

Chapter 15
BUILDINGS AND BUILDING PERMITS

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BUILDINGS AND BUILDING REGULATIONS

Article I. In General

Sec. 15-01. Building services supervisor, office and duties.

- (1) *Office.* There is hereby created the office of building services supervisor. Such office shall be appointed by the council. For purposes of Chapter 15, the term "building services supervisor" shall include his authorized agent who may act as required in his absence or in the event the building services supervisor is otherwise unavailable. Those so authorized include the Assistant Building Inspectors and other building services staff qualified to perform required duties.
- (2) *General duties.* The building services supervisor shall have the necessary ability to supervise the general construction of buildings and the permanent equipment thereof. He shall have an office in the city hall and shall not be interested either directly or indirectly in the construction of buildings, the preparation of plans and specifications therefor or permanent building equipment.
- (3) *Jurisdiction.* He shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to his office and shall enforce all state laws and city ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment.
- (4) *Scope of office.* The building services supervisor shall have full power to pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter.
- (5) *Records and reports.* The building services supervisor shall keep records of all applications for building permits in a book for such purposes, and regularly number each permit in the order of its issue. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used and the cost of each building, and the aggregate cost of all buildings of the various classes. The building services supervisor shall prepare suitable forms for the applications and permits required and keep such in his office, and file an annual report covering the applications and permits with the council.
- (6) *Powers.* The building services supervisor or an authorized agent thereof shall have the power and authority at all times for any purpose to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, plumbing, electrical or heating work. Any person interfering with or refusing to permit access to any such premises to the building services supervisor or his agent while in the performance of his duties shall be deemed guilty of a violation of this chapter and punished as provided in this chapter. The building services supervisor shall have, except as otherwise provided in this chapter, the general management and control of all matters pertaining to the building services division including the authority to designate an agent to act on his behalf, and shall enforce all state laws, city ordinances and other lawful orders and regulations relating to the construction, alteration, repair, removal and safety of buildings and structures and also permanent equipment. The building services supervisor or his authorized agent shall have the power to issue citations enforcing chapters 11, 15, 16 and 17 of the Marshfield Municipal Code in the Marshfield Municipal Court. If entry is refused, the building services supervisor may obtain a special inspection warrant pursuant to § 66.0119, Wis. Stats.

(Code 1982, § 14.01; Ord. No. 1031, § 3, 10-12-2004; Ord. No. 1166, § 1, 11-10-2009)

Sec. 15-02. Building permits.

- (1) *Generally.* No building or structure or part thereof, including foundations, footings, floors, concrete driveways or concrete slabs, or any sidewalk laid in any public right-of-way, shall hereafter be built, enlarged, altered or demolished within the city, or permanent building equipment installed except as

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hereinafter provided unless a permit therefor shall first be obtained by the owner or his agent from the building services supervisor.

- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Building means any building or equipment thereof and any enlargement, alteration or demolishing of any building or structure or of permanent building equipment therein; also any material and any equipment of underground tanks, vaults, and similar structures.

Permanent building equipment means any and all provisions in buildings for either water, light, heat, power or ventilation service therein.

- (3) *Minor repairs.* If it is the judgment of the building services supervisor, no permit shall be required for any repairs or minor alterations which do not affect or change the occupancy, use, areas, structural strength, fire protection, room arrangement, light or ventilation, access to or efficiency of any exit stairways or exits or exterior aesthetic appearances.
- (4) *Application for permit.* Application for a building permit shall be made in writing upon a form furnished by the building services supervisor and shall state the name and address of the owner of the building and the owner of the land upon which it is erected, and the name and address of the designer, and shall describe the location of the building and the purpose for which it is to be used, and shall contain such other information as the building services supervisor may require which requirements may include a survey when existing lot lines have not been determined and when minimum building setbacks are in question. With such application there shall be submitted to the building services supervisor a complete set of plans and specifications covering the proposed building, alterations or improvements, including a plan showing the location of any proposed building with respect to adjoining streets, alleys, lot lines and buildings. All plans shall be drawn to a scale of not less than one-eighth inch per foot, on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately measured. Drawings that do not show all necessary details to enable the building services supervisor to intelligently inspect and examine the drawings and the work thereunder shall be rejected. In buildings of reinforced concrete construction, the plans shall show the system of reinforcement; size and location of steel; and size of columns, girders, beams and slabs. All plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided, the other set shall remain on file in the office of the building services supervisor.
- (5) *Sewer and water requirements.* No building intended to be used for dwelling purposes or human habitation shall be built or used, nor shall any permit therefor be issued, unless the applicant for such permit shall produce to the building services supervisor satisfactory proof that sanitary sewer and water facilities have been provided for or will be provided for prior to the occupancy of such building. No certificate of occupancy shall be issued until such sanitary sewer and water facilities have been so provided. The words "sanitary sewer and water facilities" as used in this subsection shall include an acceptable substitute for city sanitary sewer and water facilities where city facilities do not exist.
- (6) *Waiver of plans.* If, in the opinion of the building services supervisor, the character of the work is sufficiently described in the application, he may waive the filing of plans.
- (7) *Conditions for issuing permits.* No building or structure intended for single- or two-family use shall hereafter be erected or used, nor shall any permit therefor be issued unless such building or structure shall be erected upon land which directly abuts an existing, open, public street, except where the board of public works has approved the opening of such street for the current year, providing access to the land upon which the building or structure is to be located. A connection between such land and such street by means of a private roadway, driveway or easement shall not satisfy this requirement. In the case of a corner lot, the street upon which the building or structure fronts shall meet the conditions in this subsection and the side street shall meet such conditions if access will be required from such side street for any purpose.

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(8) *Lot grades.* Lot grades shall be as follows:

- (a) *Grade at building line.* The finished lot grade at the building setback line nearest the street property line shall be a minimum of 18 inches above the sidewalk grade, if existing, or above the proposed sidewalk grade as determined by the city engineer of the City of Marshfield. As an alternative to the foregoing, and if the foregoing is impossible or impracticable, the building services supervisor may approve a grading plan showing the existing and proposed contours, a minimum five-percent slope away from the proposed building for a minimum distance of ten feet (if available), and providing for the drainage of the entire site with a minimum slope of two percent.
- (b) *Exceptions.* The only exception to the foregoing rule in subsection (8)(a) of this section shall be nonresidential buildings on property lines. In these cases, the open side of the property shall conform to the grading requirements in subsection (8)(a) of this section.

(9) *Parking lot drainage.* Parking lot drainage shall be in accordance with the following:

- (a) All parking lots for new development shall be drained to a public storm sewer where available. Method of drainage shall be on-site storm draining piping and catch basins properly sized to convey all parking lot drainage. Sump pumps and all roof drainage draining onto a parking lot shall also be conveyed to a public storm sewer where available. The city engineering division shall review all site draining plans.
- (b) This subsection shall not apply to one- and two-family construction, where finish elevations of a parking lot prevent gravity drainage to a storm sewer or where the city engineering division has determined that the parking lot drainage will overload the existing municipal storm sewer system. However, adequate precautions shall be taken to properly convey stormwater, roof drainage and sump pump drainage via ditches and/or other drainageways.
- (c) All methods of drainage are subject to review and approval of the city engineering division. A site plan showing existing and proposed elevations shall be submitted for review. This may require installation of water detention basins on large developments to minimize downstream flooding and other adverse effects.

