

## CHAPTER 10

### BUILDING REGULATIONS

- 10.01 Permits Required
- 10.02 Building Code
- 10.03 Electrical Code
- 10.04 Plumbing Code
- 10.05 Flammable Liquids
- 10.06 Razing Buildings
- 10.07 Excavation and Erosion Control
- 10.08 Portable Toilets and Dumpsters
- 10.09 Penalties

#### **10.01 PERMITS REQUIRED.**

(1) General Permit Requirement. No building, plumbing or electrical work shall be performed in the Village of North Bay unless a permit therefor is obtained as required in the provisions of this Chapter.

(2) Payment of Fees. All fees shall be paid to the Village Treasurer and his receipt, showing that the fees prescribed by ordinance have been paid, presented to the Building Inspector, Plumbing Inspector or Electrical Inspector, as appropriate, before the Inspector shall issue to the owner or his agent a building, electrical or plumbing permit.

(3) Permit Lapses. A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within six months from the date of issuance thereof.

(4) Revocation. If the Building, Electrical or Plumbing Inspector shall find at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety or property.

(5) Report of Violations. It shall be the duty of all Village officials, whether elected or appointed, to report at once to the Building Inspector, Electrical

Inspector or Plumbing Inspector any building, electrical or plumbing work which is being carried on without a permit as required by this Ordinance.

## **10.02 BUILDING CODE.**

### **(1) Building Permits and Inspection.**

(a) Permit Required. No building or any part thereof shall hereafter be erected within the Village of North Bay or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Building Inspector by the owner or his authorized agent. The term "building" as used in this section shall include any building or structure and any enlargement, alteration, heating or ventilating installation or demolishing or anything affecting the fire hazards or safety of any building or structure.

(b) Application. Application for a building 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 land and also the owner of the building, if different, the legal description of the land upon which the building is to be located and shall contain such other information as the Building Inspector may require for effective enforcement of this section. All building, electrical and plumbing contractors must have all proper licenses, and such licenses must be current.

(c) Plans. With such application there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. All plans and specifications shall be signed by the designer.

(d) Certified Survey. With the application for building permit, there shall be submitted a certified survey showing the locations, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking and driveways; existing highway access restrictions; existing and proposed street, side, rear and shore yards; the location, yard grade (elevation), and uses of any abutting lands and their structures within 40 feet of the subject site; and the location of the high-water elevation.

(e) Waiver of Survey and Plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of a certified survey and plans for alterations or repairs provided the cost of such work does not exceed \$3,500.00.

(f) Approval of Plans. If the Building Inspector determines that the proposed building will comply in every respect with all Ordinances of the Village and all applicable laws and orders of the State of Wisconsin, including, without limitation, the

provisions of the Uniform Dwelling Code contained in SPC 320-325, he shall indicate his approval on one set of the plans and return it to the owner and shall issue a building permit therefor which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building or occupants, except with the written consent of the Building Inspector.

(g) Minor Repairs. The Building Inspector may authorize minor repairs or alterations valued at less than \$3,500.00, which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.

(h) Fees. The fees for building permits shall be in accordance with building permit fee schedule as used by the Village Building Inspector.

(i) Inspection of Work. The builder shall notify the Building Inspector when ready, and the Building Inspector shall inspect all buildings upon completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion he shall make a final inspection of all new buildings and alterations.

(2) Construction Standards.

(a) Single-Family Dwellings Only. All buildings constructed, altered, modified or used within the Village of North Bay shall be (i) single-family dwellings and/or one-family dwellings, and/or (ii) Village Municipal buildings, and/or (iii) an accessory building for such buildings/dwellings, all as further described in Chapter 8, "Planning and Zoning", of the Village of North Bay Code of Ordinances. Expressly excluded and prohibited, but without creating any limitation because of enumeration, are two-family dwellings, multiple-family dwellings, industrial buildings, commercial buildings, boarding and rooming houses, lodges, fraternities, cooperative living units, bed and breakfast establishments, hotels. The term "single-family dwelling" and/or "one-family dwelling", however, shall include a community-based residential facility to the extent that it is necessary to do so in accordance with the applicable laws of the State of Wisconsin and/or the United States of America. (Amended by Ord. 2017-03 on 11-27-17).

(b) Moving of Buildings Prohibited. No building or structure erected elsewhere shall be moved on to any lot within the Village limits.

(c) Accessory Buildings: No building other than a one-family building or an accessory building thereto shall be erected on any lot within the Village limits and the same shall comply with all building and setback regulations contained in these ordinances. No detached garage shall be erected or placed on any lot within the

Village limits, however, except as may be allowed under Section 8.07(3) of the Village Code of Ordinances with respect to detached garages. (See Ordinance 2007-02, adopted 9-18-07.)

