

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Any ordinance regarding construction of public works saved from repeal, § 1-10(24); community development, § 2-101 et seq.; fire prevention and protection, ch. 18; manufactured homes, ch. 22; solid waste, ch. 42; streets, sidewalks and other public places, ch. 46; utilities, ch. 54; vegetation, ch. 58.

Sec. 14-1. Fire alarms.

Sec. 14-2. Asphaltic concrete pavement requirements.

Sec. 14-3. Guidelines for Building Construction- Building Permits and Inspections.

Sec. 14-4. Unsafe Buildings and Structures.

Sec. 14-5. Condemnation (razing) of and removal of unsafe structures; demolition permit required.

Sec. 14-6. Application.

Sec. 14-7. Demolition.

Sec. 14-8. Clearing and leveling the site.

Sec. 14-9. Removal and disposal.

Sec. 14-10. Permit fees.

Sec. 14-11. Occupancy bond required.

Sec. 14-12. Solid Fuel-Fired Outdoor Heating Devices.

Sec. 14-13. Special Use Systems.

Sec. 14-14. Adoption of Wisconsin Commercial Building Code and Wisconsin Uniform Building Code provisions.

Sec. 14-1. Fire alarms.

Each building covered by this building code hereafter constructed within the village which is used for human habitation shall be equipped with an interior fire alarm system which shall consist of a sounding device that can be heard throughout the building and such device shall be constructed and activated in accordance with generally accepted rules of fire safety.

(Ord. No. 201, § 1, 4-14-1977)

Cross References: Fire prevention and protection, ch. 18.

Sec. 14-2. Asphaltic concrete pavement requirements.

(a) *Definition.* Asphaltic concrete pavement as defined in section 407 of the Standard Specification for Road and Bridge Construction, State of Wisconsin, Department of Transportation, is hereby adopted. It is also referred to as bituminous concrete pavement, bituminous pavement or asphalt pavement.

(b) *Paving required.* All driveways and parking lots (as defined in section 3.13(1) of the zoning ordinance of the village) in multifamily, retail, commercial, manufacturing and public service utility operations in the village shall be paved with either concrete or asphaltic concrete pavement. Single-family residential driveways and parking lots are the only driveways and parking lots excluded from this requirement.

(c) *Compliance date.* All driveways and parking lots located in multifamily, retail, commercial, manufacturing and public service utility operations within the village limits shall have completed all paving required under this chapter on or before January 2000.

(d) *Penalties.*

(1) *First violation* Any owner/operator of an establishment, other than single-family residential, in multifamily, retail, commercial, manufacturing or public service utility operations in the village who violates the provisions of this section shall be subject to a forfeiture of not less than \$200.00, plus costs, for the first violation of this section. Failure to pay any forfeiture under this section shall subject any violator to the provisions of s. 800.095, Wis. Stats.

(2) *Second and subsequent violations.* Any owner/operator of an establishment in multifamily, retail, commercial, manufacturing or public service utility operations in the village who violates the provisions of this section shall be subject to a forfeiture of not less than \$500.00, plus costs, for the second and any subsequent violation of this section. As stated in subsection (d)(1) of this section, failure to pay any forfeiture hereunder shall subject any violator to the provisions of s. 800.095, Wis. Stats.

(e) *Deposit schedule.*

(1) All deposits for violations authorized under this section shall be set and adopted by separate resolution of the village board from time to time, without the necessity of a formal hearing.

(2) If a deposit schedule has not been established for a specific violation, the arresting officer shall

require the alleged offender to deposit not less than the maximum forfeiture permitted under this section.

(3) Each day that a violation continues shall constitute a separate violation under this section. (Ord. No. 8-98, § 1-5, 7-9-1998)

Sec. 14-3. Building Construction; building permits and inspections.

(A) Permit required.