(Code 1982, § 14.02)

Sec. 15-03. Issuance of building permits and inspection.

- (1) *Generally.* If the building services supervisor finds that the proposed building will comply in every respect with all ordinances of the city, and all laws and lawful orders of the state, he shall officially approve the proposed building and stamp one set of the plans and return them to the owner, and shall issue a building permit therefor which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the mentioned ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the building services supervisor. If adequate plans are presented the building services supervisor may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building. No person shall commence work on any building or alteration before the building permit or waiver of plans has been issued.
- (2) *Fees.* Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.
- (3) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cost means the entire cost of the contract, subcontract, bid and proposal or estimate, including all accepted alternates.

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Square footage means the entire total of square feet of all floors of a building including basement, other floors and garages. Outside dimensions are used to calculate square footage.

- (4) *Posting of building permit.* It shall be the duty of each applicant to place the building permit in a conspicuous place on the premises, a window of the home that faces the road or where the building is to be erected.
- (5) *Duration of permits.* A building permit shall lapse and be void unless building operations are commenced within six months from the date thereof. A building permit shall be valid for a period of one year from the date of issue, unless by written extension from the Building Services Supervisor.
- (6) *Revocation of permit; effect.* If the building services supervisor finds at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, he may revoke the building permit and written notice of such action shall be posted at the site of the work. When any such permit is revoked no person shall do any further work upon such building until the permit is reissued, excepting such work as the building services supervisor shall order to be done as a condition precedent to the reissuance of the permit.
- (7) *Report of violation.* It shall be the duty of all police officers to report at once to the building services supervisor any building upon or in which work is being carried on without a building permit as required by this chapter.
- (8) *Inspection.* Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. The building services supervisor shall inspect all buildings prior to application of other finish, of which the general contractor or other person in charge of such work shall notify the building services supervisor, and in no case shall drywall or other finish material be done before inspection. After inspection, the building services supervisor shall approve the drywall or other finish material, or prescribe any changes necessary to such compliance, and upon the making of such changes, the approval shall be issued. After the issuance of such approval, no structural part of such building shall be changed.
- (9) *Certificate of occupancy.* Buildings shall have final inspection before occupancy except as herein provided. If on final inspection by the building services supervisor, the electrical inspector and the plumbing inspector, no violation of this chapter or any other ordinance, law or order is found, the fact shall be so certified to the building services supervisor who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used, and the maximum load and the maximum number of persons that may be accommodated on each floor of buildings to be used for public purposes. No building or part thereof shall be occupied in any manner which conflicts with the conditions set forth in such certificate of occupancy.

(Ord. No. 969, § 1, 1-28-2003; Ord. No. 1039, § 1, 1-11-2005; Ord. No. 1095, § 1, 3-27-2007; Ord No. 1324, 12/8/15)

Sec. 15-04. Unsafe buildings.

- (1) *Removal of hazards.* Whenever the building services supervisor finds any building or structure or any part thereof is dangerous to life, health or adjoining property by reason of its bad condition, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidated condition or other cause, he shall order the owner or tenant thereof to cause the building or structure or part thereof to be made safe or removed; and he shall also affix a notice of such order in a conspicuous place on the outside wall of the building, and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the building or structure to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be deemed guilty of a violation of this chapter. For the purposes of this subsection, the provisions of § 66.0413 Wis. Stats. insofar

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as applicable, except the penalty provisions, are adopted by reference with the same effect as if set forth in full in this section.

- (2) *Emergency removal of hazards.* When the public safety requires immediate action, the building services supervisor shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed and the expense of such work may be recovered by the city in an action against the owner or tenant. The fire department shall give all reasonable assistance to the building services supervisor in such work.

(Code 1982, § 14.06)

Sec. 15-05. Moving buildings.

(1) Definitions.

- (a) **Building:** A completed structure with a roof and walls built for permanent use, such as a house, school, store, or factory.
- (b) **Structure:** A building or other object constructed from several parts. A structure becomes a building after the successful completion of all construction phases and occupancy is granted.

(2) Moving Existing Buildings in the City Limits:

- (a) Except for Section 15-05(2)(b), moving an existing building, regardless of foundation type or prior/intended use, from one location to another location when either the origin and/or destination is within the City Limits, requires:
1. A City of Marshfield Moving permit (see fee schedule) is required.
 2. Common Council approval and a public hearing prior to the movement of the building (See Section 15-09) is required when the destination of the building is located within the City Limits.
 3. Inspections of the building to be moved prior to the move to assure the building will survive the move and after the move to assure the building survived the move and to assure proper connections to the new foundation and utility systems.
 4. The plan and site plan review of the site-built foundations and garage, if applicable, shall be completed.
- (b) Exceptions. The following buildings may be moved but do not require Common Council approval or a moving permit unless required below. Anyone moving a building within the City Limits is responsible for contracting the property utilities that may be impacted by the move.
1. Manufactured/mobile homes located in manufactured/mobile home subdivision (as defined by Section 18-33(2)(c) of the Marshfield General Zoning Ordinance) or registered manufactured/mobile home community that are to be moved within the boundaries of the same manufactured/mobile home subdivision or registered manufactured home community.
 - a. An Installation Permit for secondary installation is required for the above type of move.
 2. New Modular Homes that are certified and built to the Wisconsin Uniform Dwelling Code.
 3. New Manufactured Homes that are certified and built to the United States Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards.
 4. Used Manufactured/Mobile Homes that are certified and built to the United States Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (Part 3280).
 - a. A "no fee" City of Marshfield Moving permit is required for that portion of the trip that uses city streets.
 - b. The City of Marshfield reserves the right to inspect the home prior to the issuance of an Installation Permit to determine if the home is in compliance or is capable of being brought into compliance with the United States Department of

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Housing and Urban Development's Manufactured Home Construction and Safety Standards (Part 3280)