(d) Accessory Building Defined. An Accessory Building is as defined in Section 8.06 (1) of the Village of North Bay Code of Ordinances.

(e) No Building On Speculation. No home or dwelling shall be commenced in its construction except by or on behalf of a bona fide potential occupant and resident. No dwelling shall be erected on speculation.

(3) Building Restrictions.

(a) Distances from Lot Lines. No part of any building erected within the Village limits shall be nearer than 25 feet to the front lot line or nearer than 15 feet from the side and rear lot lines of said property, and no building shall be erected on a corner lot nearer than 25 feet to any street line. An owner of contiguous lots, or portions thereof, within the Village limits, may build closer to or on the dividing line between the lots or portions thereof, but thereafter such contiguous lots, or portions thereof, shall be treated as one lot for the occupancy of one dwelling and the front, side and rear lot lines shall thereafter be the same as if the entire parcel was initially one lot.

(b) Size of Dwellings. One floor residences erected in the Village shall have minimum living space area of 1,700 square feet. Two floor residences shall have minimum living space area of 2,000 square feet with not less than 1,400 square feet on the ground floor, except that in the erection of two floor residences, the minimum requirement of living space may vary or change by adding to the second floor two and one-half square feet for each square foot reduction on the ground floor. General utility areas, basements, attics, garages, breezeways, porches, enclosed or otherwise, and similar areas shall not be considered as living space. Each one family dwelling shall have a garage.

(c) Height of Roofs. The maximum height of the roof of any residence erected within the Village limits shall be as follows:

(i) The ridge, the peak, or the top of a roof having a pitch shall not be more than Thirty-five (35) Feet above the grade of the street which fronts and is adjacent to the lot on which the residence is located.

(ii) The eave of a roof having pitch, and/or the top of a flat roof, shall not be more than Twenty (20) Feet above the grade of the street which fronts and is adjacent to the lot on which the residence is located.

(iii) The "grade" of the street used to calculate the foregoing roof height restrictions shall be the highest elevation of that portion of the

street, measured at the centerline of the street, that fronts the lot on which the building is located.

Notwithstanding the foregoing roof height restrictions, if a lot within the Village limits is already improved with a residence at the time of the adoption of this ordinance, and in the further event that such presently-existing residence has a roof that exceeds the height restrictions stated above, then when and if such residence (the "Lawful Nonconforming Residence") is in the future razed or demolished (in whole or in part, and whether intentionally or unintentionally), the replacement residence constructed on the lot may have a roof height, as determined above, that is less than or equal to the original roof height of the razed/demolished Lawful Nonconforming Residence. (See Ordinance 2007-01, adopted 6-11-07.)

(4) Unsafe Buildings. Whenever the Building Inspector finds any building or part thereof within the Village to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or raze and remove at the owner's option. Such order and proceedings shall be as provided in Section 66.0413 of the Wisconsin Statutes.

(5) Downspouts. No downspouts on any building shall be connected to the Village sewers.

(6) Fences. See Section 8.14

### **10.03 ELECTRICAL CODE.**

(1) State Code Applies. All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code (Administrative Code Section SPS 324), adopted by the Industrial Commission of Wisconsin, 5th Edition, 1944, and amendments and revisions adopted to date, which is hereby made a part of this Ordinance by reference.

(2) Permit. No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Village Electrical Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Electrical Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Electrical Inspector. The fees for electrical permits shall be in accordance with the electrical permit fee schedule as used by the Village Electrical Inspector.

(3) Inspection of Work. After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Electrical Inspector who shall at once inspect or cause to be inspected the same. Upon completion of such wiring, the Inspector shall be notified and shall inspect or cause to be inspected the finished work. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Electrical Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

#### **10.04 PLUMBING CODE.**

(1) State Code Applies. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wisconsin Administrative Code, Section SPS325, adopted by the State Board of Health, which is hereby adopted as a part of this Ordinance by reference.

(2) Permit. No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefor from the Plumbing Inspector. The application for such permit shall be on a form furnished by the Plumbing Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Plumbing Inspector. The fees for plumbing permits shall be in accordance with the plumbing permit fee schedule as used by the Village Plumbing Inspector.

(3) Licensed Plumber Required. All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home, provided that a permit is issued and the work is done in compliance with the provisions of this Ordinance.

(4) Inspection of Work. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Plumbing Inspector before such work is covered up and the Plumbing Inspector shall at once inspect or cause to be inspected the work. If he finds that the work conforms to the State Plumbing Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Plumbing Inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the Plumbing Inspector.