1. Building permit required. No one-or two-family dwelling, multi-family, public building or place of employment of which initial construction shall be commenced after the effective date of this Section shall be built, enlarged, altered or repaired (which shall include heating, ventilation and air conditioning) unless a building permit for that work shall first be obtained by the owner, or his/her agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Safety and Professional Services, or the municipal building permit, as required.
2. Additions; alteration; repairs. Additions, alterations or repairs to existing one-and-two family dwellings shall be governed by the provisions of the Wisconsin Uniform Building Code as adopted herein.

(a). Alterations and repairs required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be resorted to their required strength, failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this section are complied with.

(b). Extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector, unless structural analysis can be provided by the owner from a WI registered architect, engineer or designer.

(B) Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building, if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

(C) Site plan.

1. Site plan approval. All application for building permits for any construction, reconstruction, expansion or conversion, except for one-and two-family residences in residentially zoned districts, shall require site plan approval by the Plan Commission in

accordance with the requirements of the section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all of the requirements applicable thereto in this section.

2. Administration. The Zoning Administrator or Building Inspector shall make a preliminary review of the application and plans and refer them, along with a report of his/her findings, to the Plan Commission. The Plan commission shall review the application and may refer the application and plans to one or more expert consultants selected by the Plan Commission to advise whether the application and plans meet all the requirements applicable thereto in this chapter. The Plan Commission shall authorize the Building Inspector to issue or refuse a building permit within 30 days of its receipt of the application.
3. Requirements. In acting on any site plan, the Plan Commission shall consider the following:
 - (a). The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (b). The layout of the site with regard to entrances and exits to public streets, the arrangement and improvement of interior roadways, and the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (c). The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
4. Effect of municipal services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.
5. Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice or appeal with the Village Clerk-Treasurer within 30 days of the denial.

- (D) Dedicated street and approved subdivision required. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permit shall be issued until the subdivision and required improvements are accepted by the Village Board.
- (E) Plans. With such application, there shall be submitted two complete sets of plans and specifications, one electronic copy, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all building on the lot, proposed grade of proposed structure (to Village datum), grade of the lot and of the street abutting the lot, grade and setback of adjacent building, type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of ¼ inch to one foot (fireplace details to ¾ inch to one foot). One set of plans shall be returned after approval as provided in this section. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one-and two-family dwellings shall comply with the provisions of §SPS 320.09(4), Wis. Adm. Code.
- (F) Waiver of plans; minor repairs.
1. Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving.
 2. Minor repairs. The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air-conditioning systems installed therein which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (G) Approval of plans.
1. If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Village, and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

2. In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (H) Inspection of work. The contractor 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 drywall or paneling is applied. After completion, he/she shall make a final inspection of all new building and alterations.
- (I) Permit lapses. A building permit shall lapse and be void unless building operations are commenced within six months or if construction has not been completed within one year from the date of issuance thereof. Permits may be renewed for one additional six-month term for just cause unless it is new construction governed by the Uniform Dwelling Code or Commercial Building Code, which supersede this section.
- (J) Revocation of permits.
1. The Building Inspector or the Village Board may revoke any building, plumbing or electrical permit, occupancy permit, or approval issued under the regulations of this section and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - (a). Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refuses to conform after written warning has been issued to him/her.
 - (b). Whenever the continuance of any construction becomes dangerous to life or property.
 - (c). Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (d). Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - (e). Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (f). Whenever there is a violation of any of the conditions of an approval or occupancy permit given by the Building Inspector for the use of all new materials, equipment, methods of construction, devices or appliances.
 2. The notice revoking a building, plumbing or electrical permit, occupancy permit or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.

3. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
 4. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by the section, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of the section. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (K) Report of violations. Village officers shall report at once to the Building Inspector any building which is being carried on without a permit, as required by this section.
- (L) Display of permit. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress, at all times during construction or work thereon.

(Ord. No. 02-2017, § 1, 03-09-2017)

Sec. 14-4. Unsafe Buildings and Structures.