- c. No home will be allowed to be installed or occupied until all of the documentation is presented to the City of Marshfield and a Manufactured Home Installation Permit is obtained.
- d. The home must have a Certification Label attached to each section of the manufactured home. If the certification label is not available, a Letter of Label Verification from the Institute for Building Technology and Safety (<https://www.ibts.org/what-we-do/manufactured-home/verification-letter-certificate/>) is acceptable.
- e. A copy of the State of Wisconsin Department of Transportation Single Trip Factory Built Home (SM) permit is to be filed with the City of Marshfield.
- f. Prior to the move to the site:
 1. A Manufactured Home Installation permit is to be obtained from the City of Marshfield. The permit application shall include the following:
 - a. A copy of the Manufacturer's Data Plate. If the data plate is not available, a Letter of Label Verification from the Institute for Building Technology and Safety (<https://www.ibts.org/what-we-do/manufactured-home/verification-letter-certificate/>) is acceptable.
 - b. A Foundation Plan compliant with SPS 321.40(2) is to be filed with the City of Marshfield
5. New or Existing Pre-Manufactured Accessory Buildings (sheds and small garages) twelve feet (12') wide or less (exclusive of the eaves and overhangs) when hauled to a site in the City on a properly operational and licensed vehicle or trailer.
6. Job Trailers that are used specifically for private use at construction sites.
7. Buildings being moved on premises that do not need to access any City street.
 - a. The plan review of the site-built foundations and garage, if applicable, shall be completed.
 - b. A building permit may be required.
8. Buildings where it is determined that it is in the City's best interest for the building to move in a more timely manner.
 - a. A City of Marshfield Moving permit is required for that portion of the trip that uses city streets, but Common Council approval and a public hearing are not required.
 - b. The City Administrator, Public Works Director, and Development Services Director or their designee must all approve the move.
 - c. The building may not have a detrimental impact on surround properties
 - d. Applicant shall follow notification requirements in Section 15-09(2)
 - e. A building permit may be required

(Code 1982, § 14.05; ORD1384, 7/10/18; ORD1390, 9/11/18)

Sec. 15-06. Plan and permit requirements for moving buildings.

- (1) The application for a Moving permit required for moving buildings shall be accompanied by:
 - (a) A dimensioned plot plan showing the location of the structure on the parcel of land to which it is proposed to be moved.
 - (b) Construction plans showing any exterior or interior structural, electrical, plumbing, heating or ventilating changes, alterations or additions if any such are required or intended.
 - (c) A statement of any exterior work that will be done which would affect the appearance of the structure.
 - (d) A map showing the proposed moving route and stating the proposed moving date.

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- (2) A part of the permit shall be a list of the changes, alterations or additions required in structural electrical, plumbing, heating or ventilating work.

(Code 1982, § 14.09; ORD 1384 7/10/18)

Sec. 15-07. Cash or certified check required for moving buildings.

Before a Moving permit that requires Common Council approval is issued there shall be deposited to the city the sum of \$2,000.00 in the form of cash or a certified check made payable to the city. Such cash or certified check shall guarantee to the city that the structure will be in its new location in accordance with the provisions of section 15-06 of this Code within six months after the date such permit is issued. The deposit for a residential accessory building shall be \$500.00, and, in either case, the deposit shall be returned after completion of the project.

(Code 1982, § 14.10)

Sec. 15-08. Insurance required for moving buildings.

The Development Services Director or his designee, shall require sufficient proof that the person actually moving the building will use equipment which will not damage such streets, sidewalks, alleys or public ways or grounds, and shall further require proper proof that such mover is insured by a reputable insurance company for public liability in an amount not less than \$100,000.00/ \$300,000.00, and for property damage in the amount of not less than \$50,000.00. The Inspector I, shall require a certificate of insurance from the company insuring such mover, which certificate shall be filed with the Inspector I before any permit shall be issued, and which certificate shall state the mover's insurance policy is then in full force and effect, and shall further state that upon cancellation of such policy, the company shall give to the city at least ten days' written notice thereof.

(Code 1982, § 14.11; ORD 1384 7/10/18)

Sec. 15-09. Council action and notification of utilities, police and fire department for moving

- (1) When required in Section 15-05, a public hearing shall have been held before the council on the proposed relocation of a building. A notice of the public hearing shall be published as a class I display advertisement in the official class I newspaper a minimum of one week before the council meeting at which the hearing is scheduled. The notice shall state the type of structure proposed to be moved, its present location, the location to which it is proposed to be moved, and the date and time of the hearing. Notices shall also be sent to property owners within 200 feet of the location to which it is proposed to be moved.

(a)

- (2) The applicant shall immediately notify any public utility, whose lines or poles may be interfered with, of the application. Such utility shall take any steps necessary to permit the building to be moved without damage to its lines and poles. The applicant shall also notify the police department and the fire department of the application, and if the chief of police deems it necessary, a police escort shall accompany the building when it is moved. Upon completion of the moving, the City Engineer or his designee shall inspect the route and report to the Inspector i any damage caused to the above-described property, and the estimated cost of repairing the property. All claims shall be submitted to the mover's insurance company for payment. No cash deposit as required in section 15-07 of this Code shall be returned to the mover or applicant until all insurance claims are satisfied. Upon settlement of all such damage claims, the Inspector I shall release the balance of the deposit, if any. The applicant shall be liable for any such costs or damages exceeding the deposit.

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- (3) Application for a permit to move a building shall be made upon proper forms furnished by the City of Marshfield Development Services Department. Application for a moving permit that requires Common Council approval shall be made at least 28 days prior to the proposed moving date.

(Code 1982, § 14.12; ORD 1384, 7/10/18)

Sec. 15-10. Installation of certain services in public places prohibited.

No gasoline or kerosene tank either above or underground, and no gasoline or kerosene pump, and no air service or water service outlet shall be placed, located or installed at or adjacent to the curblin, being the line where the pavement joins the outer line of the sidewalk, or on any terrace of any public place, street or alley of the city. Any tank, pump, air or water service outlet or other equipment installed or permitted to remain in violation of this chapter is hereby declared a public nuisance, subject to be abated as provided by law, in addition to the penalties provided in this chapter.

(Code 1982, § 14.03)

Sec. 15-11. Reshingling of roofs.

It shall not be necessary for any person to obtain a permit for the reshingling of a roof if in the process of reshingling such roof is not changed in size or shape in any manner and if the roof is not to be resingled with materials of a lesser fire resistance quality. All three of these requirements, size, shape and materials used, must be shown prior to the elimination of the permit which would ordinarily be necessary under this chapter.

(Code 1982, § 14.04)

Sec. 15-12. Garages.

- (1) *Size.* The area and height of garages shall be as provided in section 18-04(2) of this Code.
- (2) *Structural.* Structural requirements for garages and accessory buildings on residential property that have either a length or width that exceeds twelve feet (12'), shall comply with all requirements found in the State of Wisconsin Administration Code Chapters SPS 321-325, including egress components, except as follows:
 - (a) A detached frame construction garage or accessory building shall be built on a four foot (4') deep footing and frost wall or a minimum of four-inch-thick concrete slab reinforced with fiber reinforced concrete or wire mesh weighing not less than 40 pounds per 100 square feet with a reinforced grade beam at the outer perimeter. The reinforced grade beam shall be engineered or shall consist of a thickened outer edge that is at least twelve inches (12") thick, and sixteen inches (16") wide. There shall be at least two parallel #4 reinforcement rods installed continuously around the perimeter. The outer most one shall be six inches from the outer edge of the concrete, and the second one shall be installed six inches inside of the outer one. The concrete slab is to be placed on a minimum 12-inch bed of sand, gravel, or other suitable materials with proper drainage provided. Provisions for an electrical grounding connection to one of the reinforcement rods shall be made and inspected prior to concrete being poured.
 - (b) Any attached garage shall have the bottoms of the footings and frost walls not less than four feet below grade unless a suitable engineered system is installed. All other footing and foundation provisions in SPS 321-325 shall be complied with.
 - (c) All electrical, HVAC, or plumbing requirements in SPS 321-325 shall be complied with, except that detached garages and accessory structures, which are insulated, shall have a minimum of R-13

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insulation for exterior 2" x 4" walls and R-19 for 2" x 6" exterior walls. Insulated garage and accessory buildings shall have overhead garage doors that are insulated by the manufacturer of the door assembly. Insulation for rafter framed roof joist systems shall be a minimum of R30.

