

## CHAPTER 15

### BUILDING, ELECTRICAL AND PLUMBING CODE

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**15.01 ADOPTION AND APPLICATION OF STATE CODES.** Commercial Building Code, Chs. SPS 361 to 366 and 375 to 379, Wis. Adm. Code, their referenced codes and standards, and subsequent revisions are adopted by reference in this section and made part of this chapter with respect to those classes of buildings to which such chapters specifically apply.

The State Electrical Code, Ch. SPS 316, Wis. Adm. Code, its referenced codes and standards, and subsequent revisions are adopted by reference in this section, and made part of this chapter with respect to electrical provisions to which such chapters specifically apply.

State Uniform Dwelling Code, Chs. SPS 320 to 325, their referenced codes and standards, and subsequent revisions are adopted by reference in this section and made a part of this chapter with respect to the construction and inspection of new one-family and two-family dwellings and additions or modifications to existing one-family and two-family dwellings to which such chapters specifically apply.

State Plumbing Code, Ch. 145, Wis. Stats., and the State Plumbing Code, Chs. SPS 381 to 387, Wis. Adm. Code, their referenced codes and standards, and subsequent revisions are adopted by reference in this section and made part of this chapter with respect to plumbing codes to which such chapters specifically apply.

**15.02 FUTURE AMENDMENTS AND REVISIONS.** Any future amendments, revisions, and modifications of such chapters incorporated in this chapter are intended to be made part of this chapter. A copy of such chapters and amendments thereto shall be kept in the office of the Building Inspector. The building terms used in this chapter shall have the same meanings given them by the State Building Code.

**15.03 BUILDING INSPECTOR.**

(1) The Building Inspector and any assistants shall be appointed by the Village Administrator. The Building Inspector shall be a practical, skilled, or competent person familiar with building inspection, and shall be certified by the State of Wisconsin.

(2) **DUTIES AND AUTHORITY.** General; the Building Inspector shall enforce all provisions of this chapter and all other State and Village provisions relating to the construction, installation, alteration and repair of all buildings within the Village.

(3) **AUTHORITY TO ENTER PREMISES.** In the discharge of their duties, the Building Inspector or their authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or their authorized agent while in the performance of their duties; and any person so interfering shall be in violation of this chapter and subject to a penalty as provided by §16.10.

If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, for inspection purposes has been denied, the Building Inspector may obtain a special inspection warrant.

(4) **RECORDS AND REPORTS.** The Building Inspector shall keep in their office a daily record of all the transactions of their office, including permits issued and fees received, and shall make such reports thereon to the Village as it may require.

To the Department of Industry, Labor and Human Relations. The Building Inspector shall make such reports to the Department of Industry, Labor and Human Relations as are required under §145.04(3), Wis. Stats.

(5) **STOP WORK ORDERS.** The Building Inspector may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this chapter. Work

so stopped shall not be resumed except with written permission of the Plumbing Inspector provided if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

#### **15.04 DRAINAGE.**

(1) **GRADING LOTS.** Plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe which shall be shown on the plans and shall be constructed to provide continuous drainage. The Building Inspector may require the property owner to submit a fee as he determines to the Village in advance to cover the Village's installation of a culvert in accordance with specifications determined by the Village Engineer if the Building Inspector shall determine that installation of such a culvert is necessary to provide for continuous drainage. If the cost of installation of such culvert is more than the fee submitted to the Village in advance, the property owner shall be responsible for payment of such cost; if the cost of installation is less than the fee paid to the Village, the remainder shall be returned to such property owners.

(2) **STORM WATER DRAINS.** No dwelling shall be erected nor shall existing provisions for conveyance of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling in such a manner that such water will not, directly or indirectly, pass into the sanitary sewer system. No storm water or surface water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.

(3) **INSPECTIONS AS TO DRAINAGE.** The building inspection officers of the Village are hereby authorized to make such inspections as necessary to determine if (1) or (2) are being violated. If consent to enter upon the property to be inspected is denied, such inspection officers are authorized to obtain special inspection warrants under provisions of SS 66.122 and 66.123, Wis. Stats.