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for habitation, occupancy or use and so that it would be unreasonable to repair the building or structure, the Building Inspector shall order the owner to raze and remove all or part thereof specified by the Building Inspector with Plan Commission approval. If such unfit structure can be made safe by repairs, it may be so put at the owner's option, whether to repair and make safe and sanitary or to raze and remove.

Sec. 14-5. Condemnation (razing) of and removal of unsafe structures; demolition permit required.

All persons who demolish or cause to be demolished any structure or part of a structure larger than 400 square feet within the village shall apply for and obtain a demolition permit from the Building Inspector prior to undertaking any steps to demolish the structure. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

Sec. 14-6. Application.

An application for a permit to demolish all or part of a building shall include the following information:

- (a) The name and address of the owner of the building on the date of the application and, if different, on the date of demolition.
- (b) The name, address and telephone number of the contractor(s) performing the demolition work.

- (c) The date upon which demolition is to commence.
- (d) The date by which demolition shall be complete, which shall not exceed thirty (30) days from the date the razing was commenced without approval for an extension from the Building Inspector.
- (e) A list of all hazardous waste and toxic substances as defined by the Wis. Admin. Code NR §158.03(4) or current Statute, contained in the building, a statement as to whether the building contains asbestos as defined by the Wis. Admin. Code NR § 445.02(2) or current Statute, and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos.
- (f) A description of the method of demolition to be used.
- (g) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site.
- (h) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

Sec. 14-7. Demolition.

The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

Sec. 14-8. Clearing and leveling the site.

- (a) After the foundation is completely removed, the site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector to prevent blowing dust, dirt or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
- (b) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. Structural back filling shall comply with WI DOT Sections 206, 207, 208 and 209, or current sections for the Excavation for Structures. The Building Inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within three (3) business days inspect each excavation, or part thereof, before any excavation filling commences.
- (c) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within three (3) days after verbal or written notice, the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Such an opinion shall be deemed a sufficient approval by the village provided that a written copy of the opinion is delivered to the clerk at least three (3) business days before filling of the excavation commences.

Sec. 14-9. Removal and disposal.

No building materials and debris will be disposed of within the village in any manner unless such disposal is approved by the Building Inspector. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations.

Sec. 14-10. Permit fees.

Permit fees are established by separate resolution by the village board and must be paid prior to the issuance of the permit.

Sec. 14-11. Occupancy bond required.

- (a) *Deposit required.* No building or razing permit shall be issued by the Building Inspector for construction or demolition of a building or construction of an addition to or remodeling of an existing building on any land until a deposit in the amount set by resolution of the village board has been paid by the applicant for a building or razing permit. The deposit shall be paid to the building Inspector at the time an application is made for issuance of the building or razing permit. The Building Inspector will promptly turn the deposit over to the village treasurer.
- (b) *Deposit reduction.* The Building Inspector may, at his sole discretion, reduce the bond if the Building Inspector is satisfied that it is unlikely that there will be damage done to the village streets or to the road ditch adjacent to the property as a result of construction activities, the grading and landscaping of the premises will be completed, construction debris removed, all applicable ordinances complied with, and certain that it will be unlikely that the building will be occupied prior to the occupancy permit being granted.
- (c) *Deposit returned or forfeited.*
 - 1. The sums deposited shall be retained by the village treasurer until such time as the village treasurer receives written notice from the Building Inspector to refund some or all of the money deposited. The Building Inspector shall not authorize any refund of the money deposited until after grading and landscaping of the premises has been completed, construction debris removed, all applicable ordinances have been complied with and occupancy has been granted. Landscaping shall include vegetation of the front yard, perimeter of home and ditch. Front yard vegetation is only required if the topography is such that erosion is a concern as determined by the building inspection department.
 - 2. In the event damage is done to village streets or to the street ditch adjacent to the property as a result of construction activities, the deposit shall be used to pay any costs incurred by the village to repair such damage. In the event the deposit is insufficient to cover all costs incurred by the village, the property owner shall be liable to the village for payment of any excess costs and no occupancy permit shall be issued for the property until such costs are paid or assessed as a Special Charge on the tax bill. The balance of the deposit, after deducting such expenses incurred by the village to repair the damage, or alternatively, the entire deposit in the event no such damage has occurred, shall be returned to the property owner by the treasurer after receipt of written notice from the Building Inspector.
 - 3. The permit applicant shall be solely responsible to request return of the deposit required under this Section when such applicant believes that no damage to the village streets or to the street ditch adjacent to the property has occurred, or that such damage no longer will

