Penalty
Work without a permit	57.06	\$500 plus double permit fees
Illegal connections	57.09	\$1000 plus costs of enforcement including reasonable attorney fees.
Violation of Stop Work Order (Red Tag)	57.11(4)	\$1000 plus costs of enforcement including reasonable attorney fees.
Plumbing without a license		\$500
Illegal tent	57.12	\$100 plus double permit fees
Occupancy Permit	57.14	\$500
Residential Swimming Pools	57.18	\$100 plus double fees
Digger's Hotline	57.22	\$1,000 plus emergency response cost and cost of remedial action
Concealment electrical installation.	57.31	\$500
Obstruction of public main	57.39	\$500 plus costs of remedial action
Grease Interceptor violation	57.395	\$500 plus costs of remedial action
Discharge into land	57.56	\$500 plus costs of remedial action
Discharge into Waters	57.57	\$500 plus costs of remedial action
Failure to flush private hydrant	57.58	\$500

All other violations not specifically identified		\$100 plus double permit fees

2. Any person who violates any provision of this Chapter, upon conviction thereof, shall forfeit not less than the minimum forfeiture as set forth in s. 57.71 (1). Each and every day during which such violation occurs shall be deemed a separate offense.

57.72-57.73 Reserved.

57.74 Digger’s Hotline. A violation of s.182.0175 Wis. Stats. may be prosecuted upon citations issued by the Zoning Department. The violation of any provision of s.182.0175 Wis. Stats shall be punishable by a forfeiture for each violation of one thousand dollars (\$1,000.00). In addition, any person violating any provision of this section may be liable to pay restitution to the village or public service agencies for:

1. The total cost incurred by the village and emergency services agencies in responding to an emergency arising as a result of the violation.
2. Any damage to village property resulting from the violation. Nothing herein shall limit the village from seeking common law damage claims arising from the violation of this section.

57.75-57.79 Reserved.

57.80 Severability. The various provisions of this Ordinance are deemed severable and it is expressly declared that the Village Board would have passed other provisions hereof irrespective of whether or not one or more provisions may be declared invalid. If any provision or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and application of such provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.