

CHAPTER 5: BUILDING CODE

5.01 PURPOSE AND DEFINITIONS.

(1) PURPOSE. It is hereby determined that the public safety, health, welfare, and morals will be protected, promoted, and conserved by the adoption of a building code for the Village of Chenequa.

(2) DEFINITIONS.

(a) The term “recreational facilities” shall include anything which (i) exceeds one hundred (100) square feet, (ii) is constructed or erected and requires permanent location on or in the ground, and (iii) is primarily used for recreational purposes, including, without limitation, swimming pools and tennis courts.

(b) The term “structure” as used in this chapter shall include (i) any new or existing structure, (ii) fences, pillars, and gated entrances requiring a permit under Section 5.19 of this code, (iii) driveways, (iv) recreational facilities and (v) anything permanently placed on or in the ground for any use whatsoever.

(c) The term “building” as used herein shall describe a structure with a roof.

5.02 BUILDING INSPECTOR.

(1) AUTHORITY. There is hereby created the position of Building Inspector of the Village of Chenequa. The Building Inspector shall be appointed by the Village President and the appointment confirmed by the Village Board. The Building Inspector shall have the authority and duty to administer the building code of the Village of Chenequa. The Village Board may appoint one (1) or more deputy building inspectors and provide for specific powers and duties. The Building Inspector shall have the right at all reasonable times to enter structures and lots in carrying out the administration of the building code. No person shall interfere with the Building Inspector or any deputy building inspector while in the performance of the duties of the position of Building Inspector or deputy building inspector.

(2) ELECTRICAL, PLUMBING, AND HEAT VENTILATION AND AIR CONDITIONING INSPECTORS. The offices of electrical, plumbing, and heat ventilation and air conditioning inspector of the Village of Chenequa are hereby created. Said offices may be held by the Building Inspector.

5.03 BUILDING PERMITS AND LAND DISTURBANCE PERMITS (adopted 10/09/06)

(1) PERMIT REQUIRED.

(a) General. Except as provided in Section 5.03 (1)(b), no structure or any part thereof may hereafter be erected, constructed, enlarged, altered, repaired, remodeled, moved, or demolished within the Village of

Chenequa, nor shall any ground be broken for the same, until a building permit therefore shall first have been obtained by the owner, or the owner's authorized agent.

- (b) Exception. No permit shall be required under Section 5.03(1) (a) if the estimated cost of construction or repair is less than \$2,000.00
- (c) Grading Permit. A grading permit shall be required regardless of whether or not a structure is affected when there is land disturbance if there is a grade change of 12 inches or greater; or if excavation, grading, filling, or other land altering or earthmoving activities are reasonably likely to cause a clear danger or possibility of erosion.

(2) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Village Clerk-Treasurer and shall state the name and address of the owner of the land, the legal description of the land upon which the structure is to be located, and shall contain such other information as the Building Inspector and Zoning Administrator may require. Each application shall be accompanied by plans and fees and deposits as described in Sections (3) and (4) following. Any application which does not contain necessary information shall be deemed incomplete and shall be returned to the applicant.

(3) PLANS

(a) PRELIMINARY PLANS.

(i) With the filing of the application the applicant shall provide:

- a. Three (3) sets of preliminary plans which should identify the conceptual design for the structure and include a depiction of all exterior evaluations;
- b. An estimate as to the total area of the structure;
- c. A description of the materials to be used for the structure;
- d. The surface area of the exterior walls;
- e. A survey identifying the location of the structure on the lot and all existing structures, landscape plan, driveway location, exterior product and color samples; and
- f. An as viewed from the lake drawing if a lake property and all trees that will be in the building site or affected by the proposal.

(ii) The preliminary plans may not be less than 1/8' scale and shall be reviewed by the Building Inspector and the Zoning Administrator who shall determine whether the preliminary plans satisfy the requirements of the Village Code. Additionally, the Zoning Administrator shall determine whether the materials to be used for the structure are substantially

similar to the materials of the existing structures on the property and whether the appearance of the proposed structure is substantially similar to, or consistent with, existing structures on the property.

(iii) If the Building Inspector and Zoning Administrator determine that the preliminary plans meet with the requirements of the Village Code, the materials for the proposed structure are substantially similar to the materials of the existing structures on the property, and the appearance of the proposed structure is substantially similar to, or consistent with, existing structures on the property, the preliminary plans shall be submitted to the Plan Commission for review and comment pursuant to the standards set forth in Section 5.03(6).

(iv) In the event the proposed structure is an accessory structure, is the sole proposed structure on the lot, and there are no existing structures on the property, the Building Inspector and Zoning Administrator shall consider whether the appearance of the materials being used for the proposed structure are substantially similar in appearance to, or consistent with, the appearance and materials of neighboring properties, so that the proposed structures is aesthetically in keeping with neighboring properties.

