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**Building Code**  
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## **CHAPTER 15**

### **Building Code**

#### **15.01.000 APPLICATION OF PROVISIONS.**

**15.01.010 Title.** This ordinance shall be known as the building code of the City of Port Washington.

**15.01.020 Purpose.** The purpose and intent of the ordinance is to:

1. Exercise jurisdiction over the construction and inspection of new buildings and structures in addition to existing buildings and structures.
2. Provide plan review and on-site inspection of buildings and structures by inspectors certified by the Department of Commerce.
3. Establish and collect fees to defray administrative and enforcement costs.
4. Establish remedies and penalties for violations.
5. Establish use of the Wisconsin Uniform Building Permit as described by the Wisconsin Department of Commerce.

**15.02.000 STATE UNIFORM CODES ADOPTED.** The Administrative Code provisions describing and setting forth regulations for Uniform Dwelling Code, Commercial Building Code, Uniform Multifamily Dwelling Code, and Barrier Free Design Code are hereby adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by Administrative Code provision incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Ordinance to secure uniform state-wide regulation. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the City Clerk's office.

#### **15.04.000 DEFINITIONS.**

**15.04.010 Addition.** "Addition" means new construction performed on a building or structure which increases the outside dimensions of a building or structure.

**15.04.020 Alteration.** "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or, to systems involved within a dwelling.

**15.04.030 Department.** "Department" means the department of industry, labor and human relations.

**15.04.040 Dwelling.** “Dwelling” means:

1. Any building, the initial construction of which is commenced on or after the effective date of this ordinance, which contains one or two dwelling units, or
2. An existing structure, or that part of an existing structure, which is used or intended to be used as a one or two family dwelling.

**15.04.050 Minor Repair.** “Minor Repair” means performed for maintenance or replacement purposes on any existing one or two family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

**15.04.060 One or Two Family Dwelling.** A. “A one or two family dwelling” means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others, and shall include a manufactured home as defined in subsec. B.

B. “Manufactured home” means that structure defined, in relevant part, under 24 C.F.R. §3280.2(a)(16), and any amendments thereto, as “[A] structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.”

**15.04.070 Person.** “Person” means an individual, partnership, firm or corporation.

**15.04.080 Uniform Dwelling Code.** “Uniform Dwelling Code” means those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter Ind.	20--Administration and Enforcement
Wis. Adm. Code Chapter Ind.	21--Construction Standards
Wis. Adm. Code Chapter Ind.	22--Energy Conservation Standards
Wis. Adm. Code Chapter Ind.	23--Heating, Ventilating and Air Conditioning Standards
Wis. Adm. Code Chapter Ind.	24--Electrical Standards
Wis. Adm. Code Chapter Ind.	25--Plumbing and Potable Water Standards

**15.05.000 BUILDING INSPECTOR.**

**15.05.010 Creation of Office.** For the purpose of administrating and enforcing the provisions of this ordinance, the City shall establish the office of Building Inspector who shall be certified for inspection purposes by the department in each of the categories specified under Section Ind. 26.06, Wisconsin Administrative Code, and by the Department of Health and Social Services in the category of plumbing.

**15.05.020 Subordinates.** The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Council. Any subordinate hired to inspect buildings shall be certified under Ch. Ind. 26, Wisconsin Administrative Code, by the department.

**15.05.030 Duties.** The Building Inspector shall administer and enforce all provisions of this ordinance and the Uniform Dwelling Code, and the Uniform Building Code.

**15.05.040 Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.

**15.05.050 Records.** The Building Inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a file for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one-and two-family dwellings shall be kept. The Building Inspector shall make a written annual report to the Common Council relative to these matters.

**15.06.000 BUILDING PERMITS.**

**15.06.010 Building Permits Required.** No building or structure of which initial construction, addition or alteration, shall be commenced after the effective date of this ordinance shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner, or his or her agent, from the building inspector.

Application for a building permit shall be made in writing upon that form as designated from time to time by the appropriate administrative department of the State of Wisconsin.

**15.06.020 Intent; Submission of Plans; Design Standards.** A. Intent. The intent of this Section is to establish standards for the design and appearance of new one- and two-family dwellings proposed to be constructed in developments for which a final plat was

approved on or after September 1, 2004, and for new one- and two-family dwellings constructed on lots in neighborhoods existing before September 1, 2004, or constructed in developments for which a final plat was approved before September 1, 2004. These regulations are intended to allow a mixture of affordable housing types in a manner which will not adversely affect the appearance of, or property values within existing neighborhoods. For this reason, design standards have been established which regulate the appearance of such new one- and two-family dwellings, allowing only those that are acceptably comparable in appearance to surrounding dwellings in one- and two-family residential districts.

- B. The applicant shall submit two (2) sets of plans, two (2) copies of the plat of survey, heat calculations and an erosion control plan for all new one- or two-family dwellings at the time that the building permit application is filed. The application shall include a list of the building features, selected by the applicant from the table set forth in subsec. E. hereof, to be included in the new one- or two-family dwelling design.
- C. All new one and two-family dwellings shall have a minimum width of 26 feet; a minimum roof pitch of 4:12; a minimum 7-1/4" wide fascia and rake trim; and approved footings and foundations as provided in Wis. Adm. Code §§COMM 21.15 – 21.18 (as amended).
- D. New one and two-family dwellings on corner lots shall be of similar design and appearance; and shall provide similar aesthetic enhancements, on all street exposures.
- E. In addition to the other requirements set forth in this Section, the following minimum point totals resulting from any combination of the following building features shall be required for approval of a building permit:
  - 1. Seven (7) points shall be required for all one- or two-family dwellings constructed in developments for which a final plat was approved on or after September 1, 2004.
  - 2. Six (6) points shall be required for all one- or two-family dwellings constructed on lots in neighborhoods existing before September 1, 2004, or constructed in developments for which a final plat was approved before September 1, 2004.
  - 3. Table of Building Features and Points:

<b>Item</b>	<b>Points</b>	<b>Building Features</b>
A	1	1- ½ story dwelling with dormers.
B	1	Bay, angled bay or boxed out window treatments.
C	1	Covered front entry/porch of at least 4' x 8'.
D	1	Heavy textured dimensional roofing material.
E	1	Main roofline to be at least 6:12 pitch.
F	1	Masonry or cementitious replicated masonry in combination with wood, natural-like products or other city approved products on entire front elevation.

G	1	Minimum of 3- ½” trim around all doors and windows.
H	1	Roof dormers on 6:12 or greater pitched roof.
I	1	Shutters on street elevations constructed of wood, engineered wood-like products or other city approved products. Shutters must be proportional to the size of the windows.
J	2	Covered front entry/porch of at least 5’ x 12’ or larger with architectural treatments, i.e.; railing, posts, etc.
K	2	Garage offset at least 2’ behind front wall of dwelling.
L	2	Masonry or cementitious replicated masonry on at least 25% of the gross wall and recessed areas of the front elevation.
M	2	Multi-level dwelling designed for sloped sites excluding basement walkouts in rear wall.
N	2	Offset or stagger of the front wall plane by at least two feet (but not including the garage wall or a recessed entry).
O	2	Shutters on all elevations constructed of wood, engineered wood-like products or other city approved products. Shutters must be proportional to the size of the windows.
P	2	Wood, engineered wood-like products or other city approved products on all exterior wall surfaces.
Q	2	Masonry or cementitious simulated masonry products on at least 15% of the exterior gross wall area.
R	3	A combination of masonry or cementitious simulated masonry products on at least 15% of the exterior gross wall area in combination with wood, engineered wood-like products or other city approved products on all other exterior wall surfaces.
S	3	Side-loaded garage with windows in front wall of garage that are compatible with other windows in the front elevation.

- F. For the purpose of the point system set forth in subsec. E. hereof, city approved products shall include, but are not limited to, masonry, wood, engineered wood products, and cementitious exterior wall coverings.
- G. The City encourages creativity in the use of new and natural products or architectural features that will enhance the appearance of buildings, including, but not limited to, masonry techniques such as returns at corners, the creation of shadow lines with rowlocks, solders, quoins, and brick and stone mixes.
- H. The Building Inspector may, in his discretion, permit an applicant to substitute or combine materials and building features not identified in subsecs. E., F. and G hereof, provided, however, that the overall building aesthetics shall comply with the design standards and intent of this section.
- I. If the required minimum point total set forth in subsec. E. hereof is not met and the Building Inspector does not permit a substitution or combination of materials and building features, the applicant may, within twenty (20) days from the date of denial of a building permit, request that the dwelling design or the decision of the Building Inspector be reviewed by the Design Review Board. A decision of the

Board shall be made within thirty (30) days of receipt of the applicant's request for review. In making its decision, the Board may affirm or reverse the determination of the Building Inspector, or grant a special exception to the design standards set forth in this section; provided, however, that a special exception may be granted only if the applicant can show that the proposed dwelling will not adversely affect the appearance of, or property values within, the residential neighborhood in which the proposed dwelling is to be constructed or located.