(Code 1982, § 14.07)

Sec. 15-13. Board of building code appeals.

- (1) *Composition.* The board of building code appeals shall be that board of appeals created and established by section 18-34 of this Code, and appeals from any rulings or decisions made by the building services supervisor shall be taken as provided therein, except that the publication of notice of hearing required by section 18-34 of this Code shall not be necessary in the case of an appeal under this section.
- (2) *Powers.* Powers of the board of building code appeals shall be as follows:
 - (a) The board of building code appeals shall have the power to grant a variance in materials, methods or conditions of construction or structural requirements, providing such variance preserves the intent and purpose of the building code provisions and does not materially lessen the standards of public health, safety, general welfare and fire protection provided by such provisions, and providing that the variance does not violate the provisions of the Wisconsin Administrative Building Codes.
 - (b) The board of building code appeals shall have the power to call any of the other city departments for assistance in the performance of its duty and it shall be the duty of such other departments to render such assistance as may be reasonably required.

Sec. 15-14. Penalty.

Any person found guilty of a violation of the provisions of this chapter shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 14.13)

Secs. 15-15—15-50. Reserved.

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Article II. Codes

Sec. 15-51. State code.

The provisions and regulations of the building code adopted by the Department of Safety and Professional Services as set forth in the Wisconsin Administrative Code at chapters SPS 305, 361 to 365, 367, 370 and 375 to 379, inclusive, are hereby made a part of this chapter by reference; provided, that where the provisions of this chapter are more restrictive or require higher standards than the state code, not in conflict with the minimum requirements thereof, the provisions of this chapter shall apply.

(Code 1982, § 14.15; Ord. No. 1220, § 1, 2-28-2012)

Sec. 15-52. State uniform dwelling code.

- (1) *Adopted.* The provisions and regulations of the state uniform dwelling code adopted by the Department of Safety and Professional Services as set forth in the Wisconsin Administrative Code, SPS chapters 320—325, inclusive, and SPS chapter 328 are hereby made a part of this chapter by reference provided that where the provisions of this chapter are more restrictive or require higher standards than the state code, not in conflict with the minimum requirements thereof, the provisions of this chapter shall apply. Any act required to be performed, or prohibited by an administrative code provision incorporated in this section by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the administrative code provisions incorporated in this section are intended to be made a part of this Code to secure uniform statewide regulation of one- and two-family dwellings in the city. A copy of these administrative code provisions and any future amendments shall be kept on file in the city clerk's office.
- (2) *Purpose.* The purpose and intent of this section is to:
 - (a) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and repairs, alterations and remodeling to one- and two-family dwellings constructed before June 1, 1980.
 - (b) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the department of commerce.
 - (c) Establish use of the Wisconsin uniform building permit for one- and two-family construction and additions to one- and two-family buildings constructed after June 1, 1980, as prescribed by the Wisconsin Department of Safety and Professional Services.
 - (d) Establish remedies and penalties for violations.
 - (e) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Safety and Professional Services.
 - (f) The requirements of the state uniform dwelling code shall also apply to remodeling, repairs, alterations and additions to one- and two-family dwellings constructed prior to June 1, 1980, except that the following provisions of the Wisconsin Administrative Code shall not apply to remodeling, repair and alterations to one- and two-family structures constructed prior to June 1, 1980: SPS ch. 320 and SPS §§ 321.03(6), 321.03 (8), 321.05, 321.05(3), 321.06, and 323.06(3).
- (3) *Method of enforcement.* The building services supervisor shall administer and enforce the provisions of this section and the uniform dwelling code. He shall be certified for inspection purposes by the department in SPS chapters 320—325 of the Wisconsin Administrative Code. The plumbing inspector shall assist the building services supervisor in administering and enforcing those provisions which pertain to plumbing,

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and he shall be certified by the Department of Safety Safety and Professional Services in that category. The electrical inspector shall also assist the building services supervisor administering and enforcing those provisions which pertain to electricity, and he shall be certified by the Department of Safety and Professional Services in that category.

- (4) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

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

Department means the Department of Safety & Professional Services.

Dwelling means:

- (a) Any building, the initial construction of which is commenced on or after June 4, 1980, which contains one or two dwelling units.
- (b) 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.

One- or two-family dwelling means a building or 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.

Person means an individual, partnership, firm or corporation.

Uniform dwelling code means administrative code provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

SPS chapter 320	Administration and Enforcement
SPS chapter 321	Construction Standards
SPS chapter 322	Energy Conservation Standards
SPS chapter 323	Heating, Ventilating and Air Conditioning Standards
SPS chapter 324	Electrical Standards
SPS chapter 325	Plumbing and Potable Water Standards

- (5) *Building permits.* Building permits shall be required as follows:

(a) *Building permits required.* No one- or two-family dwelling of which initial construction shall be commenced after the effective date of the ordinance from which this section derives shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the building services supervisor. Application for a building permit shall be made in writing on the Wisconsin uniform dwelling permit application and shall comply with provisions of section 15-02 of this Code.

(b) *Submission of plans.* The applicant shall submit two sets of plans for all new construction or repairs or additions to existing one- and two-family dwellings at the time that the building permit application is filed.

- (6) *Violation and penalties.* Penalties for violations shall be as follows:

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- (a) If an inspection reveals a noncompliance with this section or the uniform dwelling code, the building services supervisor shall notify the applicant and the owner, in writing, of the violations to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to SPS 320.10(1)(c) Wis. Admin. Code.
 - (b) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building services supervisor after satisfactory evidence has been supplied that the cited violation has been corrected.
- (7) *Appeal to board of appeals.* Any person feeling aggrieved by an order or a determination of the building services supervisor may appeal from such order or determination to the building code board of appeals, as provided at section 15-13 of this chapter.

(Code 1982, § 14.16; Ord. No. 1220, § 1, 2-28-2012; Ord No. 1324, 12/8/15)

Sec. 15-53. Building and premises maintenance and occupancy code of the city.