(v) The purpose of the Preliminary Plans is for the Plan Commission and the public to review and comment on the application prior to the applicant's submission of Final Plans. However, nothing in the Preliminary Plan review shall be considered binding with respect to the applicant of the Plan Commission.

(vi) An applicant, at applicant's own discretion, may submit Final Plans (as defined below) at the same time the applicant submits the Preliminary Plans, but the Plan Commission shall be under no obligation to act on the Final Plans at the meeting where the Preliminary Plans are presented for review and comment.

(b) FINAL PLANS.

(i) After preliminary plans are submitted and reviewed by the Plan Commission, Final Plans shall be submitted which shall include:

- a. Three (3) complete sets of plans and specifications;
- b. A landscaping plan; and
- c. A current certified survey of the property, including a plot plan showing the location of the proposed and existing structures with respect to adjoining roadways, lot lines, and structures, and exterior elevations of proposed structures.

One (1) set of the plans and specifications shall be returned after approval as hereinafter provided; the other sets shall remain on file in the office of the Clerk-Treasurer of the Village of Chenequa. All plans and specifications shall be signed by the maker. Plans for structures required to comply with the State Building Code shall bear a stamp of approval from the applicable authority.

(ii) All plans shall be drawn to a scale of not less than one-eighth (1/8) inch per foot on paper and all distances shall be accurately figured.

(iii) Where applicable, all plans shall demonstrate the exterior architectural appeal and functional plan of any proposed structure and its location will not be so at variance with, nor dissimilar to, the exterior architectural appeal and functional plan and location of the structures already constructed or in the course of construction in the immediate neighborhood as to cause a substantial depreciation in the property values of the neighborhood.

(iv) With respect to sites containing frontage on any lake, the plans shall demonstrate, considering a view of the site from the lake (with the proposed structure including the height, and exterior elevations visible from the lake), and the proposed landscaping, taken as a whole, that such structure will (a) be architecturally and aesthetically in keeping with the neighboring properties on the lake, and (b) will not result in a substantial depreciation of values of other property with frontage on the lake.

(4) FEES AND DEPOSITS.

(a) Building Permit Fee. The fee for a building permit shall be established from time to time by resolution of the Village Board. Such fee shall be paid to the Village Clerk-Treasurer and shall accompany the application for a building permit.

(b) Construction Deposit. The construction deposit shall be established from time to time by resolution of the Village Board. Such construction deposit shall be paid to the Village Clerk-Treasurer and shall accompany the application for a building permit.

(5) REVIEW OF APPLICATION BY BUILDING INSPECTOR. After the completion of the review and comment of the Preliminary Plans pursuant to Section 5.03(3)(a) above and upon the filing of a complete application and the payment of all fees and deposits, the Building Inspector shall review the application and determine whether the proposed structure does comply in every respect with the Village of Chenequa building code. If the Building Inspector determines the proposed structure will so comply, the application shall be referred to the Plan Commission and Village Board pursuant to Section 5.03(6) unless the Building Inspector determines that the application describes only interior remodeling and/or minor exterior remodeling, in which event no review by the Plan Commission or Village Board shall be necessary. After being approved by the Building Inspector, the plans and specifications shall not be altered in any respect which involves the Village building code, except with the written consent of the Building Inspector. If the Building Inspector determines the proposed structure will not comply, the Building Inspector shall provide written notice of such determination with a return of the building permit application to the applicant.

(6) PLAN COMMISSION RECOMMENDATION AND VILLAGE BOARD REVIEW.

(a) Procedure. Meetings of the Plan Commission shall be held at the call of the Chair or the Clerk-Treasurer upon referral of an application for a structure permit from the Building Inspector pursuant to Section 5.03(5). If deemed necessary, the Plan Commission shall make a view of the site for the proposed structure. The Plan Commission shall hold a hearing to hear the applicant, the owner of the lot on which it is proposed to erect the structure, and any other person with relevant information, desiring to be heard. The Plan Commission shall provide such notice of the hearing as it deems sufficient. Such hearing may be adjourned from time to time.

(b) Standard. The Plan Commission shall make a recommendation to the Village Board as to whether the exterior architectural appeal and functional plan of the proposed structure and its location will, when erected, not be so at variance with, nor so similar to, the exterior architectural appeal and functional plan and location of the structures already constructed or in the course of construction in the immediate neighborhood as to cause a substantial depreciation in the property values of said neighborhood. In addition, with respect to sites containing frontage on any lake, the Plan Commission shall make a recommendation to the Village Board as to whether, considering a view of the site from the lake (with the proposed structure, including the height, and exterior elevations visible from the lake, and the proposed landscaping, taken as a whole), such structure will (i) be architecturally and aesthetically in keeping with the neighboring properties on the lake, and (ii) will not result in a substantial depreciation of values of other property with frontage on the lake.