- J. The provisions of this Section shall be reviewed one (1) year following its adoption and periodically thereafter as may be deemed appropriate.

**15.06.030 Issuance of Permit.** If the Building Inspector finds that the proposed building or repair or addition complies with all City ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

**15.06.040 Waste and Material Disposal.** A. For any activity for which a building permit is required under this section, all waste and unused scrap building materials (including without limitation garbage, debris, or hazardous material) shall be properly disposed of into a dumpster or other means of collection approved by the building inspector. The means of collection shall be placed on site at the commencement of the construction, enlargement, alteration, or repair, and remain on site until final inspection of premises.

- B. At the end of each work day the site should be made free of all waste and unused scrap building material except that properly contained or disposed of as allowed in Section A.

**15.06.050 Razing Permits.**

A. Definitions.

1. "Building" includes any building, dwelling or structure, or any portion of a building, dwelling or structure, whether used for agricultural, commercial, industrial, institutional, residential or other purposes.
2. "Historic building" means any building or object listed on, or any building or object within and contributing to a historic district listed on, the national register of historic places in Wisconsin, the state register of historic places, or identified as potentially eligible to be listed on such national or state registers, or listed on the inventory of historic places maintained by the City entitled Intensive Survey Report (1998), as amended from time to time.



3. "Raze" means to demolish and remove any building, dwelling or structure and to restore the site to a dust-free and erosion-free condition.
- B. No person may raze a building in the City without a permit. Application for such permit shall be submitted to the Building Inspector along with payment of an application fee. A permit to raze a building other than a historic building may be issued by the Building Inspector. An application to raze a historic building shall be referred to the Design Review Board for review and recommendation and then to the Plan Commission for review and action, including issuance of a Certificate of Appropriateness, pursuant to Sections 20.30.010 through 20.30.050 of the Zoning Ordinance.
  - C. The Plan Commission shall require an applicant for a permit to raze a historic building to publish a Class 2 notice of such application prior to Plan Commission action on the application.
  - D. If an application is made for a permit to raze a historic building, , or an order is issued under §66.0413 to raze a historic building, or the City intends to raze a city-owned historic building, the City shall notify the state historical society of the application, order or intent as provided in §66.0413(3), Stats., and no such historic building may be razed for 30 days after such notice is given, unless a shorter period is authorized by the state historical society.
  - E. Nothing in this Section shall be deemed to abrogate or limit the authority of the Common Council, Building Inspector or other designated City officer under §66.0413, Stats. to order the owner of a building which is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation to raze or repair the building, or the City's right to commence and prosecute a court action to obtain an order determining that the building constitutes a public nuisance, or for any other relief.

**15.06.060 HVAC Permit Required.** No heating, air conditioning, boiler, heat pump, venting or other such work as contemplated by this code and the Uniform Dwelling Code and Uniform Building Code shall be commenced unless a permit for that work shall first be obtained by the owner, or his or her agent, from the building inspector.

Application for a HVAC permit shall be made in writing upon that form as designated from time to time by the appropriate administrative department of the State of Wisconsin. No permit shall be issued to any person or entity not certified by the State of Wisconsin as an HVAC contractor.

**15.06.070 Change of Occupancy Permit Required.** No person or business that is changing occupancy of a building zoned for business or commercial use shall occupy the building without first making application for a Change of Occupancy Permit. The Change of Occupancy Permit is issued by the City Building Inspector. The cost for

completing a Change of Occupancy Application form is \$50.00. No building nor part thereof shall be occupied until such permit is approved by the Building Inspector.

**15.07.000 BUILDINGS AND STRUCTURES MAINTENANCE STANDARDS; GENERALLY.**

- A. Title. This section and sections 15.07.010, 15.07.020, 15.07.030 and 15.07.040, et seq. of this Municipal Code shall collectively be known as the Maintenance Standards for all buildings, structures and premises in the City, and is referred to as “this article”.
- B. Purpose and intent. The purpose and intent of this article is to safeguard the public health, safety and welfare, and to protect the housing and building stock of the City from falling into disrepair and becoming a public nuisance by establishing minimum standards for basic equipment and facilities for structural soundness, sanitation and safety from fire, water and weather, by fixing the responsibilities of owners, operators and occupants of all buildings, structures and premises, and by providing for administration, enforcement and penalties.
- C. Scope and necessity of article. The provisions of this article apply to all buildings, structures and premises which are now or may become in the future substandard with respect to structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light or air, lack of proper heating, unsanitary conditions, overcrowding or other conditions which may be deemed to be harmful to the safety, health or welfare of the occupants, the neighborhood or the general public. The existence of such conditions, factors or characteristics adversely affects public comfort, safety, health and welfare and leads to the creation, continuation or aggravation of urban blight, or depreciates property values. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.
- D. Applicability of article.
  - 1. In regard to time of construction, alteration or repair. Every portion of a building, structure or premises shall comply with the provisions of this article, irrespective of when such building, structure or premises shall have been constructed, altered or repaired, except as may be provided in this article.
  - 2. Application of building codes. Any alterations to buildings, structures or premises or changes of use therein, which may be caused directly or indirectly by the enforcement of this article shall be done in accordance with applicable sections of the state and City building codes.
  - 3. Application of zoning laws. Nothing in this article shall permit the establishment, conversion or use of any buildings, structures or premises in conflict with the zoning ordinances of the City.
  - 4. Conflict with other ordinances. In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date of the ordinance from which this article is derived, the provision which establishes the higher standard for the promotion and protection of the comfort, safety and health of the people shall prevail.
  - 5. Existing buildings. This article establishes minimum standards and requirements for the initial and continued occupancy, and for the maintenance, of all buildings, structures and premises and does not replace or modify standards or requirements otherwise established for the construction, repair, alteration or use of buildings, structures, premises, equipment or facilities, except as may be provided in this article.

6. Existing remedies. Nothing in this article shall be deemed to abolish or impair existing remedies of the City relating to buildings, structures or premises which are deemed to be dangerous, unsafe or unsanitary.
7. Definition of “approved”. As used in this article, “approved” means approved by or in accordance with regulations established by the Building Inspector and this article and all applicable ordinances of the City.

**15.07.010 BUILDINGS AND STRUCTURES MAINTENANCE REQUIREMENTS.**

No person shall occupy or use as an owner, operator or occupant, or let to another for occupancy, any building, structure or premises, or any portion thereof, which does not comply with the following requirements:

- A. Structures. The building components of all structures shall be maintained in a sound condition and shall be maintained so that wind, water, moisture, animals and/or insects cannot penetrate into the structure. Any structural deficiency and any breach of the structure shall be corrected and any infestation or harborage of insects or animals shall be eliminated.
- B. Foundations. The foundation shall be structurally sound and support the loads imposed by the building or structure at all points. Foundations shall be free from spalling, missing or loose stone and masonry units, water, damp areas, efflorescence and any form of mildew or mold.
- C. Basement. No basement, crawl space, or any level of a building or structure that is below the immediate outside grade shall have wet floors, standing water, efflorescence or any form of mildew or mold.
- D. Exterior surfaces. All exterior surfaces shall be an approved siding, cladding or masonry product, protected from wind, water, moisture and other elements, and from animals and insects. Painted or finished exterior surfaces which are chipped, peeling or missing protective coatings shall be refinished or repainted with colors that match the surrounding surface area, applied in a workmanlike manner. Clad surfaces shall be replaced with materials of like kind and color.
- E. Masonry or Cementitious elements. All concrete or masonry elements must be free of spalling, loose, broken, or missing sections. Cracked, deteriorated or missing mortar joints shall be replaced. Painted surfaces that are chipped or peeling shall be refinished or repainted with colors that match the surrounding surface area, applied in a workmanlike manner.
- F. Metallic Surfaces. All metallic surfaces which are chipped, peeling or missing protective coatings shall be protected from wind, water, moisture and other elements, and from rust by coating products applied in accordance with the manufacturer’s directions and in a workmanlike manner. Damaged or missing metallic surfaces shall be repaired or replaced with materials of like kind and color, to match the surrounding surface area.
- G. Exits and stairways. Every required exit, including, but not limited to, stairways (and the component parts thereof), fire escaped, horizontal exits and doors, shall be adequate for safety and shall lead to a street, alley or open court which leads to a public way. Locking devices for all exits shall comply with applicable codes. All required exits, and all passageways leading to and from such exits, shall be operational, kept in good repair and unobstructed at all times. Component parts of stairways, including, but not limited to, handrails, guardrails, balustrades, treads and risers, shall be kept firmly fastened, in good repair and be clean and free from defects. Properly balustraded railings, capable of bearing imposed loads as specified by applicable codes, shall be installed and

maintained on the open portions of stairs, balconies, landings and stairwells. Every stairway shall be so constructed and maintained as to be safe to use and capable of supporting a normally imposed load.