(5) No New Sanitary Sewer Connections. The Village of North Bay is not a signatory to an existing written intergovernmental municipal agreement with the City of Racine which would allow new, additional sanitary sewer connections within the

Village of North Bay to the City of Racine municipal sanitary sewer service system (the "Racine Sewer System"). There shall accordingly be no connections made to the Racine Sewer System above and beyond the sanitary sewer connections presently existing within the Village of North Bay. With the prior approval of the Village Board, and, to the extent legally required, with the prior approval of the City of Racine Wastewater Utility, however, a presently-existing connection to the Racine Sewer System may be repaired, replaced, or relocated, at the cost and expense of the property owner.

**10.05 FLAMMABLE LIQUIDS.** The Wisconsin Administrative Code, Section SPS 310, "Flammable, Combustible and Hazardous Liquids", issued by the Industrial Commission of Wisconsin, is hereby adopted as a part of this Ordinance by reference, and it shall be the duty of the Building Inspector to enforce the provisions thereof.

**10.06 RAZING BUILDINGS.**

(1) Razing Old or Damaged Village Buildings. Any existing building of frame construction within the Village limits which may hereafter be damaged by fire or which has deteriorated to an amount greater than one-half of its value, exclusive of the foundation, as determined by the Village Assessor, shall not be repaired or rebuilt, but shall be ordered removed by the Building Inspector under the provisions of Section 66.0413 of the Wisconsin Statutes.

(2) Duty of Building Inspector. The Building Inspector is hereby authorized and it shall be his duty to enforce the provisions of this Section.

**10.07 EXCAVATION AND EROSION CONTROL**

(1) Grade. The grade shall slope away from the dwelling to provide drainage away from the dwelling.

(2) Erosion Control Procedures.

(a) Performance Standards.

(i) General. Erosion control procedures shall be placed along downslope areas and along sideslope areas as required to prevent erosion where erosion during construction will result in a loss of soil to waters of the estate, public sewer inlets or off-site. The best management practices as defined in Administrative Code Section SPS 360 or alternative measures that provide equivalent protection to these standards may be utilized to satisfy the requirements of this section. When the disturbed area is stabilized, the erosion control procedures may be removed. Sites within subdivisions with approved subdivision erosion control plans are exempt from erosion control procedures specified in this section when the subdivision erosion control

plan includes adequate best management practices specified in Administrative Code Section SPS 360 for erosion control on individual construction sites.

(ii) Tracking. Sediment tracked by construction equipment from a site onto a public or private paved roadway or sidewalk shall be minimized by providing a gravel access roadway where possible.

(iii) Sediment cleanup. Off-site sediment deposition occurring as a result of a storm event shall be cleaned up by the end of the next work day following the occurrence. All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up at the end of the work day.

(iv) Public sewer inlet protection. Downslope, on-site public sewer inlets shall be protected with erosion control procedures.

(v) Building material waste disposal. All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being carried off the site by runoff. See also Section 10.08.

**Note:** For proper disposal of flammable, combustible and hazardous liquids, contact the local fire department.

(b) Best Management Practices.

(i) General. Appropriate best management practices, as described in SPS 360 or specified in the Wisconsin Construction Site Best Management Practices Handbook, published by the Department of Natural Resources, shall be selected, installed, maintained and remain in place until the site is stabilized to meet the performance standards specified in sub. (1).

(ii) Exceptions and clarifications. All references to a model ordinance and planning considerations within chapter 3, Wisconsin Construction site Best Management Practices Handbook, are not adopted by the department.

(c) Maintenance Of Erosion Control Procedures.

(i) General. During the period of construction at a site, all erosion control procedures necessary to meet the performance standards of this Section 10.07 of the Ordinances shall be properly implemented, installed and maintained by the building permit applicant or subsequent landowner. If erosion occurs after building construction activities have ceased, some or all of the erosion control procedures shall be maintained until the site has been stabilized.

(ii) Exceptions and clarifications. The maintenance procedures and inspection sequences within chapter 3, Wisconsin Construction Site Best Management Practices Handbook, are not adopted as a part of this code.



(3) Excavations adjacent to adjoining property.

(a) Notice. Any person making or causing an excavation which may affect the lateral soil support of adjoining property or buildings shall provide at least 30 days written notice to all owners of adjoining buildings of the intention to excavate. The notice shall state that adjoining buildings may require permanent protection.

(b) Responsibility For Underpinning And Foundation Extensions.

(i) Excavations less than 12 feet in depth. If the excavation is made to a depth of 12 feet or less below grade, the person making or causing the excavation shall not be responsible for any necessary underpinning or extension of the foundations of any adjoining buildings.