(c) Recommendation. The recommendation of the Plan Commission shall be in writing or maintained in the minutes of the meeting.

(d) Village Board Review. Upon receiving a recommendation from the Plan Commission pursuant to Section 5.03(6) with respect to an applicant who has submitted Final Plans and requests that the Village Board consider the application, the Village Board shall make a final determination as to whether or not to approve the application for the building permit. The Village Board shall apply the standards as set forth in Section 5.03(6)(b) in making its determination. The Village Board shall consider the application within [40] days of receiving the Plan Commission's recommendation. The applicant and any interested party shall be allowed to comment on the application.

(e) Findings. The determination of the Village Board shall be in writing and shall be filed in the office of the Village Clerk-Treasurer, who shall send a copy of it to the Building Inspector. If the Village Board makes an affirmative finding that the standard described in Section 5.03(6)(b) is met, the application shall be submitted to the Zoning Administrator for issuance of a permit. If the Village Board does not make such an affirmative finding, the building permit shall not be approved.

(7) **BUILDING PERMIT ISSUE.** A building permit shall be issued by the Village of Chenequa upon approval by the Building Inspector and Village Board as provided herein and upon the filing of a zoning certificate issued by the Zoning Administrator for the Village of Chenequa with the Building Inspector. All building permits shall be publicly displayed at the site of the proposed structure during the period of building.

(8) PERMIT EXTENSION AND LAPSE.

(a) Lapse. A building permit shall lapse and be void, unless construction is commenced within six (6) months from the date of issuance thereof, and is completed within two (2) years of said date, except as provided in subparagraph (b) following.

(b) Extension. A building permit may be extended by the plan commission upon such terms it deems reasonable and appropriate after consideration of an application by the permit holder describing the efforts made to comply with the terms of the original permit and the reasons necessary for an extension.

(9) APPEAL.

(a) Procedure. Any person aggrieved by a decision of the Building Inspector, Plan Commission, or Zoning Administrator of the Village may appeal to the Board of Appeals of the Village of Chenequa. Such appeal shall be commenced by filing a written notice of appeal with the Clerk-Treasurer of the Village, which notice shall specify the grounds for the appeal, and which shall be filed within twenty (20) days of the date of the order or ruling appealed from. The appeal shall be heard by the Board of Appeals in accordance with the provisions of Section 1.04 of this code as amended.

(b) Presumption. The appellant shall have the burden of proof on any appeal. The decision of the Building Inspector, Plan Commission, or Zoning Administrator appealed from is presumed to be correct and supported by sufficient facts.

(c) Decision. The Board of Appeals may affirm or reverse, wholly or partly, or may modify said order or ruling as may be just and proper in the premises.

(10) RECORDS.

(a) Building Permits. The Village Clerk-Treasurer shall keep a record of all applications for building permits in a book for such purpose, regularly number such permits in order of their issue, and maintain a record of all fees collected.

(b) Inspections, Construction. The Building Inspector shall keep a record of all inspections made, and of all removals and condemnations of structures. He shall keep a record showing the number, description, and size of all structures erected during his term of office, indicating the kind of materials used and the cost of each structure, and the aggregate cost of all structures of the various classes. He shall keep a record of all permits, fees, and inspections, and shall make an annual report thereon to the Village Board.

(c) Occupancy. A record of all certificates of occupancy and compliance shall be kept on file in the office of the Building Inspector in the Village Hall and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the structure affected.

5.04 INSPECTION OF WORK AND ISSUANCE OF CERTIFICATE OF OCCUPANCY.

(1) **INSPECTION OF WORK.** The owner shall notify the Building Inspector when ready, and the Building Inspector shall inspect the footing forms before the concrete is laid and again upon completion of the foundation prior to back filling. Inspection is also required prior to pouring the basement floor, at completion of rough carpentry, plumbing, electrical, and heating, and after any insulation which will be concealed is installed. After completion, the Building Inspector shall make a final inspection of all new structures and alterations, and shall issue (a) a certificate that all new structures are located on the lot as approved by the Plan Commission; and/or (b) a certificate of occupancy, pursuant to paragraph 5.04(2).

(2) **CERTIFICATE OF OCCUPANCY.** No premises shall be occupied or used, and no structure now or hereafter erected or altered, shall be changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector. The certificate of occupancy shall state that the structure or proposed use of a structure or premises complies with the building code of the Village of Chenequa. Such certificate shall be issued within ten (10) days after the erection or alteration of such structure has been completed in conformity with the building code of the Village of Chenequa.

(3) CONSTRUCTION DEPOSIT PROCEDURE.

(a) **Refund.** The construction deposit shall be returned to the owner, subject to the adjustments set forth in Section 5.04(3)(b), upon the occurrence of any of the following: (i) after completion of the work to which the deposit refers and after issuance of a certificate of occupancy and compliance by the Building Inspector; (ii) rejection of the plans submitted as provided in Section 5.03(3); (iii) in the event of lapse of a building permit as provided in Section 5.03(8); or (iv) in the event of revocation of a building permit as provided in Section 5.05.