- H. Doors and windows. All doors and windows shall operate as originally designed, be provided with storms and screens that are in good operating condition, be weathertight, rodentproof, supplied with glass window panes or an approved substitute which are glazed, be without open cracks and holes, be capable of being easily opened and held in position by window hardware, be provided with an approved locking device, and be kept in a good state of maintenance and repair.
- I. Roofing and guttering. Damaged or missing roofing shall be replaced with material of like kind and color. The roof, flashing, eaves and soffits shall be structurally sound, tight, and shall prevent wind, water, moisture and other elements, animals and/or insects from penetrating the building or structure. Gutters and downspouts shall be maintained in good repair, direct and convey water away from all foundations and to grade or to a storm water system, and shall not be broken, rusted, detached or damaged. Roof drainage shall be adequate to prevent water from causing moisture or dampness to accumulate in the walls or interior portion of the building or structure.
- J. Detached garages, sheds and accessory structures. All detached garages, sheds and other accessory structures shall be maintained in the same manner and to the same standards as the principal building or structure.
- K. Fences. Fences, including gates, shall be straight, plumb and maintained in sound condition and repair, free from damage, breaks or deteriorated or missing structural components. Painted or stained fences shall be maintained in good condition and repair, with adequate paint, stain or other approved protective coatings, applied in a workmanlike manner.
- L. Building equipment and systems. All nonfunctioning or replaced equipment and systems, including but not limited to, boilers, furnaces, air conditioning units, ducts, plumbing, wiring and electrical parts or accessories, shall be promptly removed from the premises.
- M. Building drainage. All premises shall be so graded and maintained that no water accumulates or stands on the premises or within any building or structure located on the premises for a period greater than 24 hours. Concentrated flow of building and site drainage shall not be directed towards any abutting property, or any City property, public sidewalk or right-of-way except as part of an approved site plan. All building drainage, including, but not limited to, downspouts and sump pumps, shall not be discharged nearer to any abutting property than the required offset. Where the point of discharge on the premises lies at a higher elevation than the abutting property, the direction of discharge shall be parallel to the abutting property line. The point of discharge of water shall be located so as to not cause damage to, nor create an erosion, water or ice hazard or nuisance on, any abutting property or any City property, public sidewalk or right-of-way, and such location shall, therefore, be subject to final approval by the Building Inspector. The discharge of storm water to a lot surface or any City property, public sidewalk or right-of-way which creates a public nuisance or potentially hazardous condition is subject to enforcement action under section 10.15.030 A. of this Municipal Code.
- N. Site Drainage. All premises shall be so graded and maintained that no water accumulates or stands on the premises or within any building or structure located on the premises. Landscaping, filling, relocating or otherwise altering the natural flow of surface water in any manner that obstructs natural flow, or concentrates or diverts water towards or onto any abutting property is prohibited. Where surface drainage occurs, the premises shall be landscaped so that such surface drainage is directed and conveyed

along the abutting property line. For existing buildings, structures or premises where compliance with this section may present unnecessary hardship, City staff will evaluate the site conditions and may recommend an approved remedy for the site drainage. The discharge of storm water to a lot surface or any City property, public sidewalk or right-of-way which creates a public nuisance or potentially hazardous condition is subject to enforcement action under section 10.15.030 A. of the Municipal Code.

- O. Open spaces. All unpaved or open spaces shall be put into a lawn, except for such areas set aside for trees, shrubbery or gardens or landscaped in an approved manner.
- P. Paving of Driveways, Approaches and Sidewalks. Every existing driveway, driveway approach and sidewalk which abuts, lies upon or crosses over a public street or right-of-way shall be paved within one year from the date of written notice from the Building Inspector to comply with this section. Driveways shall be paved with concrete or asphalt. Driveway approaches and sidewalks shall be paved with concrete.
- Q. Construction sites. All premises for which a permit has been issued to construct, alter, repair, remodel or change in any way a new or existing building or structure shall be maintained in the following manner:
  - 1. Erosion control and landscaping. New construction sites shall implement and maintain erosion control measures until all soils are stabilized. Such sites shall be landscaped before the end of the second growing season following final inspection of the building or structure by the Building Inspector.
  - 2. Paving of driveways, approaches and sidewalks. Every new driveway and sidewalk which abuts, lies upon or crosses over a public street or right-of-way shall be paved within one year after final inspection of the building or structure by the Building Inspector. Every new driveway approach which abuts, lies upon or crosses over a public sidewalk, street or right-of-way shall be paved before an occupancy permit is issued for the building or structure by the Building Inspector. Driveways shall be paved with concrete or asphalt. Driveway approaches and sidewalks shall be paved with concrete.
  - 3. Construction materials, debris and mud. All construction sites shall be kept free of loose, discarded or excess construction materials or debris which are unsightly or may be blown by the wind about the site or onto neighboring properties. Such materials and debris shall be immediately removed from the construction site and from neighboring properties by the site owner and/or by the general contractor. During the construction period, any mud or soil from the site which is tracked or deposited onto any public sidewalk, street or right-of-way shall be immediately removed therefrom by the site owner and/or by the general contractor. In addition to penalties provided in other City ordinances, violations of this section may result in the site being placarded and/or the construction work being halted until the site complies and such compliance is confirmed by the Building Inspector.
  - 4. Cessation of construction activity. Except as provided in this subsection, if construction activity ceases or no substantial construction work is performed on a premises for a period of thirty (30) consecutive days, the exterior of the building or structure shall be completed forthwith in accordance with the approved building plans and this article and all applicable ordinances of the City. In such event, all construction materials shall be immediately removed from the premises or stored in the building, all erosion control measures shall be maintained, all grasses and weeds shall be kept cut, and all required landscaping shall be completed during that planting season. The provisions of this subsection shall not apply if a cessation of construction activity or a failure to perform substantial construction work is due to an act of God, strike or other acts beyond the control

of the site owner or the general contractor, or if in the judgment of the Building Inspector the site owner or general contractor has demonstrated good faith efforts to continue or complete the work.

**15.07.020 EXTERIOR PROPERTY AREAS.**

A. Purpose and Intent. The purpose and intent of this section is to protect and promote the public comfort, health, safety and welfare in buildings, structures and premises as provided by:

1. Establishing minimum standards for safe and sanitary maintenance of the exterior property area of all buildings, structures and premises.
2. Fixing the responsibilities of occupants, operators and owners of all buildings, structures and premises.
3. Preserving or enhancing the aesthetics, physical characteristics and values of properties within the City as a community in which to live and work by regulating buildings, structures and premises which are now or may become substandard with respect to protection against fire hazard, inadequate provisions for light, air and open space, unsanitary conditions, overcrowding or other conditions which are deemed to be harmful to the comfort, safety, health or welfare of the occupants, the neighborhood or the general public. The existence of such conditions, factors or characteristics adversely affects public comfort, safety, health and welfare, leads to the creation, continuation or aggravation of urban blight, or depreciates property values.

B. Definitions. When used in this section, the following words, terms and phrases shall have the specific meaning as hereinafter defined, except where the context clearly indicates a different meaning:

1. Debris - Any junk, wood, bricks, cement, concrete blocks, machinery or parts thereof, furniture (unless designed for outdoor use), refrigerators, furnaces, washing machines, dryers, stoves and other appliances, automobiles, trucks, tractors and other vehicles or parts thereof, construction materials, and any other unsightly accumulation of discarded items or materials, such as may tend to or do depreciate property values in the area, create a blighted condition, interfere with the comfortable enjoyment of the life, health or safety of another or others, or create or continue a nuisance or health or safety hazard.
2. Dwelling - Any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

3. Exterior property area - The open space on the premises and on adjoining property under the control of occupants, operators or owners of such premises.
4. Garbage - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
5. Nondwelling structure - A garage, shed or other similar storage or convenience building attached to or detached from a dwelling and used primarily for recreation and/or the storage of vehicles, lawn and garden equipment and appliances, and other household tools or equipment. A nondwelling structure shall not be used for living or sleeping by human occupants.
6. Occupant - Any person (including the owner or operator) living and sleeping in a dwelling or having actual possession of such dwelling.
7. Operator - Any person who has charge, care, management or control of a building, structure or premises which are let or offered for occupancy.
8. Owner - Any person who, alone or jointly or severally with others, has legal title or equitable title to any building, structure or premises; or charge, care, management or control of any building, structure or premises as personal representative, administrator, trustee or guardian of the owner, or in any other representative or fiduciary capacity.
9. Person - An individual, firm, corporation, service corporation, limited liability company, limited liability partnership, partnership, association or other entity.
10. Premises - A platted or unplatted lot or parcel of land, or part thereof, either occupied or unoccupied by any dwelling or nondwelling structure.
11. Rubbish - Combustible and noncombustible waste materials, except garbage, including, but not limited to, the residue from the burning of wood, coal, coke, and other combustible materials, paper products, rags, cartons, boxes, wood, logs, firewood, excelsior, rubber, leather, tree and shrub branches, tree and shrub trimmings, yard and garden wastes, food and other containers (metal and glass), metals, mineral matter, glass, crockery and dust and other similar material.
12. Terms defined in Zoning Ordinance - Where words, terms or phrases are not defined under the provisions of this section and are defined in §20.02.040 of the Zoning Ordinance (as amended from time to time),

they shall have the same meanings ascribed to them in that section of the Zoning Ordinance.