occur, as a result of activities for which the permit was issued, that the grading and landscaping of the premises has been completed, construction debris removed, all applicable ordinances have been complied with, as, where applicable, an occupancy permit has been granted. The deposit shall only be returned to the party that made the deposit unless proof satisfactory to the village treasurer is provided that demonstrates that the deposit has been assigned to the claimant.

4. Notwithstanding anything in Section 14-11 to the contrary, the deposit required under this Section shall be forfeited in the following situations:
 - a) An occupancy permit is issued under this Section but no application for return of the deposit is received by the Building Inspector within two (2) years of the date of the issuance of such occupancy permit; or
 - b) Occupancy of the premises has occurred prior to the issuance of such occupancy permit.

Sec. 14-12. Solid Fuel-Fired Outdoor Heating Devices.

- (a) *Definitions.* Solid Fuel-Fired Outdoor Heating Device is any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. Stacks or Chimneys are any vertical structure enclosing a flue or flues that carry off smoke or exhaust from solid fuel-fired heating devices; especially that part of such structures extending above a roof.
- (b) *Regulations for Solid Fuel-Fired Outdoor Heating Devices.* Notwithstanding the provisions of Section 14-13 of this ordinance, any solid fuel device permitted under this section which becomes hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve or abate such conditions by such measures in accordance with Section 3 of the Village of North Prairie Zoning Ordinance. All solid fuel-fired outdoor hearing devices installed within the Village limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.
- (c) *Substantive Requirements.* All outdoor solid fuel-fired devices shall be installed, operated and maintained pursuant to the following conditions:
 1. Fuel. Fuel shall be only natural untreated wood or wood specifically permitted by the manufacturer. The following fuels are **strictly prohibited**:
 - a) The burning of processed wood products and other non-wood products.
 - b) Petroleum, Kerosene & Gasoline Products
 - c) Rubber
 - d) Plastics
 - e) Garbage
 - f) Painted wood or treated wood
 - g) Any other items not specifically allowed by the manufacturer or this list.
- (d) *Outdoor Wood Fired Furnace Provisions.* An outdoor wood-fired furnace may be used in the Village of North Prairie only in accordance with the following provisions:
 1. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section c) 1. Fuel, listed above.

2. The outdoor wood-fired furnace shall be located at least 400 feet from the nearest residence or future building envelope if a vacant lot which is not on the same property as the outdoor wood-fired furnace.
 3. The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance.
 4. The owner of the outdoor wood-fired furnace shall obtain a building permit from the Village of North Prairie before installing the outdoor wood-fired furnace. Such permit can be obtained from the Village of North Prairie Building Inspector upon payment of the fee established by separate Resolution of the Village Board. The Building Inspector may issue the permit upon finding that the outdoor wood-fired furnace will be located, constructed, and used in compliance with the requirements of the Ordinance.
- (e) *Existing Outdoor Solid Fuel Heating Devices.* All existing units shall immediately comply with all manufacturer's specifications and specifications of this ordinance and all must comply to all other building code requirements within 30 days from effective date of the ordinance. All existing nonconforming devices upon the complaint of a Village resident shall be removed, replaced, or modified to meet the requirements of this ordinance within 45 days of notification of noncompliance from the Village Building Inspector, Fire Department, or other Village officer or agent.
 - (f) *Permits.* No person shall allow, maintain or use an outdoor wood furnace in the Village of North prairie without first having obtained a Special Use Permit from the Village Building Inspector on the forms prescribed by such official Permit fee per schedule.
 - (g) *Violations.* A permit may be suspended in the event the owner fails to comply with this ordinance.
 - (h) *Enforcement and Penalties.* The Village of North Prairie Building Inspector and Village of North prairie Board of Trustees are authorized to enforce the provisions of this ordinance. The penalty for violation of any portion of this ordinance shall be assessed according to the Municipal Code Village of North Prairie under Chapter 1, Section 1-11. Outdoor wood-fired furnace permits may be revoked by the Building Inspector if the Building Inspector finds that burning has been conducted in violation of this ordinance. A violation of this ordinance is hereby declared to be a public nuisance which may be enforced through injunction or abatement proceedings or other applicable remedies as allowed by law, which shall be in addition to such other penalties and remedies as may apply.