**15.05 ELEVATORS.** In any new construction of commercial, business, industrial and multi-family buildings requiring an elevator or elevators, each shall be a minimum size so as to accommodate an 84 inch by 24 inch ambulance stretcher in a full reclining position. This is not applicable to existing buildings being remodeled to comply with ADA requirements.

**15.06 UNSAFE BUILDINGS.** Whenever the Building Inspector finds any building or part thereof within the Village to be in his judgement so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy or use that it would be unreasonable to repair the building, he shall notify the Administrator who may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of building in § 66.0413, Wis. Stats. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Village in an action against the owner or tenant.

#### **15.07-15.09 Intentionally Left Blank (Reserved for Future Use)**

**15.10 ELECTRICAL PERMIT REQUIRED.** No person, firm or corporation shall alter, install, or repair electrical wires and apparatus for any purpose whatsoever in the Village of Sussex unless and until a permit be obtained from the Village Electrical Inspector in compliance with the terms of this Code. No electrical wiring, whether in the nature of installation, alteration or repair shall be done without the filing of an application on a form prescribed by the Village, the issuance of a permit, and the payment of inspection fees. The contractor shall do the work in accordance with this Code as required. The Electrical Inspector may refuse to issue a permit if the application form is not completely filled out in accordance with the terms

of this Code.

**15.11 ELECTRICAL INSPECTOR.**

- (1) The Electrical Inspector, and any assistants shall be appointed by the Village Administrator.
- (2) The Electrical Inspector shall supervise and approve inspected electrical work, whether new installations, alterations or repairs occurring within the Village.
- (3) The Electrical Inspector shall enforce the provisions of this Code and shall be responsible for collection of fees and preparation of suitable forms and permits necessary for obtaining compliance with this Code.
- (4) The Electrical Inspector shall be well versed in approved methods of electrical construction for safety of life and property, the statutes of the State of Wisconsin relating to electrical work, the rules and regulations issued by the Wisconsin Department of Industry, Labor and Human Relations under authority of the Statutes.
- (5) The Electrical Inspector shall keep complete records of all applications, permits and inspections.
- (6) The Electrical Inspector shall not engage in the business of electrical wiring or installation and shall not profit, either directly or indirectly, from any such business in the Village. The Electrical Inspector may perform electrical wiring or installation at the request of the Village or outside the boundaries of the Village.

**15.12 GENERAL MANAGEMENT AND CONTROL.** The Electrical Inspector shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to electrical inspection and shall enforce all State laws and Village Ordinances relating to the safeguarding of life and property. The purpose of this Code is to reduce personal injury and fire hazards resulting from electrical causes. The Electrical Inspector shall not furnish engineering or technical assistance nor provide any service in any form other than that of inspection.

**15.13 POWER AND AUTHORITY TO ENTER UPON PREMISES.** The Electrical Inspector or authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter any public or private building or premises in the discharge of official duties, or for the purpose of making any inspection or test of the electrical wires or appliances contained therein. The Electrical Inspector or authorized agent shall be given prompt access to any premises upon notification to the owner or person in immediate charge of the premises. Any person who shall willfully or knowingly resist or obstruct the Inspector in the performances of the Inspector's duty, shall be guilty of a violation of this Chapter.

**15.14 NOTICE TO INSPECT.** Upon completion of "roughed in" wiring, before covering from view, it shall be the duty of the person, persons, firm or corporation doing said electrical work in the Village to notify the Electrical Inspector at least 24 hours before inspection is required that the premises are ready to be inspected.

**15.15 AUTHORITY TO DISCONTINUE ELECTRICAL OPERATION.** The Electrical Inspector shall have the authority to disconnect all electrical current to any equipment which is found to be unsafe, to disconnect electrical current in cases of emergency and to disconnect electrical current which is dangerous to life or property or may interfere with the work of the Fire Department. No person, firm or corporation shall reconnect any equipment thus cut off until permission is given by the Electrical Inspector.