(b) **Adjustments.** Any refund of the construction deposit pursuant to Section 5.04(3)(a) shall be subject to any adjustments which may be made by reason of the owner's failure to pay inspection or reinspection fees (including building, electrical, and plumbing inspections and reinspections), or by reason of the owner's failure to pay any penalty which may be imposed for commencement of work prior to issuance of required permits.

5.05 ENFORCEMENT AND PENALTY.

(1) **REPORT OF VIOLATIONS.** It shall be the duty of all police officers to report at once any building work which is being carried on without a permit as required under this code.

(2) ENFORCEMENT.

(a) **Notice.** The Village Administrator, upon finding that any provision of this code or any plans and specifications of a project for which a building permit has been issued are

not being complied with, shall issue a written warning or instruction to the holder of a building permit requiring compliance and any specific terms of compliance.

(b) **Failure to Comply; Revocation.** If the holder of the permit fails or refuses to comply with the written warning or instruction within the time required, the Village Administrator shall revoke the building permit by written notice addressed to the permit holder and posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder unless the permit is reissued, excepting such work as the Village Administrator may order to be done as a condition precedent to the reissuance of the permit, or for the preservation of human life or safety.

(3) **PENALTY.** The provisions of Section 1.01(9) of the Village of Chenequa Village Code shall apply to all violations of this building code.

5.06 CONSTRUCTION STANDARDS. PORTIONS OF STATE CODE ADOPTED. Chapters COMM 20 through COMM 25, Wis. Adm. Code (Wisconsin one and two family dwelling code) are hereby adopted and made a part of this chapter.

5.07 AREA OF SINGLE FAMILY STRUCTURES. No building permit shall be issued for the construction or alteration of a single family structure in the Village of Chenequa unless the proposed single family structure complies with the living area requirements of Section 6.05(4)(d) of the Village of Chenequa Code.

5.08 CODES TO BE FILED. The Village Clerk-Treasurer shall procure and keep on file in his or her office and open for public inspection at least one copy of the Wisconsin state building code described in section 5.06.

5.09 NEW METHODS AND MATERIALS. All materials, methods of construction and devices designed for use in structures covered by this code and not specifically mentioned in or permitted by this building code shall not be so used until approved in writing by the Wisconsin Department of Commerce or other authorized state agency for use in structures covered by the Wisconsin state building code, except sanitary appliances, which shall be approved in accordance with the state plumbing code issued by the state board of health. Such materials, methods or construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Department of Commerce. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Department of Commerce.

5.10 UNSAFE AND BLIGHTED BUILDINGS AND PREMISES.

(a) Whenever the Building Inspector finds or is made aware of any premises or structure within the Village of Chenequa which in the Building Inspector's judgment is blighted, dilapidated, unsafe or so out of repair to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy or use, the Building Inspector, subject to the approval of the Village Zoning Administrator, shall order the property owner to raze, remove or repair such

structure or part thereof. If the structure can be made safe by repairs, the option of repairing or removing would be that of the property owner so long as repairs are to the satisfaction of the Village through the Building Inspector.

(b) The Building Inspector, subject to the approval of the Village Zoning Administrator, has the authority to order a property owner to remove any accumulation of junk, unsightly debris, junked vehicles, construction material, accumulation of rubble, excavated dirt piles, outdoor storage of equipment or materials that may detract from or devalue neighboring properties.

(c) The Building Inspector, subject to the approval of the Village Zoning Administrator, has the authority to ensure that the exteriors of all structures are maintained in appearance so as not to (i) depreciate property values within the Village or (ii) constitute a detriment to the health, safety or welfare of the residents of the Village of Chenequa.

(d) Any such orders of the Building Inspector, as approved by the Village Zoning Administrator, and proceedings resulting therefrom shall be in accordance with §66.0413 of the Wisconsin Statutes (2001-2002).

(e) Any person who fails to fully comply with an order of the Building Inspector, issued pursuant to §5.10(a), (b) or (c) herein, shall be subject to the penalties set forth in §1.01(9) of the Village Code including forfeiture for each day the violation or condition exists.

5.11 ELECTRICAL WORK.

(1) **PERMIT REQUIRED.** No electrical wiring, installation, alteration, or repair shall be commenced until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) **APPLICATION.** Application for an electrical permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the dwelling and shall contain such other information as the Building Inspector may require.

(3) **EXCEPTIONS.** No permits shall be required for:

(a) Minor repair work, such as repairing dropcords, flush and snap switches, replacing fuses or changing lamp sockets.

(b) The extension or alteration of an existing circuit. No circuit, together with extensions, shall exceed 1,500 watts, nor shall the circuit exceed 12 outlets.