13. Terms not defined - Where words, terms or phrases are not defined under the provisions of this section or under the provisions of §20.02.040 of the Zoning Ordinance (as amended from time to time), they shall have ascribed to them their ordinarily accepted meanings or such as the context in this section may imply.

- C. Maintenance of Exterior Property Areas. All exterior property areas shall be maintained in a clean, safe and sanitary condition free from any accumulation of debris, garbage or rubbish. No person, as occupant, operator or owner, shall permit or continue the use of any building, structure or premises which does not comply with the requirements of this section, and the Building Inspector shall cause inspections to be made of all buildings, structures and premises, as necessary, to secure compliance with this section.
- D. Abatement by City. Any person failing to comply with this section shall be notified by the Building Inspector in writing. Upon failure of such person to comply with the orders of the Building Inspector within thirty (30) days of the date of such notice, the Building Inspector may cause the exterior property areas of a building, structure or premises to be put into compliance by the removal and disposal of accumulated debris, garbage or rubbish from the building, structure or premises.
- E. Recovery of Costs; Special Charge for Services. Where, due to a person's failure to comply with this section, the Building Inspector causes the exterior property areas of a building, structure or premises to be put into compliance by the removal and disposal of accumulated debris, garbage or rubbish, the Building Inspector shall report the costs thereof in writing to the City Administrator, specifying the amount chargeable to each lot or parcel of land and describing such lot or parcel. Such amount may be imposed as a special charge for current services against the land pursuant to sec. 66.0627, Stats. (as amended from time to time). Written notice of such special charge shall be mailed to the land owner. Such charge is not payable in installments. If such special charge is not paid within thirty (30) of the date of such notice, the charge is delinquent, and shall become a lien on the land against which it is imposed as of the date of the delinquency. A delinquent special charge shall be included in the current or next tax roll for collection and settlement under ch. 74, Stats.
- F. Penalties. In addition to any other legal or equitable relief or remedies to which the City may be entitled, or causes of action which the City may elect to pursue, penalties for violation of this section shall be as provided in sec. 15.07.030, Municipal Code.



**15.07.030 Penalty.** Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Section 15.08.000 of this Municipal Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

**15.07.040 CONTROL OF NUSIANCE AND NOXIOUS WEEDS AND OTHER RANK VEGETATION**

**A. Nuisance and Noxious Weeds and Other Rank Growth of Vegetation Prohibited.**

No person owning, occupying or controlling land within the City shall plant or permit to grow or pollinate upon the land any nuisance weeds as defined in sec. 23.235, Stats. or noxious weeds as defined in sec. 66.0407, Stats., nor shall any person allow any weeds, grasses, plants or other rank vegetation to grow or pollinate on lands in the City which he owns, occupies or controls so as to constitute a public nuisance as defined in Section 12.02.020 6. Land containing such nuisance or noxious weeds, weeds, grasses, plants or other rank vegetation, is declared in a state of neglect and a public nuisance.

**B. Destruction of Noxious Weeds and Grasses; Other Prohibited Weeds and Grasses.**

Per sec. 66.0407 (1)(a), Stats., all noxious weeds shall be destroyed at such time and in such manner as will effectually prevent them from maturing to the bloom or flower stage. Per sec. 66.0407 (1)(b), Stats., in this Section and in Sections 15.07.050 and 15.07.060 “noxious weeds” shall include, but are not limited to any weeds, grasses or plant growth which, if allowed to pollinate, would cause hay fever in humans or would cause a rash through contact with the skin, any nuisance or noxious weeds listed in the Wisconsin Statutes, and the following weeds, grasses, plants and vegetation:

- |                                      |  |
|--------------------------------------|--|
| Cirsium Arvense (Canada thistle)     | Ambrosia artemisiifolia (common ragweed) |
| Ambrosia trifida (giant ragweed)     | Euphorbia esula (leafy spurge)           |
| Arctium minus (burdock)              | Convolvulus arvensis (field bindweed)    |
| Tragopogon dubius (goat's beard)     | Cirsium vulgaries (bull thistle)         |
| Pastinaca sativa (wild parsnip)      | Xanthium strumarium (cocklebur)          |
| Rumex Crispus (curled dock)          | Cannabis sativa (hemp)                   |
| Alliarita Petiolata (garlic mustard) | Plantago lancellata (English plantain)   |
| Amaranthus retroflexus (pigweed)     | Chenopodium album (common                |
| lambquarters)                        |  |
| Ambrosia trifida (great ragweed)     | Milkweed                                 |
| Ragweed (all varieties)              | Thistles (all varieties)                 |
| Smartweed                            | Dandelions (over 8 inches in height)     |

Noxious grasses, as defined in this Section and in Sections 15.07.050 and 15.07.060, shall include, but are not limited to, the following:

Agrostia alba (redtop)	Dactylis glomerata (orchard grass)
Phleum pratense (timothy)	Poa pratensis (Kentucky blue grass)
Sorghum halepense (Johnsongrass)	Setaria (foxtail)

This section shall not apply to Canada thistle or annual noxious weeds that are located on land that the state Department of Natural Resources owns, occupies or controls and that is maintained in whole or in part as habitat for wild birds by the Department.

- C. Annual Notice.** The City shall annually on or before May 15 publish as required by state law a notice that every person is required by law to destroy all nuisance weeds and noxious weeds, and all grasses, plants and other rank growth of vegetation as defined in Section 12.02.020 6., on lands within the City which he owns, occupies or controls.
- D. Enforcement.** If an owner, occupant or person controlling land within the City fails to destroy any nuisance weeds, noxious weeds, grasses, plants or other rank vegetation as required by the annual notice, the Weed Commissioner shall give five (5) days' written notice by mail to such person that the Weed Commissioner, upon expiration of the five (5) day period, will abate such public nuisance by destroying or causing the destruction of all such weeds, grasses, plants and other rank vegetation growing upon said land by mowing, use of chemicals and/or by cutting. The Weed Commissioner is empowered to enter upon public or private lands for such purpose.
- E. Costs and Fees; Tax on Land; Special Charge for Services.** Where due to a person's failure to comply with this Section, the Weed Commissioner causes nuisance weeds, noxious weeds, weeds, grasses, plants or other rank vegetation to be destroyed, the Weed Commissioner shall report the costs thereof in writing to the City Clerk, specifying the amount chargeable to each lot or parcel of land. Such costs shall be determined annually by the Finance Committee and shall include the cost of labor and equipment, and a fee for the Weed Commissioner's services to investigate, inspect and re-inspect the land. Such costs and fees (collectively, the "total charges") shall be billed to the land owner. If not paid by November 15 of the year in which billed, the total charges, together with an additional administrative fee for billing and collection equal to 10% of the total charges, shall be placed on the next succeeding tax roll as a tax on the land affected, as provided in sec. 66.0517(3), Stats. Such tax shall be collected in the same manner as other taxes under chs. 74 and 75, Stats. In addition to any other method provided by law, the total charges may be imposed as a special charge for services against the land pursuant to sec. 66.0627, Stats. Written notice of such special charge shall be mailed to the land owner. A special charge is not payable in installments. If not paid within thirty (30) days of the date of such notice, the special charge is delinquent and shall become a lien on the land against which it is imposed as of the date of the delinquency. A delinquent special charge shall be included in the current or next tax roll for collection and settlement under ch. 74, Stats.