- (1) *General provisions.* The following general provisions shall apply in the interpretation and enforcement of the building and premises maintenance and occupancy code of the city:
- (a) *Legislative finding.* It is hereby found that there exist, and may in the future exist, within the City of Marshfield, premises, buildings, building units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy, affect or are likely to affect adversely the public health (including the physical, mental and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum standards are required.
 - (b) *Purposes.* It is hereby declared that the purpose of this code is to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control incidence of communicable diseases, to regulate privately and publicly owned buildings and premises for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and promote the general welfare by legislation which shall be applicable to all premises and buildings now in existence or hereafter constructed. It is hereby further declared that the purpose of this code is to ensure that the quality of buildings and premises is adequate for the protection of public health, safety and general welfare, including establishment of minimum standards for: basic equipment and facilities for light, ventilation, and thermal conditions; safety from fire and accident; the use, location and amount of space for human occupancy; an adequate level of maintenance; determination of the responsibilities of owners, operators, and occupants of buildings and premises; and provisions for the administration and enforcement thereof.
 - (c) *Scope.* The provisions of this code shall apply uniformly to the maintenance, use and occupancy of all residential and nonresidential buildings, structures and premises where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing buildings, structures and premises within the jurisdiction of the city. Such occupancies in existing buildings may be continued if such occupancy was legal at the date of the adoption of the ordinance from which this code derives, provided such structures are not substandard and such substandard use is not dangerous to life.
 - (d) *Title.* This section shall be known and may be cited as the "Building and Premises Maintenance and Occupancy Code of the City of Marshfield," referred to in this section as "this code."
- (2) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this code:

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Accessory building, premises, or structure means a building, property or structure in a secondary, or subordinate capacity from the main or principal building or structure on the same premises.

Appropriate authority means that person within the governmental structure of the appropriate corporate unit who is charged with the administration of the appropriate code.

Approved means approved by the local or state authority having such administrative authority.

Ashes means the residue from the burning of combustible materials.

Attic means any level in a building situated wholly or partly within or directly under the roof, and so designed, arranged or built as to be not occupied, heated, or mechanically cooled.

Basement means the lowest story of a building below the main floor wholly or partially lower than the surfact of the ground.

Building means a fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.

Building services supervisor means the person vested with the authority and responsibility by the City of Marshfield to enforce this code. This shall also include inspectors and employees responsible and under the supervision of the building services supervisor.

Cellar means a room or group of rooms which have 60 percent or more of their floor-to-ceiling height below adjoining ground level.

Central heating system means a single system supplying heat to one or more dwelling units or more than one rooming unit.

Chimney means a vertical masonry shaft or other approved noncombustible, heat resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

Dilapidated means no longer adequate for the purpose or use for which it was originally intended.

Dwelling means any enclosed space wholly or partly used or intended to be used for living and sleeping, whether or not cooking and eating facilities are provided; provided that temporary housing as defined in this subsection shall not be classified as a dwelling. Mobile homes and modular construction used or intended to be used for living and sleeping purposes shall be classified as dwellings.

Egress means an arrangement of exit facilities to ensure a safe means of exit from the building.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination method approved by the local or state authority having such administrative authority.

Fair market value means a price at which both buyer and seller are willing to do business.

Family means two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this Code a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.

Flush water closet means a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap.

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Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food, used for business, storage or habitation.

Grade means the average finished level of the adjacent ground.

Guest means an individual who shares a dwelling unit in a nonpermanent status for not more than 30 days.

Habitable room means a room or enclosed floor area used or intended to be used for living or sleeping purposes excluding bathroom, water closet compartments, basement laundries, furnace rooms, utility rooms of less than 50 square feet of floor space, communication corridors, stairways, closets, storage spaces, unheated areas and workshops and hobby areas below ground level.

Hard-surfaced means concrete, asphalt or other suitable driveway materials as approved by the city engineer.

Heated water means water heated to a temperature of not less than 110 degrees Fahrenheit at the outlet.

Household means one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities.

Infestation means the presence within or around a dwelling of any insects, rodents, or other pests.

Kitchen means any room containing any or all of the following equipment: sink or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

Kitchenette means a small kitchen or an alcove containing cooking facilities.

Meaning of certain words. Whenever the words "building," "building unit," "dwelling unit," "premises" or "structure" are used in this Code they shall be construed as though they were followed by the words "or any part thereof or any premises accessory thereto."

Multiple dwelling means any dwelling containing:

- (c) Three or more dwelling units; and/or
- (d) Any dwelling unit with six or more individuals who are not related by blood, marriage, adoption or legal guardianship.

Occupant means any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered as an occupant.

Operator means any person who has charge, care, control, or management of a building, or part thereof, in which building units are let.

Ordinary summer conditions means a temperature of 94 degrees Fahrenheit or above.

Ordinary winter conditions means a temperature of 30 degrees Fahrenheit or below.

Owner means any person who, alone or jointly or severally with others:

- (a) Shall have legal title to any premises, building, or building unit, with or without accompanying actual possession thereof; or

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- (b) Shall have charge, care or control of any premises, building, or building unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this code and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Permissible occupancy means the maximum number of individuals permitted to reside in a dwelling unit, rooming unit or dormitory.

Person means and includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.

Plumbing means and includes all of the following supplied facilities and equipment: water pipes, garbage disposal waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, showerbaths, installed clothes washing machines, catchbasins, drains, vents and other similar supplied fixtures, and the installation thereof, together with all connections to water and sewer lines.

Premises means a platted lot or part thereof or unplatted lot or parcel of land or plat of land, either unoccupied or occupied by dwelling, residential, or nonresidential structures, and includes any such building or part thereof, accessory structure or other structure thereon.

Privacy means the existence of conditions which will permit an individual to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

Rat harborage means any conditions or place where rats can live, nest or seek shelter.

Ratproofing means a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods approved by the appropriate authority.

Refuse means all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

Refuse container means a watertight container that is constructed of metal or other durable materials impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers as have been approved by the appropriate authority. Openings into the container such as covers and doors shall be tight fitting.

Resident means any adult residing within the city limits of Marshfield.

Residential means the use of a building, premises, property, or structure, or a portion thereof, for sleeping or dwelling purposes when not classified as hospital or other institutional occupancy per any State of Wisconsin code.

Rubbish means nonputrescible solid wastes (excluding ashes) consisting of either:

- (a) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
- (b) Noncombustible wastes such as tin cans, glass and crockery. *Safety* means the condition of being reasonably free from danger and hazards which may cause accidents or disease.

Standard driveway means a hard-surfaced space for vehicle ingress and egress located in any front, rear and side yard and also used for parking of vehicles.

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Substandard building means any building used for human habitation which does not conform to the minimum standards established by this section or any other city or state code provisions.

Supplied means paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

Temporary housing means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days; provided, however, Recreational Vehicles shall be prohibited from and after October 1, 2008.

Undefined words. Words not specifically defined in this section shall have the common definition set forth in a standard dictionary.

Unit means a room or group of rooms located within a building forming a single habitable or business unit or any other part of a premises controlled by an owner, occupant, or operator distinct from that part controlled by another.