**15.16 PERIODIC INSPECTION.** The Electrical Inspector shall periodically visit and inspect such places especially occupied by the public, such as theaters, motion picture houses, places of amusement, places of assemblage and all parts thereof, in order to examine such places to judge the conditions of the same. The Electrical Inspector shall make a thorough examination of all the electrical equipment and appliances installed within the Village and when such equipment and appliances are found to be in an unsafe condition, the Electrical Inspector shall notify the person, firm or corporation owning, using, operating or installing the

same to place them in a safe condition. The necessary repairs or changes shall be completed within fifteen days after receipt of such notice. The Electrical Inspector is hereby authorized to order the discontinuance of electrical service to such defective equipment or appliances until they have been repaired, removed, or changed as directed by the Electrical Inspector, subject to the limitations of this Code. Failure to obey said order shall subject the person, firm or corporation failing to make such repair or disconnection to the penalties hereinafter provided. Every day for which the order is not complied with shall constitute a separate offense.

**15.17 ELECTRICAL LICENSE REQUIRED.** All electrical work shall be done only by an electrician or electrical contractor licensed by the state.

**15.18-15.19. Intentionally Left Blank (Reserved for Future Use)**

**15.20 PLUMBING DEFINED.** In this chapter, "plumbing" means and includes:

(1) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.

(2) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.

(3) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.

(4) The water pressure systems other than municipal systems as provided in Ch. 144, Wis. Stats.

(5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

**15.21 PLUMBING PERMIT REQUIRED.** No person, firm or corporation shall alter, install or repair and plumbing apparatus in the Village unless and until a permit be obtained from the Village Plumbing Inspector in compliance with the terms of this Code. An application shall be in writing upon forms which the Plumbing Inspector shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Plumbing Inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this chapter. When the Plumbing Inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this chapter, and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of 60 days without good and reasonable cause for same and shall automatically expire on completion of the work for which it was issued; provided the Plumbing Inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this chapter. No permit shall be required for minor repairs to faucets or the removal of stoppages in soil and waste pipes.

**15.22 PLUMBING INSPECTOR.**

(1) The Plumbing Inspector and any assistants shall be appointed by the Village Administrator. The

Plumbing Inspector shall be a practical plumber, skilled sanitarian or competent person familiar with plumbing, and shall be certified by the State of Wisconsin.

(2) **DUTIES AND AUTHORITY.** General; the Plumbing Inspector shall enforce all provisions of this chapter and all other State and Village provisions relating to the construction, installation, alteration and repair of all plumbing within the Village. The Plumbing Inspector shall encourage the conservation of water by recommending the installation of plumbing fixtures designed to conserve water. The Plumbing Inspector shall make inspections, perform such tests and issue such orders as may be necessary for such enforcement.

(3) **AUTHORITY TO ENTER PREMISES.** In the discharge of their duties, the Plumbing Inspector or their authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or their authorized agent while in the performance of their duties; and any person so interfering shall be in violation of this chapter and subject to a penalty as provided by §16.10.

If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, for inspection purposes has been denied, the Plumbing Inspector may obtain a special inspection warrant.

(4) **RECORDS AND REPORTS.** The Plumbing Inspector shall keep in their office a daily record of all the transactions of their office, including permits issued and fees received, and shall make such reports thereon to the Village as it may require.

To the Department of Industry, Labor and Human Relations. The Plumbing Inspector shall make such reports to the Department of Industry, Labor and Human Relations as are required under §145.04(3), Wis. Stats.

Record of Special Locations. The Plumbing Inspector shall keep a record of all sewer and water connections and shall make maps showing the locations of the same and the positions of all house drains, connections, junctions and other data necessary for the efficient operation of his office.

(5) **STOP WORK ORDERS.** The Plumbing Inspector may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this chapter. Work so stopped shall not be resumed except with written permission of the Plumbing Inspector provided if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

**15.23 PLUMBERS TO BE LICENSED.** All plumbing work shall be done only by a plumber licensed by the State for such work, provided a property owner may make repairs or installations in a single-family building owned and occupied by him as his home if a permit therefor is issued and the work is done in compliance with the provisions of this chapter.

**15.24-15.29 Intentionally Left Blank (Reserved for Future Use)**

**15.30 OCCUPANCY BOND.**

(1) **Bond Required.** Every person, corporation or organization requesting a building permit in the Village of Sussex for a structure which is subject to the occupancy permit requirements shall, before a building permit is issued, deposit with the Village an amount as listed in (B) below to ensure and guarantee to the Village that the building for which the building permit is requested shall not be occupied before an occupancy permit for the building has been obtained.