## **15.07.050 REGULATION OF LAWNS, GRASSES AND WEEDS**

**A. Purpose; Definitions.** This Section is adopted to correct the problems associated with unmanaged lawns, grasses and weeds being allowed to grow to excessive height on lands within the City. As used in this Section:

1. “Lawn” shall mean turf grasses commonly used in regularly cut yard areas such as, but not limited to blue grass, fescue and rye grass blends.
2. “Natural lawn area” shall have the meaning specified in Section 15.07.060 B.
3. “Nuisance” shall mean any public nuisance as defined by the Wisconsin Statutes or in Section 12.02.020 6., or physical conditions dangerous to human life or detrimental to the health of persons on or near the land where the condition exists.

**B. Nuisance Declared.** The Common Council finds that lawns, grasses and weeds on lands within the City which exceed eight (8) inches in height adversely affect the health and safety of the public in that they tend to emit pollen and other discomforting bits of plant matter; constitute a fire hazard in that flammable litter and debris can become entangled and hidden in them; interfere with the vision of operators of vehicles on adjacent roads and public ways; impede the safe and convenient use of sidewalks and other public ways; and adversely affect property values of neighboring lands. For those reasons, any lawn, grass or weed on land within the City which exceeds eight (8) inches in height is declared to be noxious, in a state of neglect and a nuisance.

**C. Nuisances Prohibited; Mowing Required.** No person owning, occupying or controlling land within the City shall permit any nuisance as defined in subsections A.3. or B. hereof to grow, pollinate or remain on his land within the City. To prevent such growth and pollination, it shall be the duty of every land owner or occupant to regularly mow or cut, or cause to be regularly mowed or cut upon the land which he owns, occupies or controls, all lawns, grasses and weeds exceeding eight (8) inches in height.

**D. Parkways; Maintenance.** In this subsection, “parkway” means that area of land located between the curb or gutter and the sidewalk. The parkway shall be kept free and clear of all nuisance weeds and noxious weeds, and all lawns, grasses and weeds which exceed eight (8) inches in height. The parkway shall not be paved, surfaced or covered with any material which shall prevent the growth of vegetation, and shall be mowed and maintained as a lawn. Every person who owns, occupies or controls land within the City which land abuts a parkway, shall maintain, or have maintained by the person’s tenant, the parkway directly abutting such land as provided herein and in Section 15.07.040.

- E. Exceptions.** This Section shall not apply to: (i) lands actively being farmed; (ii) those portions of land designated as approved natural lawn areas by the Weed Commissioner under Section 15.07.060; (iii) those portions of land located in a designated floodplain area, drainage way, or wetland as defined in the Wisconsin Statutes or City ordinances; or (iv) lands owned by governmental entities or where federal, state or local regulations provide otherwise.
- F. Inspection.** The Weed Commissioner or designee shall inspect or cause to be inspected all lands within the City to determine if any nuisance as defined in subsections A.3. or B. hereof exists.
- G. Notice of Nuisance; Abatement.** If the Weed Commissioner determines that any nuisance as defined in subsections A.3. or B. hereof exists, he shall immediately give written notice to the owner, occupant or person in control of the land that the City intends to have the lawn, grasses or weeds mowed or cut so as to comply with this Section and Section 15.07.040. The notice shall be mailed at least five (5) days prior to the date of the City's action to have the lawn, grasses or weeds mowed or cut and shall be mailed to or served on the owner or person in control of the affected land or, if such person is not known and there is a tenant occupying the land, then to the tenant. The notice shall inform the owner, occupant or person in control of the land that if he fails to abate the nuisance within the prescribed time period the City shall abate the same and the costs and fees thereof shall be assessed to the land as a tax or special charge, that he has a right to appeal the Weed Commissioner's determination, and the procedure to request a hearing thereof.
- H. Appeal; Bond; Due Process Hearing.** If the owner, occupant or person in control of the affected land believes that the lawn, grasses or weeds thereon are not a nuisance, he may appeal the Weed Commissioner's determination to the Common Council. The request for a hearing before the Common Council shall be in writing and must be received in the City Clerk's office within five (5) days of the date of the Weed Commissioner's notice. The request for a hearing shall include payment by the appellant of a bond in the sum of \$25. If a decision is rendered in the appellant's favor, the \$25 bond shall be returned to the appellant. If the appellant fails to appear for the hearing or if a decision is rendered against the appellant, the bond shall be forfeited and applied to the cost of the Weed Commissioner or designee abating the nuisance. Upon receipt of a timely written appeal and payment of the bond, a hearing shall be set before the Common Council and shall be held within seven (7) days from the date of receipt of such appeal. The City shall not mow or cut the lawn, grasses or weeds on the affected land until it renders a decision on the appeal. At the hearing, the appellant may appear in person or by an attorney, may present his witnesses, cross-examine witnesses presented by the City, and subpoena witnesses to testify in his behalf. At the close of the hearing the Common Council shall make its determination in writing, setting forth its findings of fact and conclusions. If the Common Council determines that a nuisance exists, it shall order the Weed Commissioner to mow or cut the affected land, unless the land has been mowed or cut by the appellant within forty-eight (48) hours of the Common

Council's decision. If the appellant does not abate the nuisance within said forty-eight (48) hour period, the Weed Commissioner shall cause the same to be abated and the costs and fees thereof in excess of the bond shall be billed and collected as provided in Section 15.07.040 E.

- I. Abatement by City.** If the owner, occupant or person in control of the affected land fails to mow or cut the lawn, grasses or weeds as directed in the notice sent pursuant to Section G. hereof, or if the owner, occupant or person in control of the affected land cannot be found, the City may elect to mow or cut said lawn, grasses or weeds, or cause the same to be mowed or cut, and the costs and fees thereof shall be billed and collected as provided in Section 15.07.040 E. The Weed Commissioner is empowered to enter upon public or private lands for such purpose.

### **15.07.060 REGULATION OF NATURAL LAWN AREAS**

**A. Purpose.** The City recognizes that the use of ferns, wildflowers and other native and naturalized plants in a managed landscape design can be economical, low-maintenance and effective in soil and water conservation. However, it is not the intent of this Section to allow natural lawn areas to be completely unmanaged or overgrown. Areas that present a health or safety hazard or provide a breeding ground for undesirable wildlife known to create a health or safety hazard will not be permitted, nor will those nuisance weeds, noxious weeds, grasses and plants identified herein which are known indicators of neglect. Therefore, this Section is adopted to permit managed natural lawn areas within the City while maintaining public health and safety.

**B. Definitions.** As used in this Section:

1. "Owner" shall mean the legal title holder and/or the beneficial owner of any lot or parcel of land within the City, according to the most current records of the City Assessor.
2. "Natural lawn area" shall mean any land managed to preserve or restore native or naturalized plants, including but not limited to ferns, wildflowers, grasses, forbs, shrubs and trees, which are designed and purposely cultivated to exceed eight (8) inches in height from the ground, but specifically excluding those nuisance weeds, noxious weeds, grasses, plants and rank vegetation identified in Section 15.07.040.
3. "Natural Lawn Management Plan" shall mean a written plan relating to the management and maintenance of a natural lawn area which contains a legal description of the area upon which the permitted vegetation will exceed eight (8) inches in height; a statement of the purpose of the natural lawn area; a list of the plants, seeds and forbs to be planted; a description of the plant succession involved; a statement whether the area will be cultivated prior to

planting or have plugs inserted in the area; and the specific management and maintenance techniques to be employed thereon.

- C. Natural Lawns Areas Allowed Only with Permit.** An owner or occupant of land within the City desiring a natural lawn area on land which he owns, occupies or controls may apply for a natural lawn area permit, provided that the owner or occupant completes an application form, pays the registration fee, submits a Natural Lawn Management Plan for the area which complies with the provisions of this Section, and obtains a permit. The growth of a natural lawn area in excess of eight (8) inches in height from the ground is prohibited within the City unless a Natural Lawn Management Plan is approved and a natural lawn area permit is issued by the City Clerk. An unpermitted natural lawn area is deemed a public nuisance under Section 12.02.020 6.
- D. Application Process.** A land owner or occupant who desires to plant and cultivate a natural lawn area must submit to the City Clerk a complete, signed application on a form provided by the City, a Natural Lawn Management Plan, and a \$25 non-refundable registration fee. Upon submitting such items, copies of the completed application form and Natural Lawn Management Plan shall be delivered by the City Clerk to the Weed Commissioner. The Weed Commissioner shall review such items and, within thirty (30) days of the submittal, notify the applicant and the City Clerk in writing whether the application and the Natural Lawn Management Plan are approved or rejected based upon compliance with the requirements of this Section. If approved, the City Clerk shall issue a natural lawn area permit to the applicant. If denied, the applicant shall be notified in writing of the provisions with which the application or Natural Lawn Management Plan does not comply, along with his right to appeal such denial, and the procedure to request a hearing thereof.
- E. Limitations and Restrictions on Natural Lawn Areas.** Natural Lawn Management Plans shall limit the planting and cultivating of natural lawn areas to lands legally owned or occupied by the applicant. Applicants are strictly prohibited from planting, developing or maintaining a natural lawn area on any lands the City owns or leases, or in which the City holds an easement interest, including but not limited to parkways, streets, alleys and other public ways and rights-of-way.
- F. Maintenance of Setbacks and Drainage Swales; Waiver of Setback; Revocation of Waiver.** Subject to subsection E. hereof, all natural lawn areas shall be set back a minimum of ten (10) feet along any street frontage, measured from inside the sidewalk, or where there is no sidewalk, from the property line of the affected land, and a minimum of ten (10) feet from any side or rear property line. In addition, all drainage swales shall be kept free of plantings.
- G. Public Health and Safety Regulations.** When in the opinion of the Fire Chief the presence of a natural lawn area constitutes a fire hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawn areas to the extent necessary to produce a safe condition. As a condition of receiving approval of a