Yard, rear, means a space on the same premises as the main building between the rear lot line and a line extending the full width of the lot parallel to the rear lot line and through the nearest supporting member of the main building. For the purposes of this Code, lots having a street on two or more sides do not have a rear yard.

Yard, side, means a space on the same premises as the main building and exclusive of the main building, the rear yard, and the street yard.

Yard, street, means an open space on the same premises as the main building between the rear lot line and a line extending the full width or length of the lot parallel to the street right-of-way line and through the nearest supporting member of the main building.

(3) *Responsibilities of owners and occupants.* Responsibilities of owners and occupants under this section shall be as follows:

- (a) No owner or occupant shall have or let to another any premises or premises unit unless it is clean, sanitary and complies with all applicable legal requirements of the State of Wisconsin and the City of Marshfield.
- (b) Every owner of a premises containing two or more premises units shall maintain in a clean and sanitary condition the shared or public areas unless otherwise specified in written lease conditions.
- (c) Every occupant of a premises or premises unit shall maintain in a clean and sanitary condition that part or those parts of the premises or premises unit that he occupies and controls.
- (d) Every occupant of a premises or premises unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.
- (e) Every occupant of a premises or premises unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects and/or rats or other rodents, in a clean, sanitary and safe manner.
- (f) Every owner or occupant of a premises shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. Containers and refuse served by the city shall be placed at the curb (or alley where applicable) and shall be readily accessible for removing or emptying and shall also be in compliance with section 12-01 of this Code.
- (g) Every occupant of a premises containing a single unit shall be responsible for the extermination of insects and/or rats on the premises; and every occupant of a premises unit in a premises containing more than one premises unit shall be responsible for such extermination whenever his premises unit is

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- the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a premises in ratproof or reasonable insectproof condition, extermination shall be the responsibility of the owner.
- (h) No occupant of a premises or premises unit shall accumulate rubbish, boxes, lumber, scrap metal, or other materials in such a manner that may provide a rat harborage or a fire hazard in or about any premises unit. All stored materials shall be stacked in a reasonably neat manner. This subsection shall not be construed to prevent the owner or tenant from storing firewood for personal use on the premises.
 - (i) No owner of a premises containing two or more premises units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a rat harborage or a fire hazard in or about the shared or public areas of a premises.
 - (j) No person shall store, place or allow conditions or materials that may serve as food or harborage for rodents or insects or store, place or allow any health nuisance, source of filth or cause of sickness. No person shall suffer, permit, or allow vegetative matter, which may provide harborage for rodents or insects or which may conceal filthy deposits or be unsightly to, incompatible with, or repugnant to neighboring residential or commercial premises.
 - (k) Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 - (l) In every dwelling unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68 degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of 18 inches above the floor level during ordinary winter conditions.
 - (m) All off-street parking, when required, shall be as specified in section 18-89 of this Code.
 - (n) No owner, operator, or occupant of a building, building unit or premises shall suffer, permit or allow any condition which may be dangerous to young children because of their inability to appreciate peril and may reasonably be expected to attract them to premises.
 - (o) No person shall keep or feed any animals or fowl except as permitted by section 9-52 of this Code.
 - (p) No owner, operator or occupant of any premises shall suffer, permit or allow noxious weeds as defined and prohibited in section 11-06 of this Code.
 - (q) No owner, operator or occupant of any premises shall suffer, permit or allow any disabled, dismantled, junked, wrecked or inoperable and/or unlicensed motor vehicle, machinery or trailer, if required to be licensed, to be stored or allowed to remain in the open on such premises for a period in excess of 30 days unless it is in conjunction with an automotive sales and repair business or other similar commercial or industrial enterprise properly zoned.
 - (r) No electrical wiring, equipment or devices shall be in dangerous or unsafe condition or defective or of inadequate capacity to permit unsafe conditions.
- (4) *Minimum standards for basic equipment and facilities.* No owner or occupant shall have or let to another, any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:
- (a) Every dwelling unit having a kitchen or kitchenette shall be equipped with the following:
 - 1. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of

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heated and unheated running water under pressure, and which is connected to an approved sewer system. A water heater shall be capable of heating water to a minimum temperature of 110° F.

2. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safekeeping; and a counter or table for food preparation; such cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food. Carpeting shall not be installed as finish flooring in any bathroom or kitchen area of a rental unit.
 3. A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than 50 degrees Fahrenheit, but more than 30 degrees Fahrenheit under ordinary summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide a stove, refrigerator, and/or similar device on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of the stove, refrigerator and/or similar devices are provided. Provision and maintenance of these appliances shall normally be considered the responsibility of the tenants.
- (b) Within every dwelling unit there shall be a nonhabitable room which affords privacy to anyone within the room and which is supplied with a flush water closet in good working condition. The water closet shall be equipped with easily cleanable surfaces, and shall be connected both to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to operate properly, and to a sewer system approved by the appropriate authority. Occupancies requiring the use of communal sanitary facilities shall be supplied as per SPS chapter 362.29 of the Wisconsin Administrative Code.
 - (c) Within every dwelling unit there shall be a lavatory sink. The lavatory sink shall be in the same room as the flush water closet. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority.
 - (d) Within every dwelling unit there shall be a room which affords privacy to a person within the room and which is equipped with a bathtub or shower which may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority.
 - (e) Every single-family dwelling in a one- or two-story building shall have a minimum of two approved means of egress. The primary means of egress shall be a door leading to grade. The door shall be a minimum of 32 inches by six feet four inches in size. The secondary means of egress may be a door, a patio door, an openable window or other means of egress as approved by the building services supervisor. All means of egress shall be kept free and clear of obstructions at all times. Every dwelling unit above the first floor shall have two approved means of egress. The primary means of egress shall be a door and stairway leading to grade. The secondary means of egress may be a stairway to grade, a minimum three-foot by four-foot jump-off platform no more than 12 feet above grade, or an openable window leading onto a first-floor roof such as a porch roof or a fire escape. The second means of egress cannot be located in a bathroom, bedroom or closet. Occupancy above a second story shall be prohibited without two stairways to a second story, except when the third story is an open loft.
 - (f) Structurally sound handrails shall be provided on any steps containing four risers or more. If steps are not enclosed, handrails and balusters spaced not more than six inches apart shall be provided. Porches, balconies, decks or other similar projections more than two feet above grade shall be protected with