(4) **STATE CODE APPLIES.** Chapter Comm 16 Wisconsin State Electrical Code and Chapter Comm 17 Electrical Inspection, and Certification of Electrical Inspectors and Master Electricians of the Wisconsin Administrative Code and all amendments and revisions

thereto are adopted and incorporated in this Code by reference. A copy of such codes shall be kept on file in the office of the Village Clerk-Treasurer.

(5) **INSPECTION OF WORK.** Upon completion of any electrical work, the Building Inspector shall be notified by the person doing the work, and the Building Inspector shall inspect the finished work. No person shall use or permit to be used any such wiring or equipment until it has been inspected and approved by the Building Inspector.

(6) **FEES.** The fees for electrical permits shall be established from time to time by resolution of the Village Board. Such fees shall be paid by the applicant to the Village Clerk-Treasurer, who shall pay them to the Building Inspector or Deputy Building Inspectors as compensation for their services.

5.12 PLUMBING WORK.

(1) **PERMIT REQUIRED.** No construction, reconstruction, installation, or alteration of plumbing, drainage, or plumbing ventilation shall be commenced until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) **APPLICATION.** Application for a plumbing permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the dwelling and shall contain such other information as the Building Inspector may require.

(3) **EXCEPTIONS.** No permits shall be required for:

(a) Repairs to, or replacements of, faucets, valves, pipes, appliances or other components of a domestic water supply or drainage system.

(b) Installation of, repairs to, or replacements of, exterior water supply pipes, sprinkling systems and drain tile systems not used as outlets for sanitary sewerage.

(c) Removal of stoppages in water or drainage pipes.

(4) **STATE CODE APPLIES.** The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wisconsin Administrative Code, Chapters COMM 81 through 86 (State Plumbing Code), together with all amendments and revisions thereto, which are hereby made by reference a part of this code, except that no part of a seepage pit or drainage field shall be located within five feet of any lot line, or within 25 feet of any dwelling or cistern, or within 100 feet of any water well, lake, stream or other water course unless the same at peak loads will not create any danger to health, will not pollute or contaminate such water course and will be free from odor, and except that no sewage tanks shall be located within two feet of any lot line, 10 feet of any cistern or 75 feet from any well or other source of water supply used for domestic purposes. A copy of such code shall be kept on file in the office of the Village Clerk-Treasurer.

(5) **LICENSED PLUMBER REQUIRED.** All plumbing work shall be done only by a master plumber licensed by the State of Wisconsin, except that a property owner may make repairs to, or installations in or upon, his own premises and structure thereon, provided that the work is done in compliance with the provisions of this section 5.12.

(6) **INSPECTION OF WORK.** Upon completion of the plumbing work for which a permit is required the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall inspect the finished work. No person shall use or permit to be used any such plumbing or drainage until it has been inspected and approved by the Building Inspector.

(7) **FEES.** The fees for plumbing permits shall be established from time to time by resolution of the Village Board. Such fees shall be paid by the applicant to the Village Clerk-Treasurer, who shall pay them to the Building Inspector or Deputy Building Inspectors as compensation for their services.

5.13 NON-LIABILITY. This Building Code shall not be construed as assuming any liability on the part of the Village of Chenequa for damages to anyone injured or for any property destroyed by any defect in any structure or equipment, or in any plumbing or electric wiring or equipment. Any inspection performed pursuant to this code by the Village is performed for the convenience of the Village only, in order to determine compliance with this code. Such inspection is not intended to be relied upon by the owner and the Village assumes no responsibility or liability with respect to any such inspection.

5.14 ENERGY CONSERVATION.

(1) **WHEN STATE ENERGY CONSERVATION CODE APPLIES.** Chapter COMM 22, Wisconsin Administrative Code, Energy Conservation, and all amendments thereto, is adopted and incorporated in this code by reference. Chapter COMM 22 shall apply to the initial construction of all one and two family dwellings in the Village of Chenequa, with respect to which a building permit is issued on December 1, 1978, or thereafter. Chapter COMM 22 shall also apply to additions to, or remodeling of, all one and two family dwellings if, with respect to the initial construction of such a dwelling, a building permit is issued on December 1, 1978, or thereafter. A copy of such Chapter COMM 22 shall be kept on file in the office of the Village Clerk-Treasurer.

(2) **WHEN STATE ENERGY CONSERVATION CODE DOES NOT APPLY.** Chapter COMM 22 shall not apply to additions to, or remodeling of, one and two family dwellings which were constructed before December 1, 1978, or, with respect to the initial construction of which, a building permit was issued before December 1, 1978.

(3) **INSPECTION OF WORK.** Upon completion of any work to which Chapter COMM 22 applies, the person for whom the work is being done shall notify the Village Clerk-Treasurer, and the dwelling will be inspected by a building inspector certified by the Department of Commerce. Such certified building inspectors, and their designated representatives, are hereby authorized and directed to administer and enforce all of the provisions of Chapter COMM 22.