natural lawn area permit, a land owner shall be required to cut the natural lawn area within forty-eight (48) hours of receiving such written order from the Fire Chief. Natural lawn areas shall not be managed, maintained or removed by burning. Natural lawn areas shall be kept free of litter and/or debris, and shall not harbor undesirable wildlife.

- H. Inspection.** The Weed Commissioner or designee shall inspect or cause to be inspected all lands within the City to determine if any public nuisance exists in violation of this Section.
- I. Enforcement; Notice of Nuisance; Abatement.** If an approved natural lawn area fails to comply with the Natural Lawn Management Plan or the provisions of this Section, the affected land is deemed a public nuisance under Section 12.02.020 6. In that event the Weed Commissioner shall give five (5) days' written notice by mail to the owner, occupant or person in control of the land that unless the owner or occupant earlier acts to abate the nuisance, the Weed Commissioner, upon expiration of such five (5) day period, will revoke the natural lawn area permit and/or abate the nuisance by destroying or causing the destruction of all plants growing upon the land which cause such non-compliance or nuisance condition, with the costs and fees thereof assessed to the land as a tax or special charge. The notice shall also inform the owner or occupant that he has a right to appeal the Weed Commissioner's decision, and the procedure to request a hearing thereof.
- J. Appeal.** An applicant or permit holder aggrieved by the Weed Commissioner's decision to deny or revoke a natural lawn area permit, or who believes that the plants growing on the land are not a public nuisance, may appeal to the Common Council for a hearing pursuant to the procedure in Section 15.07.050 H., without a bond. The Common Council may affirm, reverse or modify a decision of the Weed Commissioner and issue an order accordingly. The decision rendered by the Common Council shall be final and binding. Failure to file an appeal within five (5) days of the date of the Weed Commissioner's notice shall result in denial or revocation of the natural lawn area permit, or abatement of the public nuisance by the City.
- K. Abatement by City.** If the owner, occupant or person in control of the natural lawn area fails to abate the public nuisance as directed in the notice sent pursuant to Section I. hereof, or if the owner, occupant or person in control of the natural lawn area cannot be found, the City may elect to abate the nuisance, and the costs and fees thereof shall be billed and collected as provided in Section 15.07.040 E. The Weed Commissioner is empowered to enter upon public or private lands for such purpose.
- L. Exceptions.** This Section shall not apply to: (i) lands actively being farmed; or (ii) lands owned by governmental entities or where federal, state or local regulations provide otherwise.

**15.08.000 VIOLATION AND PENALTIES.**

**15.08.010 Violation Fees.** No person shall erect, use, occupy or maintain any one or two family dwelling in violation of any provision of this ordinance or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any of the provisions of the ordinance shall upon conviction for each violation be subject to a forfeiture of not less than twenty-five dollar(s) (\$25.00) nor more than five hundred dollar(s) (\$500.00), together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid. Each day that the violation continues, after notice, shall constitute a separate offense.

**15.08.020 Corrections.** If an inspection reveals a non-compliance with this ordinance or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Sec. Ind. 20.10 (1)(c), Wisconsin Administrative Code.

**15.08.030 Failure to Correct.** If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner of his or her representative and copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

**15.08.040 Separate Offense Per Day.** Each day each violation continues after the 30 days written notice period has run shall constitute a separate offense. Nothing in this ordinance shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance or the Uniform Dwelling Code.

**15.08.050 Double Fees Charged.** If any construction or work governed by the provisions of this ordinance or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

**15.09.000 APPEAL TO BOARD OF APPEALS.** Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

**15.10.000 LIABILITY FOR DAMAGES.** This ordinance shall not be construed as an assumption of liability by the City for damages because of injuries or property destroyed by a defect in any dwelling or equipment.

**15.11.000 SEVERABILITY.** If any section, clause, provision or portion of this ordinance, of the Wisconsin Uniform Building Code, or of Chapters Ind. 20, 21, 22, 23,



24 and 25, Wisconsin Administrative Code is adjusted unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

**15.12.000 FEES FOR BUILDING PERMITS AND INSPECTIONS.** At the time the application for a building permit is filed, the applicant shall pay the following fees:

A.	MINIMUM PERMIT FEE FOR ALL PERMITS	\$50.00
B.	RESIDENCE-ONE & TWO FAMILY AND ATTACHED GARAGES	\$.28/sq.ft.
C.	RESIDENCES & APARTMENTS, THREE FAMILY & OVER, ROW HOUSING, MULTI-FAMILY DWELLINGS, INSTITUTIONAL	\$.28/sq.ft.
D.	RESIDENCES-ADDITIONS	\$.28/sq.ft. or fraction thereof
E.	LOCAL BUSINESS, OFFICE BUILDINGS OR ADDITIONS THERETO	\$.26/sq.ft. or fraction thereof
F.	MANUFACTURING AND INDUSTRIAL (Office areas to be included under par. E.)	\$.21/sq.ft. or fraction thereof
G.	PERMIT TO START FOOTINGS AND FOUNDATIONS	\$210 Multi-family, Industrial & Commercial \$160 One & Two families
H.	AGRICULTURE BUILDINGS, DETACHED GARAGES & ACCESSORY BUILDINGS	\$.22/sq.ft.
I.	ALL OTHER BUILDINGS, STRUCTURES, ALTERATIONS & REPAIRS WHERE SQUARE FOOTAGE CANNOT BE CALCULATED	\$9.00/\$1,000 valuation
	1. Sign Permits	#30.00/sign
	2. Commercial Parking Lots	\$.06/sq. ft. (40 Min.)
	3. Fire Protection Permit (Sprinklers, heat, and smoke Detectors, Inc.)	Submittal Fee \$50.00 Review Fee \$130.00
		Min. or actual cost
	4. Flammable Liquid Storage Installation and Removal	\$8.00/1000 gal. cap. (\$30.00 minimum)
J.	HEATING, INCINERATOR UNITS AND WOOD BURNING APPLIANCES	\$50.00/unit up to and including 150,000 input BTU units. Additional fee of \$16.00/each 50,000 BTU or fraction thereof. \$750 maximum/unit.
K.	COMMERCIAL/INDUSTRIAL EXHAUST HOODS & EXHAUST SYSTEMS	\$110.00/unit
L.	HEATING & AIR CONDITIONING DISTRIBUTION SYSTEMS	\$1.60/100 sq. ft. of conditioned area with a \$50 minimum
M.	AIR CONDITIONING	\$50.00/unit up to 3 tons or 36,000 BTU's.