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- guardrails which are a minimum of 36 inches in height with balusters or intermediate rails spaced no more than six inches apart. Alternate systems providing at least the same degree of protection may be approved by the appropriate authority.
- (g) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.
 - (h) No person shall let to another for occupancy any dwelling unit unless the exit doors of the dwelling unit are equipped with safe, functioning locking devices.
- (5) *Minimum standards for light, electrical power and ventilation.* No owner or occupant shall have or let to another, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this subsection.
- (a) Every habitable room shall have at least one window or skylight facing outdoors; provided that, if connected to a room or area used seasonally (e.g., porch), then adequate daylight must be possible through this interconnection. The minimum total window or skylight area for every habitable room shall be at least five percent of the floor area of such room. Light obstruction structures shall not be within five feet of any window used to comply with this standard.
 - (b) Every bathroom and water closet compartment and other room used for food preparation shall have minimum light and ventilation requirements as specified in this subsection, except that no window or skylight shall be required in such rooms if they are equipped with mechanical ventilating systems in working condition which are approved by the appropriate authority and are capable of providing a minimum of one air change per hour.
 - (c) Every habitable room shall have at least one window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately; provided that, if connected to a room used seasonally, then adequate ventilation must be possible through this interconnection. The total openable window or skylight area in every habitable room shall be equal to at least 45 percent of the minimum window or skylight area required for natural light, except where there is supplied mechanical ventilation approved by the appropriate authority. All bedrooms must have openable windows.
 - (d) Where there is usable electric service readily available, every dwelling unit and all public and common areas shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, maintained in good and safe working condition and connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the City of Marshfield. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:
 - 1. Floor or wall-type electrical receptacles:
 - a. Kitchen: one wall-type or countertop electrical receptacle for each 50 square feet or fraction thereof of total floor areas, but in no case less than two such outlets serving counter top areas. Each separate counter top space shall have at least one receptacle. Two separate 20 amp circuits are required for each kitchen or kitchenette, serving no other outlets or lights. Any separate wallspace six feet or longer shall have a wall receptacle that may be on these circuits.
 - b. Bedroom, living room and dining rooms: a minimum of three electrical outlets spaced as far apart as practical and one wall switch controlled lighting outlet serving a ceiling mounted fixture or switched receptacle.
 - c. Bathroom, water closet compartment, utility room and workshop: a minimum of one wall-type electrical receptacle outlet.

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- d. Bathroom receptacles, exterior receptacles, and receptacles serving kitchen countertops shall be GFCI protected.
 2. Electric light fixtures: every bathroom, kitchen, kitchenette, laundry room, furnace room, utility room, foyer, communicating corridor and interior stairway shall contain at least one electrical light fixture with convenient switches or equivalent devices for turning on one light in each room or passageway so as to permit the area ahead to be lighted.
 3. Each dwelling unit shall be provided with a separately metered readily accessible branch circuit panelboard with branch circuit overcurrent protection devices. Every outlet, device and fixture shall be properly installed, with proper listed covers and shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a safe manner.
 4. In all buildings with more than one dwelling unit, subpanels and switching for common area lighting shall be located as to be accessible to occupants. Power for common building elements shall not be on any individual's dwelling unit meter.
 5. Minimum electrical requirements for dwelling units shall also comply with the current edition of NFPA 73.
- (e) Every public hall and stairway shall be adequately lighted by electric lights so that no area shall have an illumination level of less than 10 footcandles measured on a horizontal plane 30 inches above the floor level or step. Exit signs shall be installed and maintained as per SPS 357.10 and SPS 366.43. All common and individual exit hallways and (a minimum of one) in all one and two family dwellings.
- (6) *Minimum thermal standards.* No owner or occupant shall have or let to another, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:
- (a) Every dwelling shall have heating facilities which are properly installed and maintained in a safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit at a distance of 18 inches above floor level under ordinary winter conditions.
 - (b) No owner or occupant of residential dwelling units shall install, operate or use a means of heating employing a flame in any residential unit that is not vented outside the structure in an approved manner.
- (7) *General requirements relating to safe and sanitary maintenance of premises.* No owner or occupant shall have or let to another, a premises or premises unit which does not comply with the requirements of the Wisconsin Administrative Code regarding safe and sanitary maintenance of parts of buildings and with the following requirements:
- (a) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weathertight, watertight, and dampfree, and shall be kept in sound condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective coverings or treatment. Toxic paints, such as lead-based paint exceeding federal lead content standards, and other toxic material shall not be used where readily accessible by minor children. Walls shall be capable of affording privacy for the occupants. Every premises shall be graded, drained, reasonably free of standing water, and maintained in a clean, sanitary, and safe condition. No building shall be so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human occupancy, habitation or use, or dilapidated or blighted to the extent where windows, doors, and other openings or plumbing or heating fixtures or facilities or appurtenances of such building, dwelling, or structure offends the aesthetic character or adversely affects the value of the immediate neighborhood or produces blight or deterioration by reason of such condition. No building whose cost of repair would exceed 50 percent of the equalized value of such

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- building as last published by the state supervisor of assessments shall be repaired but shall be presumed a public nuisance and shall be razed and removed from the premise.
1. Every window, exterior door and hatchway or similar device shall be rodentproof and reasonably watertight and weathertight and shall be kept in working condition and good repair.
 2. Every window located at or near ground level used or intended to be used for ventilation and every other opening located at or near ground level which might provide an entry for rodents shall be equipped with adequate screen or such other device as will effectively prevent their entrance.
- (b) Every premises should be maintained in a reasonably ratfree and ratproof condition.
1. In areas of heavy rat infestation, skirting, lattice, or other nonratproof enclosures creating a possible rat harborage under porches or any portions of a building should be ratproofed at all locations where a rat could find, burrow or gnaw an access opening.
 2. In the event that occupancy usage would result in stacking or piling materials, the materials should be so arranged as to prevent creation of a harborage area. This can be accomplished by orderly stacking and elevating above the existing grade.
 3. In areas of heavy rat infestation, the appropriate authority may require that the lower eight inches of wooden exterior doors be covered with sheet metal.
 4. In areas of heavy rat infestation, the appropriate authority shall require that every exterior door be equipped with an automatic closing device or with a screen door which shall be equipped with such a device.
 5. In areas of heavy rat infestation all window openings below grade or other lighting and ventilation openings shall be ratproofed in an approved manner by grills, expanded metal, or hardware cloth attached to sturdy frames and so fabricated that no exposed wood is accessible for gnawing.
- (c) Accessory structures present or provided by the owner, agent or tenant occupant of the premises shall be structurally sound and shall be maintained in good repair and free of insects and rats, or such structure shall be removed from the premises. The exterior of such structure shall be made weathertight through the use of decay-resistant materials or the use of paint or other preservatives.
- (d) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. No structural member of any building or structure shall be of less than safe strength as determined by the building services supervisor. Floors shall not be loaded beyond a safe load.
- (e) Every plumbing fixture and all water, waste pipes and vent piping shall be properly installed and maintained in a good and sanitary condition. No owner, operator, or occupant of any premises shall permit or allow to remain any connection of roof leaders, surface drains, foundation footing drains, or any other clear water drains to a building sewer or drain which discharges into a sanitary sewer or private sewage treatment plant. Connection to the potable water supply system of any fixture or installation creating a backflow or backsiphonage is prohibited.
- (f) Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece or equipment, or utility which is required under this section, shall be constructed and installed in conformance with the codes, ordinances and regulations of the City of Marshfield and the State of Wisconsin.