(4) FEES. The fees for the above inspection of one and two family dwellings shall be established from time to time by resolution of the Village Board. Such fees shall be paid by the person for whom the work is being done to the Village Clerk-Treasurer.

(5) INTERPRETATION. With respect to any inconsistencies between provisions in, or requirements of Chapter COMM 22 and other provisions of the Building Code of the Village of Chenequa, the provisions and requirements of Chapter COMM 22 shall have precedence and shall govern.

5.15 DWELLING CODE PURSUANT TO SECTION 101.65, WISCONSIN STATUTES.

(1) WHEN WISCONSIN UNIFORM DWELLING CODE APPLIES.

(a) CHAPTER COMM 22. Chapter COMM 22, Wisconsin Administrative Code, Energy Conservation, and all amendments thereto, as adopted in section 5.14 of this code, and incorporated by reference therein, shall apply to the initial construction of all one and two family dwellings in the Village of Chenequa, with respect to which a building permit is issued on December 1, 1978, or thereafter. Chapter COMM 22 shall also apply to additions to, or remodeling of, all one and two family dwellings if, with respect to the initial construction of such dwelling, a building permit is issued on December 1, 1978, or thereafter.

(b) CHAPTERS COMM 20, 21, 23, 24, AND 25. Chapters COMM 20 (Administration and Enforcement), 21 (Construction Standards), 23 (Heating, Ventilating and Air Conditioning Standards), 24 (Electrical Standards), and 25 (Plumbing and Potable Water Standards), and all amendments thereto, are adopted and incorporated in this code by reference. Chapters COMM 20, 21, 23, 24, and 25 shall apply to the initial construction of all one and two family dwellings in the Village of Chenequa, with respect to which a building permit is issued on June 1, 1980, or thereafter. Chapters COMM 20, 21, 23, 24, and 25 shall also apply to additions to, or remodeling of, all one and two family dwellings constructed prior to January 1, 1980.

(2) WHEN WISCONSIN UNIFORM DWELLING CODE DOES NOT APPLY. CHAPTER COMM 22. Chapter COMM 22 shall not apply to additions to, or remodeling of, one and two family dwellings which were constructed before December 1, 1978, or, with respect to the initial construction of which, a building permit was issued before December 1, 1978.

(3) INSPECTION OF WORK. Upon completion of any work to which Chapters COMM 20, 21, 22, 23, 24 and 25 apply, the person for whom the work is being done shall notify the Village Clerk-Treasurer, and the dwelling will be inspected by a building inspector certified by the Department of Commerce. Such certified building inspectors, and their designated representatives, are hereby authorized and directed to administer and enforce all of the provisions of Chapters COMM 20, 21, 22, 23, 24, and 25.

(4) FEES. The fees for the above inspection of one and two family dwellings shall be established from time to time by resolution of the Village Board. Such fees shall be paid to the Village Clerk-Treasurer by the person for whom the work is being performed.

(5) INTERPRETATION. With respect to any inconsistencies between provisions in, or requirements of, Chapters COMM 20, 21, 22, 23, 24, and 25 and other provisions of the Building Code of the Village of Chenequa, the provisions and requirements of Chapters COMM 20, 21, 22, 23, 24, and 25 shall have precedence and shall govern.

(6) SEVERABILITY. If any section, clause, provision or portion of this Building Code or Wisconsin Administrative Code Chapters COMM 20, 21, 22, 23, 24, and 25 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be effected thereby.

5.16 EROSION CONTROL PLAN APPROVAL.

(1) APPROVAL REQUIRED. Unless specifically exempted by the provisions of this Code, no land owner or land user may undertake a land disturbing activity as defined in section 5.17 of this Code without receiving approval of an erosion control plan from the Building Inspector prior to commencing the proposed land disturbing activity.

(2) APPLICATION. Applications for approval of erosion control plans shall be made in writing upon a form furnished by the Village Clerk-Treasurer. Applications shall be made prior to or at the same time as the application for a building permit (if required) and shall be prepared in duplicate and include for the purpose of proper enforcement of this chapter the following data:

(a) A plan to control surface water drainage and storm water runoff.

(b) A plan to control erosion and runoff resulting from land disturbing activity during and after development. The erosion control plan shall contain a map with the existing site and adjacent lands, a plan of final site conditions after completion of land disturbing activity and a description and schedule of planned land disturbing activities and corrective measures, all of which shall contain specific information as set forth in a document entitled “contents of erosion control plans” which shall be prepared and from time to time updated by the Building Inspector. Copies may be obtained from the Village Clerk-Treasurer.

(c) SOIL CONSERVATION SERVICE APPROVAL. The Building Inspector may require approval of the erosion control plan by the Waukesha County Soil Conservation Service.