		Additional fee of \$16.00/each ton or 12,000 BTU's or fraction thereof. \$750.00 maximum/unit
N.	WRECKING, RAZING AND INTERIOR DEMOLITION FEES (Fees may be waived at the discretion of the Building Inspector)	\$50.00 minimum plus \$.06/sq. ft.
O.	MOVING BUILDINGS	
	Over public ways	\$175.00 plus \$.06/sq. ft.
P.	RE-INSPECTION	\$50.00/Inspection
Q.	PLAN EXAMINATION:	
	1. One & Two Family Residence	\$175.00
	2. Apartment, Three Family Residence Row Housing, Multiple Family buildings	\$225.00 plus \$20.00/unit
	3. Commercial/Industrial Alterations & Additions	\$225.00
	4. Additions to One & Two Family Dwellings	\$65.00
	5. Alterations to One & Two Family Dwellings	\$40.00
	6. Accessory buildings, greater than 120 sq. ft.	\$55.00
	7. Decks, swimming pools	\$35.00
	8. Heating plans, lighting and energy calculations to heating plans submitted separately	\$60.00 each
	9. Priority Plan Review – At the discretion of the Building Inspector and depending upon workload of the Department, two (2) business day priority plan review may be provided at double the regular rate for plan review fees. Certified municipalities may also charge double the regular State plan review fees in addition to those listed above. Priority plan review shall not apply to submittals requiring review and/or approval by other governing agencies of the municipality.	
	10. Re-submission of previously approved plans	\$50.00
R.	SPECIAL INSPECTIONS & REPORTS	\$150.00
S.	WISCONSIN UNIFORM BUILDING PERMIT SEAL	State charge plus \$10.00
	Note 1: Permits may be obtained individually or on one form in the categories of construction, heating, ventilation and air conditioning, electrical and plumbing.	
	Note 2: An additional fee for plan review may be assessed at the time of application for renewal of the permit.	
T.	OCCUPANCY PERMITS	
	1. Residential	\$45.00/unit, addition, alteration or accessory building over 120 sq. ft.
	2. Office, Commercial & Industrial	\$160.00
	3. Temporary Occupancy Permits (6 mos. or less)	\$80.00
U.	POOLS-IN GROUND, ABOVE GROUND & SPAS	\$9.00/\$1,000 valuation (\$55.00 minimum)
V.	DECKS AND SHEDS	\$50.00
W.	EROSION CONTROL FEES:	

	1. One & Two Family Lots	\$130.00/lot
	2. Multi-Family Units	\$160.00/building plus \$5.00/1000 sq. ft. of disturbed lot area with a \$2000 maximum
	3. Commercial Lots	\$160.00/building plus \$5.00/1000 sq. ft. of disturbed lot area with a \$2000 maximum
	4. Industrial	\$160.00/building plus \$5.00/1000 sq. ft. of disturbed lot area with a \$2000 maximum
	5. Institutional Lots	\$160.00/building plus \$5.00/1000 sq. ft. of disturbed lot area with a \$2000 maximum
	6. Other	\$50.00 minimum
X.	REROOFING, RESIDING OR TRIM	
	1. Residential	\$40.00
	2. Commercial	\$9.00/\$1,000 valuation \$250 max./building
Y.	Other fees charged to the municipality from other government entities for reviewing plans or permits. Fees charged are required to be paid at the time of application.	
Z.	Failure to obtain permit before work commences	Double fees-1 <sup>st</sup> offense Triple fees-Subsequent Offenses
aa.	Failure to call for final inspection	\$50.00/inspection Double Fees-2 <sup>nd</sup> offense Triple fees-Subsequent Offenses

**Note:** The State fee schedule for commercial buildings COMM 61-65, 70 & 75-90 projects may be charged in lieu of or in addition to this fee schedule at the municipality's discretion.

**Note:** Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or portions thereof are not included.

**Note:** In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

**Note:** Check with local municipality regarding fee schedule.

**Note:** All fee categories shall be rounded up to the next full dollar amount.

The recommended approval of amendments, code changes, products, systems or quality control agencies by the Code Committees and the Wisconsin Uniform Code Associations does not constitute an approval or acceptance by any local community. Such acceptance is a function of local government administered by the designated local officials without the necessity of submitting further data because it is supported by

factual reports describing the nature and use of the product or system and its performance under designated standard tests by recognized testing agencies.

### **15.13.000 EROSION CONTROL.**

**15.13.010 Intent.** The City of Port Washington finds that urbanizing land uses have accelerated the process of soil erosion, and sedimentation in the waters of the City. The purpose of this section is, therefore, to conserve the soil, water, and related resources and control erosion and sedimentation caused by land disturbing activities. Such conservation activities will preserve natural resources, control floods, protect the capacity of drainage facilities, protect the quality of public waters, and protect the tax base.

**15.13.020 Applicability.** Any land disturbing activity shall be subject to the erosion and sediment control provisions of this Section, if:

- A. An Area of 4,000 square feet or greater will be disturbed by excavation, grading, filling, or other earth-moving activities, resulting in the loss of removal of protective ground cover, vegetation, or
- B. Excavation, fill, or any combination thereof, will exceed four hundred (400) cubic yards, or
- C. Any Public (federal, state or local) street, road or highway is to be constructed, enlarged, relocated or substantially reconstructed, or
- D. Any Water Course is to be changed, enlarged, or materials are removed from stream or lake beds, or
- E. Any Proposed Land Use by a unit of government or by public or private utilities in which underground conduits, piping, wiring, waterlines, sanitary sewers, or storm sewers, or similar structures will be laid, repaired, replaced or enlarged, if such use involves more than 300 linear feet of earth disturbance.

**15.13.030 Standards and Criteria.** Any owner, land occupier, or land user performing an activity described in Section 15.13.020 of this Ordinance shall comply with the following standards and criteria:

- A. General Erosion And Sediment Control Standard  
The City Engineer shall not approve plans nor shall the City Building Inspector issue permits required by this Ordinance for land disturbing uses unless erosion and sedimentation during and after the land disturbance will not exceed that which would have been eroded if the land had been left in its undisturbed state and/or area controlled in accordance with established specifications, including but not limited to Wisconsin Construction Site Best Management Practice Handbook or other technical guidelines as developed by Wisconsin Department of Natural Resources – Bureau of Water Resources Management – Nonpoint Source and Land Management Section.
- B. Standard For Tracking

For plan approval and issuance of a permit, there must be adequate provisions to prevent the tracking or causing of any material to accumulate from the site onto any public or private street or property. Any material reaching a public or private street or property shall be removed by mechanical means (not flushing) before the end of each workday.

C. Site Dewatering

Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, , swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the City Engineer, water may not be discharged in a manner that causes erosion of the site or receiving channels.

D. Drain Inlet Protection

All storm drain inlets shall be protected with straw bales, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.

E. Design Criteria, Engineering Standards, and General Principles.

This section does not require the use of any particular type of structural or nonstructural measures to control erosion and sedimentation. The applicant for a permit may employ any structural or nonstructural measures which he believes to be necessary to achieve all applicable standards set forth in this Ordinance. However, the City Engineer is required to evaluate these measures to determine that they follow currently accepted design criteria and engineering standards. The following general principles shall be used by the City Engineer when evaluating erosion control plans by this Ordinance.

- (1) Erosion control plans shall incorporate best management practices to reduce soil loss during construction.
- (2) The smallest practical area of land shall be exposed at any given time during development.
- (3) Such minimum exposure shall be kept to as short a duration of time as is practicable.
- (4) Temporary vegetation, mulching, or other cover shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- (5) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- (6) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.

- (7) Natural plant covering shall be retained and protected and shall be deemed a dominant factor in developing the site.

F. Standards For Filling. All fill material placed on any lot or parcel shall consist of non-odorous and non-combustible material which shall be free of garbage, decomposable substance, food waste, and organic material other than soil. The following materials are specifically prohibited:

- (1) Cardboard boxes, wooden boxes and other containers.
- (2) Wood, excelsior and other combustible or flammable materials.
- (3) Garage sweepings, fly ash (wet or dry) and industrial acids.
- (4) Any material which is likely, after exposure to the elements, to become capable of becoming air-borne.

G. Additional Land Disturbing Standards

- (1) The top sixteen (16) inches of all fills shall be of soil and the upper four (4) inches thereof shall be of topsoil suitable for growing vegetation. No area shall be filled to a maximum height greater than five (5) feet above the grade of the immediately adjacent lands. If dust shall accumulate upon the surface of the fill, the permittee shall furnish facilities in order to provide for proper settling of the dust by sprinkling water thereon, or by the application of calcium chloride or other suitable substances, all of which shall be subject to approval of the City Engineer, both as to quality of materials and manner of application.
- (2) All land disturbing projects shall be landscaped immediately upon completion of the project. Where immediate landscaping is determined by the City Plan Commission to be impracticable due to climate, weather, labor supply, or other relevant conditions, the Plan Commission shall set a time when landscaping shall be completed. In no case shall landscaping be delayed for more than one year after the completion of the projects.
- (3) The finished grade of any lot that is filled shall be according to the grading plan recommended by the Engineering Department.
- (4) In order to protect adjacent property owners from possible damage due to change in the existing grade of adjoining lands, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio of more than one-foot vertical to four-feet horizontal within a distance of 30 feet from the property line, except with the written consent of the abutting property owner and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of repose of the material involved and all slopes shall be protected against erosion.
- (5) In the event any property owner changes or permits a change to be made in the grade of their property that adversely affects the depth of water and sewer services, or any other utility, said property owner may be required

to pay any cost incurred by the City in the raising or lowering of said utilities or for reconstructing the property to proper grade.