Sec. 14-13. Special Use Systems.

- (a) *Use Permitted.* Special use systems are permitted in any district other than C-1, when used solely by the occupants of the principal use, and subject to the following conditions.
- (b) *Permit Required.* A separate special use permit shall be required for each system. Such permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) *Basis of Approval.* The Plan Commission shall base their determination on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and specifically of the immediate neighborhood in which such use

would be located. These considerations shall include the effect on the established character and quality of the area, its physical attractiveness, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effect as a result of noise, glare, dust, smoke or odor, and such other factors as would be appropriate to carrying out the intent of this section.

(d) *Types of Special Uses.*

1. *Solar energy conversion system.* Solar energy conversion systems, commonly referred to as “active” or “passive” solar collection and heating systems and including systems defined by Wis. Stats. § 13.48.
2. *Wind energy conversion systems.* Wind energy conversion systems commonly referred to as “windmills” which are used to produce electrical power.
3. *Communication systems.* Communication systems commonly referred to as private cable televisions (disks, dishes, devices) unless exempt by federal law.
4. *Exterior fuel-fired heating devices.* Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source that is not located in the structure for which it is producing heat or energy. See Section 14-12 for regulations.

(e) *Fees.* The Village Board shall by resolution establish fees for the processing and issuance of special use permits.

(f) *Permit procedure.*

1. The Plan Commission is the agency which approves special use permits and further designates the Building Inspector as the official to receive, process and, following approval by the Plan Commission, issue special use permits.
2. The permit application shall be made to the Building Inspector on forms provided by the Village and include the name and address of the applicant, a site plan, a plan of operation, proposed improvements to site, and any additional information deemed necessary by the Building Inspector for proper review of the application.
3. The Building Inspector shall review the application and, if the application is complete and contains all required information, shall refer it to the Plan Commission.
4. Determination: Following public hearing per Section 13 in the Zoning Ordinance for the Village of North Prairie, the Plan Commission shall as soon as practical render its decision in writing. Such decision shall include an accurate description of the special use permitted, of the property on which permitted and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. The Plan Commission may impose any conditions or exemptions necessary to minimize any burden on any person affected by granting the special use permit.
5. Termination: When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar grant may be terminated by action of the Plan Commission following a public hearing per Section 13 if the Zoning Ordinance for the Village of North Prairie.
6. Special Requirements:
 - (a) No Exterior Fuel-Fired Heating Devices shall be allowed on any parcel two (2) acres or less in size.
 - (b) In addition to the general standard requirements as stated in this section, such Special Uses shall be subject to more specific standards and requirements

pertinent to the particular use, which standards and requirements may be set in a supplementary guide for a Special Use regulation adopted by the Village Board, and modified from time to time in order that they reflect the best and most contemporary regulatory practices.