5.17 LAND DISTURBANCE.

(1) LAND DISTURBING ACTIVITIES SUBJECT TO EROSION CONTROL. Land disturbing activities are subject to the erosion control provisions of this Code when an area of 5,000 square feet or greater will be disturbed by removal of vegetation, excavation, grading, filling or other earth moving activities, resulting in a temporary or permanent absence of protective ground cover or vegetation. It is acknowledged that even though a land disturbing activity may come within the provisions of this definition, by reason of topography or other

factors there may be no danger of erosion. In such case the Building Inspector may waive the requirement for plan approval. The Building Inspector may enforce the erosion control provisions of this Code in the case of land disturbing activities involving an area of 5,000 square feet or less, if there is danger of erosion.

(2) GENERAL DESIGN PRINCIPLES. Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to soil erosion and sediment control.

(a) Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.

(b) No site shall be cleared of top soil, trees and other natural features before the commencement of building Operations. Whenever feasible, natural vegetation shall be retained and protected. Only those areas approved for the placement of physical improvements may be cleared. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.

(c) Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.

(d) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions, during and after development or disturbance. Such provisions shall be in addition to all existing requirements.

(e) Water runoff shall be minimized and retained on site whenever possible to facilitate ground water recharge.

(f) Sediment shall be retained on site.

(g) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.

(3) MAINTENANCE. All necessary soil erosion and sediment control measures installed under this Code shall be adequately maintained until such measures are permanently stabilized, as determined by the Building Inspector. The Building Inspector shall give the applicant upon request a certificate indicating the date on which the measures called for in the approved plans were completed.

(4) EXEMPTION. The use of land for gardening for home consumption is specifically exempt from this section.

5.18 PORTIONS OF STATE CODE ADOPTED.

Chapters COMM 50-64, 66 and 69 of the Wisconsin State Building and Heating, Ventilating and Air Conditioning Codes and all amendments and revisions thereto are adopted and incorporated in this Code by reference. A copy of such codes shall be kept on file in the office of the Village Clerk-Treasurer.

5.19 FENCES REGULATED.

Fences shall not be constructed in the Village except as hereinafter provided and shall be expressly required in connection with swimming pools as provided in Section 5.20 below.

(1) **PERMIT REQUIRED.** Except as provided in subsection (2) below, no person shall after the effective date of this section, erect, construct, alter or enlarge a fence without obtaining a permit. Every application for a fence shall be accompanied by a dimensional drawing showing location and construction. All permit applications shall be referred to the Plan Commission and shall be considered as to appearance, materials, design, location, height and harmony of the proposed fence with the principal structure and neighboring structures so as not to create an eyesore or adversely affect property values in the neighborhood.

(2) **EXCEPTIONS.** No permit shall be required for the construction of a fence not within a setback area which is (a) less than four feet in height or (b) surrounds a dog run or garden.

(3) **SETBACK AREAS.** All fences in setback areas from a lake are prohibited, except that a temporary fence to be used as a goose barrier and no higher than three (3) feet shall be allowed within the setback area from a lake from April 1 through November 30. All fences within the setback areas shall require a permit. (rev. 12/10/01)

(4) **HEIGHT RESTRICTION.** No fence shall be erected or constructed which exceeds a height of eight feet. All fences shall be located at least two (2) feet from the lot line. (rev.12/10/01)

(5) **NO BARBED WIRE OR CHAINED LINK FENCES.** No barbed wire or chained link fences shall be permitted except that chained link fencing may be used around a tennis court.

(6) **GATED ENTRANCES.** All gated entrances shall require a permit hereunder and in addition to the criteria for obtaining a permit under subsection (1) above, the issuance of a permit therefor shall be subject to the approval of the Building Inspector with advice from the Police Chief and Fire Chief with respect to access in case of an emergency.

(7) **MAINTENANCE.** Fences shall be kept and maintained in good, sound and presentable condition at all times. Fences not so maintained that become an eyesore or otherwise adversely affect property values in the neighborhood, shall be removed upon order of the Building Inspector.

5.20 SWIMMING POOL REGULATIONS (Adopted: 12/11/06)

No person shall construct, install, or maintain a swimming pool not enclosed in a permanent structure except in accordance with the following:

(1) DEFINITIONS

(a) A “swimming pool” is an outdoor structure capable of containing water in an artificial receptacle or other container having a capacity for water exceeding 24 inches in depth at any point, used primarily for bathing or swimming.

(b) An “above-ground swimming pool” is a swimming pool which is installed wholly or partly above ground.

(c) Spas and hot tubs are not included in the definition of swimming pool or above-ground swimming pool and are not subject to these regulations.