**15.13.040 Erosion Control Permit.**

Unless specifically exempted herein, no land owner, land occupier, or land user may undertake a land disturbing activity without having applied for and received an erosion control permit.

- A. Each Application for a Land Disturbing Permit shall be made in duplicate to the Building Inspector on forms furnished by the City and shall include the following where applicable:
  - (1) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
  - (2) Description of the subject site by lot, block, and recorded subdivision; or metes and bounds.
  - (3) Erosion Control Plan
  - (4) Receipt of paid permit fee from the City Treasurer.
  
- B. The following exceptions are provided from the Erosion Control Permit requirement:
  - (1) The owner and occupier of public lands are exempt from the payment of any permit fee.
  - (2) The city may, for its convenience, enter into an agreement with public or private utilities and governmental units to waive the need for a permit for each individual land disturbing activity if the utility or governmental unit will agree to adopt and follow a procedure for each land disturbing activity which meets all applicable standards contained in Section 15.13.030 of this Ordinance. Further, the agreement shall provide that in the event that a utility or governmental unit activity fails to meet the standard, the agreement shall terminate and the utility or governmental unit shall be subject to the penalties of this Ordinance.

**15.13.050 Erosion Control Plan Required.**

Unless specifically exempted herein, every applicant for an Erosion Control Permit shall submit a plan to control erosion, and sedimentation which would result from the proposed activity.

If the proposed land disturbing activity involves 3 lots or less and five acres or less of land, the permit applicant may submit a simplified Erosion Control Checklist Plan on forms available from the City. An approved Erosion Control

Checklist Plan, specifying those control devices and practices necessary to control erosion and signed by the permit applicant and the City Engineer shall constitute the approved control plan.

#### **15.03.060 Contents Of The Erosion Control Plan.**

A control Plan shall be submitted if the proposed land disturbing activity involves four residential lots or greater than 5 acres of land. The Control Plan shall contain any such information the City Engineer may need to determine soil erosion, and sedimentation potential and control. The City Engineer may require the following, as well as any other information which, in his judgment, is needed to evaluate the Control Plan:

- A. A Location Map of the site at a scale not smaller than one (1) inch equals 100 feet showing the location of the predominant soil types and the existing vegetative cover.
- B. A Topographic Map at a scale not smaller than one (1) inch equals 200 feet with a vertical contour interval of two (2) feet of the site including enough of the contiguous properties to show existing onsite drainage patterns and watercourses that may affect or be affected by the proposed development of the site. The site boundaries shall also be shown clearly on the map.
- C. A Plan of the site at a scale not smaller than (1) inch equals 100 feet showing:
  - (1) The name, address, and telephone number of the land occupier, along with the name and telephone number of the party responsible for maintaining erosion control structures.
  - (2) The existing 100 year floodplains, flood fringes and floodways; lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. Also, when applicable the City of Port Washington floodland zoning district boundaries.
  - (3) A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area of soil disturbing activity prior to the completion of effective measures for erosion and sediment control.
  - (4) Existing and proposed topography of the site with a maximum of two (2) foot contour intervals showing:
    - (a) Location of proposed land disturbing activity, proposed disturbance of protective cover, any proposed additional structure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed.
    - (b) Elevations, dimensions, locations of all proposed soil disturbing activities including where topsoil will be stockpiled, so it will not contribute to erosion and sedimentation.



- (c) The finished grade, stated in feet vertical per foot horizontal, of cut and fill slopes.
- (d) The kinds of utilities and proposed areas of installation.
- (e) Proposed paved and covered areas in square feet or to scale on a plan map.
- (f) The type of proposed soil (upper 16 inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: original surface soil, subsoil, sand, silt, clay or other.
- (g) Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, riprap, mulch, or other.
- (h) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- (i) Methods to prevent tracking of soil off the site of the land disturbing activity.
- (j) Estimated cost of erosion and sediment control features.

**15.13.070 Review of Application and Erosion Control Plan.**

The City’s Engineering Department shall receive all permit applications, which shall be accompanied by either an Erosion Control Plan or an Erosion Control Checklist Plan. The City Engineer shall determine if measures included in the plan to control erosion, and sedimentation during and after the land disturbing activities are adequate to meet all the applicable standards as set forth in Section 15.13.030 of the Ordinance. Upon receipt of the City Engineer’s review comments the City shall inform the permit applicant, whether the application is approved, approved conditionally with revisions, or disapproved. If the City approves the Control Plan, he shall issue the permit. If additional information or revisions are required, the City shall so notify the applicant. In the event that the plan is disapproved, the applicant may resubmit a new Control Plan or may appeal the City’s decision as provided in Section 15.09.000 of this Ordinance. If the City requires revisions to the Erosion Control Plan, the applicant must revise the permit application and control plan accordingly and reapply for the permit; however, no additional permit fee is required, or the applicant may appeal the decision as provided in Section 15.09.000 of this Ordinance.

**15.13.080 Permit Conditions.**

All permits issued under this Section shall be issued subject to the following conditions and requirements and any permittee who begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions:

- A. That all land disturbances, construction and development will be done pursuant to the Erosion Control Plan as approved by the City.
- B. That the permittee shall give at least two (2) working days notice to the City in advance of the start of any land disturbing activity.
- C. That the permittee shall request a final inspection of all land disturbing activities and/or the completion of installation of all onsite detention facilities immediately upon completion or prior to removing equipment from site.
- D. That approval must be obtained from the City Building Inspector prior to any modifications to the approved Erosion Control Plan.
- E. That the permittee will be responsible for maintaining all public rights-of-way, streets, runoff and drainage systems, and drainage ways as specified in the approved erosion control plan until they are accepted and become the responsibility of a governmental entity.
- F. That the permittee will be responsible for repairing any damage at his expense to all adjoining drainage systems caused by excessive sedimentation resulting from activities which are not in compliance with the approved Erosion Control Plan.
- G. That the permittee must provide and install at his expense all drainage, and erosion control improvements required by this Ordinance and the approved Erosion Control Plan.
- H. That no work will be done on the site during periods of high wind velocity unless provision has been made to eliminate dust and flowing dirt.
- I. That no portion of the land which undergoes the land disturbing activity will be allowed to remain uncovered for greater than two (2) weeks after notice is given to the City Building Inspector that the land disturbing activity is completed.
- J. That the permittee agrees to permit the City to enter onto the land regulated under this Ordinance for the purpose of inspecting for compliance with the approved control plan and permit.
- K. That in the event that the permittee fails to perform as specified in the Erosion Control Permit, the permittee authorizes the City to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan or plan as modified by the City and further consents to the City of Port Washington drawing the total of the costs and expenses of such work and operations from the letter of credit or cash deposit provided for in Section 15.13.110 of this Ordinance.

**15.13.090 Permit Duration.**

Permits issued under this Section shall be valid for a period as specified on the face of the permit by the City Building Inspector and work must be completed prior to the expiration date of the permit. However, the City may extend the expiration date of the permit if it finds that such an extension will not cause an increase in erosion, sedimentation or runoff. The City Building Inspector is further authorized to modify the plans if necessary to prevent any increase in sedimentation, erosion or runoff resulting from any extension.

**15.13.100 Surety Bond.**

As a condition for approval and issuance of a Land Disturbing Area Permit, consisting of lots of 5 acres of land, the City shall require the permittee to deposit an appropriate irrevocable letter of credit or cash bond to guarantee the faithful execution of the approved Control Plan and Permit Conditions equal to the cost of the Land Disturbing Work. The form of the Letter of Credit or Cash Bond shall be such that it is readily available for City use without any restrictions and as approved by the City Attorney.

**15.13.110 Inspection.**

- A. The City shall inspect all Land Disturbing Sites at least once per month.
- B. The City shall perform all required inspections within 2 business days of the requested inspection.
- C. The City shall inspect all erosion control devices after each rainfall and at least daily during prolonged rainfalls. Any deficiencies shall be immediately corrected by the Contractor. In addition, the Contractor shall make a daily review of the location for silt fences and filter barriers in areas where construction activity changes the earth contour and drainage runoff to ensure the proper location for effectiveness. Where deficiencies exist, additional erosion control shall be installed as approved or directed by the City Engineer.

**15.13.120 Enforcement.**

- A. The City of Port Washington may post a stop work order if:
  - (1) Any land disturbing activity regulated under this ordinance is being undertaken without a permit;
  - (2) The Control Plan is not being implemented as it was submitted;
  - (3) The conditions of the permit are not being met.
- B. Failure to comply with any of the provisions provided by this ordinance may also be subjected to fines in accordance with Ordinance 15.080.000. In addition to the citations, the cost of cleanup by a third party must be taken to gain compliance for the Erosion Control Ordinance and will be billed to the owner.