(ii) Excavations greater than 12 feet in depth. If the excavation is made to a depth in excess of 12 feet below grade, the owner(s) of adjoining buildings shall be responsible for any necessary underpinning or extension of the foundations of their buildings to a depth of 12 feet below grade. The person making or causing the excavation shall be responsible for any underpinning or extension of foundations below the depth of 12 feet below grade.

**10.08 PORTABLE TOILETS AND DUMPSTERS.** This Section requires the location of portable toilets and dumpsters at the site of any new construction within the Village, regardless of the zoning of such site. For purposes of this Section only, "new construction," means the construction of any new building that will be the primary structure on the property, and not the construction of structures accessory thereto; "adjacent properties," means those properties sharing a common property line, and not those physically separated by any road, stream or other public right-of-way.

(1) Portable Toilets.

(a) Intent. The intent of this Section is to ensure that individuals have access to hygienic lavatory facilities at the sites of new construction within the Village.

(b) Duration. Portable toilets must be delivered to the new construction site after any footings or foundation is poured and back-filling is completed, and prior to any further work taking place at the site. The portable toilet must remain at the site until an occupancy permit therefor is issued. At the time of application for the first permit for any new construction, the applicant must produce evidence that a portable toilet has been rented for the subject property.

(c) Location. Portable toilets must be located outside of any road right-of-way. A portable toilet must also be located where it can be easily accessed and serviced and, unless circumstances otherwise dictate and the Building

Inspector approves in advance, at least 15 feet from the nearest property line of any adjacent property.

(d) Number And Servicing Frequency.

(i) Each new construction site shall be served by at least one portable toilet. A single portable toilet shall be sufficient to serve approximately ten people who are regularly at the site over the course of a forty-hour week. Portable toilets must be serviced, i.e. cleaned, restocked of paper products, and emptied of waste, at least once per week. A record of the portable toilet's servicing dates must be kept and must be made available for review in a timely manner upon request.

(ii) If more than ten people are, or are regularly expected to be, at the new construction site, or if ten or fewer people are, or are regularly expected to be, at the site for more than forty hours per week, the number of portable toilets required or the servicing frequency thereof must be increased proportionately.

(iii) If a single property owner or contractor is undertaking new construction at two adjacent properties, a single portable toilet, subject to the above man-hour guidelines set forth in subparagraph (a), may serve the two adjacent properties, provided that when an occupancy permit is issued for one of the adjacent properties, the portable toilet must be moved to the other property, if construction is continuing thereat, and located as set forth in Subparagraph (c) above.

(2) Dumpsters.

(a) Intent. The intent of this subsection is that all construction debris at new construction sites shall be stored in a suitable location so as to prevent any such debris from entering the surrounding environment.

(b) Size and construction. Dumpsters shall be constructed of metal, plywood, plastic or other material sufficiently sturdy to withstand the construction process and exposure to the elements without allowing any construction debris to enter the surrounding environment. Metal dumpsters shall have a volume of at least 10 cubic yards and dumpsters made of plywood, plastic or other material shall have a minimum volume of 9.4 cubic yards.

(c) Duration. Construction debris receptacles must be located at the new construction site before any exterior framing work begins. Following the installation of an operational garage door, construction-related debris shall be stored in such enclosed, interior space if all dumpsters have been removed from the site. Whenever the site is unoccupied, the garage or other door must remain closed so as to prevent any construction debris stored therein from entering the surrounding environment.

(d) Location. Dumpsters must be located outside of any road right-of-way. Dumpsters must also be located where they can be easily accessed and serviced, i.e. emptied and/or removed/replaced. Additionally, unless circumstances otherwise dictate and the Building Inspector approves in advance, dumpsters must be located at least 15 feet from the nearest property line of any adjacent property.

(e) Number, Size, and Servicing Frequency. Every new construction site shall have at least one dumpster conforming to the specifications and limitations contained in this Section, or two dumpsters that, taken together, contain the minimum volume of a single dumpster as set forth above. Dumpsters shall be adequately sized and serviced frequently enough so as to completely contain the construction debris therein and prevent any such construction debris from entering the surrounding environment due to rain, wind, etc.

(3) Violations. If the Building Inspector finds a new construction site to be in violation of any provision of this Section, he or she may issue an immediate stop-work order, may refuse to perform or to return to the site for any additional inspections, or, in his or her discretion, may allow the builder and/or property owner such time as is reasonable under the circumstances to remedy the violation. In lieu of, or in addition to, the issuance of a stop-work order under the subsection, the Building Inspector may also cause the property owner or contractor to be issued one or more citations under Section 10.09. Each separate violation of any provision of this Section, and each day a violation continues, shall constitute a separate offense.

**10.09 PENALTIES.** In addition to the revocation provisions herein, the penalty for violating any provision of this Chapter shall be as provided in Section 19.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this Chapter occurs or continues.