(A) **Definitions:**

1. **Occupy.** A building shall be considered to be occupied for the purposes of this ordinance, if it appears to the satisfaction of the Village of Sussex Building Inspector that any personal property, other than that absolutely necessary for

construction of the building, has been moved into the building, or that any person, at any time, has used the building in the manner in which it is intended to be used upon completion.

2. Occupancy Permit. Occupancy Permit shall mean an Occupancy Permit issued by the Village of Sussex.

(B) Bond. This bond shall be held until all state and local codes are complied with prior to any person(s) occupying the property. This bond shall be returned upon issuance of an occupancy permit less any costs, fees and penalties. Failure to obtain an occupancy permit or to occupy the property prior to receipt of an occupancy permit shall result in forfeiture of said deposit, in addition to any fine(s), costs, fees or penalties assessed as a result of the violation of Village Code Section 17.0207. The Building Inspector may waive said deposit if in his/her opinion the builder/contractor has proven compliance with Section 17.0207, of the Village Code in his/her past performance.

### **15.31 LANDSCAPING AND EROSION CONTROL BOND.**

(1) PROPERTY OWNER RESPONSIBLE FOR INSTALLATION OF LANDSCAPING AND MAINTAINING EROSION CONTROL UNTIL LAWN IS ESTABLISHED. All property owners constructing new homes, remodeling, constructing any type of building, whether residential, commercial or industrial, or performing any type of grading, landscaping or digging on their property, shall be responsible for the installation of landscaping and for maintaining proper erosion control measures until such time as the lawn and landscaping are established.

(2) CASH BOND REQUIRED. Any person making application for construction of a new home or building, expansion/alteration of an existing building, or construction of, or remodeling of any commercial or industrial building, or any property owner performing any grading, landscaping or digging on their property shall, before commencing any such project, post with the Village Treasurer a refundable cash bond to ensure that landscaping is installed and that property erosion control measures are maintained until such times as the lawn and landscaping are established.

(3) FORFEITURE OF BOND. If, at any time, it appears to the Village Building Inspector that landscaping has not been installed, or required erosion control measures have not been maintained, and if after notice within 24 hours, said installation or maintenance has not been completed in a satisfactory manner, the entire cash bond shall be forfeited and another cash bond of an equal amount shall be provided to the Village before the project shall continue.

(4) DURATION OF BOND. Said cash bond shall remain with the Village Treasurer until the Village Building Inspector, or their deputy, or the Village Administrator shall inspect the premises upon which the project is being performed and shall determine whether the project is completed to a stage that no further need for the bond is required. If the Building Inspector or Village Administrator find that the Village has no further need for the cash bond, he or she may then authorize the Village Treasurer to return the balance remaining of said cash bond. Interest, if any, earned upon said cash bond shall belong to the Village to defray the cost to the Village of administering this section.

(5) BOND TO BE USED FOR STATED PURPOSE. The cash bond described herein may be used directly by the Village without notice to the property owner, for cleaning or repair of any erosion control sediment, or to landscape the said project.

(6) UNPAID BALANCE TO BE PLACED ON TAX ROLL. In the event that the amount of the cash bond is insufficient to cover all cleanup and/or repair costs of the Village, the said property owner shall be billed for the balance owed and if said bill remains unpaid after thirty (30) days, the charge will be placed on the tax roll as a special charge pursuant to Section 66.60(16) Wisconsin Statutes.

### **15.32-15.39 Intentionally Left Blank (Reserved for Future Use)**

**15.40 PENALTIES.** Any person violating any of the provisions of this chapter shall be subject to the

penalties as set forth in Chapter 25 of the Municipal Code of the Village of Sussex. In addition to any penalties as described herein the Building/Electrical/Plumbing Inspector of the Village shall have the power to enforce compliance with the terms of this chapter by proper legal court procedure. Each day of violation of this ordinance shall constitute a separate and distinct offense punishable as such.

**15.41 FEES.** All fees and bonds under the terms of this Section shall be determined and set by resolution of the Village Board from time to time without the necessity of a formal hearing and shall be paid by the applicant prior to issuance of a permit.