(2) SWIMMING POOL LOCATION

In addition to all the requirements of Chapters 5 and 6 regarding the placement of structures, all swimming pool construction shall be done in accordance with the following:

(a) Swimming pools, required protective fencing, and all pump and equipment housing shall be fully screened with natural landscape material to limit their visibility from lakes and from neighboring properties.

(b) Swimming pools and swimming pool equipment shall be so located and so buffered with natural landscape material to minimize noise and light trespass to any lake or any neighboring properties.

(c) Pumps and other swimming pool equipment shall be housed in enclosures equipped for sound deadening.

(d) For lots with lake frontage, swimming pools shall be located no closer to the lake than the lake side structure setback of the house.

(e) Above-ground swimming pools are prohibited on lots with lake frontage.

(3) SWIMMING POOL PROTECTION

No swimming pool shall be constructed, installed or maintained which shall not be protected by erecting and maintaining an enclosure around it consisting of a fence, wall or structure or any combination thereof. The fence, wall or structure shall not be less than 3 feet 5 inches above ground and shall not exceed 8 feet. There shall be no gaps or openings in the enclosure in excess of 4 inches. A residential or accessory structure may be used as a part of such enclosure. Every

gate or door in the enclosure shall be self-closing and shall be kept securely closed and fastened at all times, except when in use.

(4) BUILDING PERMIT

A building permit to erect such fence shall be required under Section 5.19 above and further a building permit shall be required in connection with the installation and/or construction of any swimming pool. The plans and specifications filed in connection with an application for a building permit for a swimming pool to be erected after the effective date of the Section shall show the protection to be provided for the swimming pool. With respect to a swimming pool constructed or erected after the effective date of the Section, the protection required shall be erected and in place not later than when the pool is first filled with water.

(5) SWIMMING POOL DRAINING.

Pools shall be drained only into holding tanks for removal from the property (without over land draining or direct draining into any lake) or later return of the water to the pool.

(6) COMPLIANCE

After the effective date of this Section, no swimming pool shall be erected, placed, constructed, installed anywhere in the Village that does not comply with this Section. The effective date of this Section is January 1, 2007.

5.21 SECURITY KEY BOX SYSTEM.

(1) KEY BOX REQUIRED. All public structures in the Village of Chenequa and all other structures having an automatic fire or burglar alarm system shall be equipped with a key box system. In addition, all driveway entrances with lock gates shall be equipped with a key box system. The key box system shall be of a type approved by the Police Department of the Village of Chenequa. The key box shall contain a key to permit access to the structure or driveway entrance by members of the police or fire department in an emergency. The security key box shall be installed in a conspicuous location approved by the Village Police Department. Key boxes shall be obtained from the Village for a fee as established from time to time.

(2) LIABILITY. The Village shall have no liability in connection with this security key box system, including without limitation any liability for loss, damage or injury to property on which no system has been installed.

5.22 DRIVEWAY REGULATIONS (adopted 10/09/09)

In addition to the requirements of Chapters 5 and 6 regarding the placement of structures, the construction of new driveways and re-location of existing driveways shall be done in accordance with the following:

- (1) Driveways shall be constructed to insure ready access to all structures for the Village fire department.
- (2) Where appropriate, screening with natural landscape materials to limit headlight glare, noise, and visual intrusion on neighboring properties shall be provided for all new or re located driveway construction.
- (3) All new and re-located driveways, accessory roads, and parking areas shall be placed at least ten feet from a property line, except where construction is limited by existing structures or notable environmental features such as trees, wetlands, historical sites, or land formations.
- (4) All driveways, accessory roads, and parking areas shall be constructed to minimize direct runoff of storm water to neighboring properties and any lake and the resultant soil erosion on neighboring properties. Drainage easements may be required.
- (5) All new and re-located driveways shall meet the following design standards where practicable and where topography permits:
 - (a) Maximum grade of 12%
 - (b) Minimum width of 12 feet at the main entrance, minimum culvert diameter of 18"
 - (c) Minimum clearance of 2 feet each side at the main entrance
 - (d) Access clearance for a 35 foot vehicle, including curves and bends throughout the length of the driveway
 - (e) Minimum height to overhanging foliage of 10 feet, minimum clearance to foliage of 2 feet each side of driveway

If the above design standards cannot be practicably met, the landowner must acknowledge in writing in the building permit that failure to comply with these requirements may hinder the provision of Village services or emergency access to the property.

- (6) All new and re-constructed driveways shall require a building permit.

5.23 OUTDOOR LIGHTING (adopted 10/09/06)

(1) General Rules

All outdoor lighting within the Village of Chenequa shall be located or shielded so that no excessive glare or illumination is cast upon property of others. Lighting fixtures cannot be aimed toward or directed at a neighboring property.

(2) New Construction - Lighting Plans

An outdoor lighting plan must accompany original submissions of building plans for all new construction.

(3) Effective Date

This Ordinance shall be effective for all properties in the Village as of June 30, 2006.