- (g) *Standard requirements.*
 1. Except as may be specifically otherwise provided, any such special use shall conform to the building location, height, building size and open space regulations of the district in which it is located.
 2. Building, site and operation plans of the proposed use shall be submitted for approval of the Plan Commission. Such plans shall be in sufficient detail to enable the Commission to evaluate the suitability of architectural and landscape treatment; the proper location of the building or buildings on the lot; the satisfactory provision for parking circulation needs, for drainage and sewage disposal, for adequate planting screen where necessary, and for operational control devices where necessary to eliminate noise, glare, dust, odor, smoke or other objectionable operating condition; and the general compatibility of the proposed use with the area in which it is located.
- (h) *Modification of regulations.* Requirements applicable to uses by the regulations of this chapter may be modified or waived by the Plan Commission in their application to special use if in the Commission's opinion they are not appropriate or necessary to the proper regulation of the special use, and where such modification or waiver would not, in the Commission's opinion, result in adverse effect upon the surrounding properties.
- (i) *Approval does not waive permit requirements.* The approval of a permit under this section shall not be construed to waive the requirement to obtain a building or plumbing permit prior to installation of any system.

(Ord. No. 01-2016, § 1, 02-11-2016)

Sec. 14-14. Adoption of Wisconsin Commercial Building Code and Wisconsin Uniform Building Code provisions.

- (A) **Commercial Building Code.** Chapter SPS (Safety and Professional Services) 360, Erosion Control, Sediment Control and Storm Water, and Chapters SPS 361 to SPS 366 (Wisconsin Commercial Building Code) of the Wisconsin Administrative Code are hereby adopted and made a part of this section with respect to those classes of building to which this building code specifically applies. Any future amendments, revisions and modifications of said Chapters SPS 360 to SPS 366 incorporated herein are intended to be made a part of this chapter.
- (B) **State Plumbing Code adopted.** The provisions and regulations of Ch. 145, Wis. Stats. and Chapters SPS 381 through SPS 387 of the Wisconsin Administrative Code are hereby made a part of this chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any future amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code provisions incorporated herein are intended to be made part of this chapter.
- (C) **State Electrical Code adopted.** Subject to the exceptions set forth in this chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code

are hereby adopted by reference and made a part of this section and shall apply to all buildings. See Chapters SPS 316 and PSC 114 of the Wisconsin Administrative Code.

- (D) **Wisconsin Uniform Building Code.** The current edition of the Wisconsin Uniform Building Code, as amended, prepared by the Building Inspectors Association of Southeastern Wisconsin, a copy of which is on file in the office of the Village Clerk-Treasurer and Building Inspector, is hereby adopted in its entirety and incorporated herein by reference and shall be referred to as the “Uniform Building Code”.
- (E) **Buildings constructed prior to 1914.** Chapters SPS 375 to SPS 379 of the Wisconsin Administrative Code, copies of which are on file in the office of the Village Clerk-Treasurer, are adopted in their entirety and incorporated in this section by reference.
- (F) **Explosives.** Chapter SPS 307 of the Wisconsin Administrative Code, a copy of which is on file in the office of the Village Clerk-Treasurer, is adopted in its entirety and incorporated in this section by reference.
- (G) **Fire Prevention.** Chapter SPS 314 of the Wisconsin Administrative Code, a copy of which is on file in the office of the Village Clerk-Treasurer, is adopted in its entirety and incorporated in the section by reference.
- (H) **Building Inspector to enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed by the Village of North Prairie to administer and enforce all of the provisions of the Uniform Building Code and the Wisconsin Commercial Buildings Codes and be properly certified by the Division of Industry Services.
- (I) **Building Permit Fee.** As contained in Section 14-10, Permit Fees are established by separate resolution by the Village Board and must be paid prior to the issuance of the permit.
- (J) **Enforcement and Penalties.** The Village of North Prairie Building Inspector and Village of North Prairie Board of Trustees are authorized to enforce the provisions of this ordinance. The penalty for violation of any portion of this ordinance shall be by means of withholding building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 or more than \$1,000.00 for each day of noncompliance.

(Ord. No. 03-2017, § 1, 03-09-2017)