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- (g) All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate Wisconsin Statutes, administrative codes, ordinances and regulations of the City of Marshfield.
- (8) *Maximum density, minimum space, use and location requirements.* No owner or occupant shall have or let to another, any dwelling or dwelling unit for the purpose of living therein unless there is compliance with the requirements of this subsection.
- (a) There shall be a minimum of: for each occupant at least 125 square feet of floor area for the first occupant and 75 square feet thereafter for each occupant, the floor space to be calculated on the basis of total habitable room area.
- (b) The floor area of that part of such room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for purpose of computing the maximum permissible occupancy.
- (c) No space located partially below grade shall be approved for use as a habitable room in a dwelling unit unless:
1. The floor and walls are of reasonably waterproof construction.
 2. The window area is at least equal to the requirement of subsection (5) of this section and such window area is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partially below grade there be constructed a properly drained window well whose open area is equal to or greater than the masonry opening for the window; the bottom of the window well is below the top of the impervious masonry construction under the window and the minimum horizontal distance at right angle from any point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the masonry opening for the window.
 3. The total openable window area in each room is equal to at least the minimum as required under subsection (5) of this section, except where some other approved devices affording adequate ventilation and humidity control are supplied.
 4. No space located more than 4 1/2 feet below grade shall be used as a dwelling unit let to another except when there are two separate stairways to grade or to the first floor and the unit be supplied with at least one approved smoke detector.
 5. Recreational rooms, dens or family rooms in single- and two-family homes need not comply with this subsection.
- (d) Every dwelling unit of two or more rooms shall have rooms or areas used for sleeping purposes containing at least 80 square feet of floor space for the first two occupants and at least 50 square feet of floor space for each occupant thereafter.
- (e) No dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of the dwelling unit. This subsection shall not apply to single-family units.
- (9) *Adoption of plans of inspection by the city inspection department.* The City of Marshfield Inspection Department is hereby authorized to inspect any premises within the corporate limits of the City of

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Marshfield to determine compliance with this section. Such inspection shall be made as deemed appropriate on all other property.

(10) *Inspections.* Powers and duties of the building services supervisor and his authorized representatives shall be as follows:

- (a) The building services supervisor and his authorized representatives are hereby authorized to enforce the provisions of this section and are authorized to make any complaint that an alleged violation of the provisions of this section or of applicable rules or regulations pursuant thereto may exist or when the enforcement officer has valid reason to believe that a violation of this section or any rules and regulations pursuant thereto has been or is being committed.
- (b) The building services supervisor and/or his authorized representatives are hereby authorized to enter all premises. In the case of dwellings where the owner of record is a resident individual, the building services supervisor shall attempt to notify such individual and in the event that the individual is not available, the building services supervisor shall attempt to notify the resident agent. Notice of intention to inspect shall be mailed to owners of property not less than 48 hours prior to inspections to be conducted within the building.
- (c) The building services supervisor and the owner, occupant, or other person in charge of the premises may agree to an inspection by appointment at any reasonable time.
- (d) The owner, occupant, or other person in charge of a premises, upon presentation of proper identification by the building services supervisor and upon statement of the purpose of inspection by the building services supervisor, shall give the building services supervisor free access to every part of the premises.
- (e) The building services supervisor shall keep confidential all evidence which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged, except as may be required for enforcement of this section or any state law or other provisions of this code, or as may be required by the Wisconsin Open Records Law, § 19.35 Wis. Stats.
- (f) If any owner, occupant, or other person fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this section is sought to be made, the building services supervisor may, upon showing that probable cause exists for the inspection and for issuance of an order directing compliance with the inspection requirements, petition and obtain such order from a court of competent jurisdiction.
 1. When required the building services supervisor shall obtain a warrant to inspect.
 2. Any person who refuses to comply with an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

(11) *Rules and regulations.* The building services supervisor is hereby authorized to recommend such rules and regulations as he deems necessary for the carrying out of the purposes of this section. Such proposed rules and regulations shall be reviewed by the proper committee and referred to the council.

(12) *Notice of violation.* Notice of a violation of this section shall be given as follows:

- (a) Whenever the building services supervisor determines that any premises or premises unit fails to meet the requirements set forth in this section or in applicable rules and regulations issued pursuant thereto, he shall issue an order setting forth the alleged violations of this section and advise the owner that the violation must be corrected within the time period specified on the order. This order shall:
 1. Be in writing.

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2. Set forth the alleged violations of this section or of applicable rules and regulations issued pursuant thereto.
 3. Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed.
 4. Provide a reasonable time, generally not to exceed 90 days, after which the premises shall be in compliance with any ordinance provisions allegedly violated.
 5. Notify the owner, occupant, operator, or agent of the premises or premises unit responsible for compliance with the alleged violation personally or by regular mail addressed to the last known place of residence of the owner, occupant, operator, or agent. Notification may be made upon such person by posting such notice in or about the premises or premises unit described in the notice, or if the owner or his agent can not be found, by causing such notice to be published in the Marshfield News Herald as a class II notice, or by notifying the person's agent. Posting of this notice on the premises is deemed notice to any person making use of such building or premises within one year after the date of posting.
- (b) At the end of the period of time allowed for compliance with the provisions other than those regulating exterior premises the building services supervisor shall reinspect the premises or premises unit described in the notice.
- (c) The building services supervisor, after the expiration of time granted the person given such notice to seek reconsideration of the order in the manner hereinafter provided by this section or after a final decision adverse to such person served has been rendered by the board of appeals or by a court of competent jurisdiction to which an appeal has been taken, may cause the notice to be recorded in the office of the register of deeds for Wood and Marathon County, Wisconsin. All subsequent transferees of the premises or premises unit in connection with which a notice has been so recorded shall be deemed to have notice of the violations alleged and shall be liable to all penalties and procedures provided by this section and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.
- (13) *Repairs and other corrective action.* Repairs and other corrective action shall be in accordance with the following:
- (a) Whenever an owner, operator, or agent of a premises or premises unit fails, neglects, or refuses to make repairs, raze or remove, make safe by repairs or other corrective actions called for, the building services supervisor may undertake such repairs or action when in the building services supervisor's judgment a failure to make them will endanger the public health, safety and welfare. If the owner fails to repair or remove a building which is dilapidated or blighted to the extent that such building, dwelling or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration of such condition, the building services supervisor may apply to the circuit court for an order determining that such building, dwelling or structure constitutes a public nuisance and the defect shall be remedied.
 - (b) Notice of intention to make repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to subsection (12) of this section.
 - (c) Every owner, operator, or agent of a premises or premises unit who has received notice of the intention of the building services supervisor to make repairs or take other corrective action shall give entry and free access to the agent of the building services supervisor for the purpose of making such repairs. Any owner, operator, or agent of a dwelling unit who refuses, impedes, interferes with, hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to penalties as provided in this chapter.

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- (d) When repairs are made or other corrective action taken at the direction of the building services supervisor and the owner, operator, or occupant fails to pay for the expenses of such repairs, the cost of such repairs and corrective action shall be levied and collected as a special charge or special tax upon the lot of land upon which such work is done.
 - (e) No tenancy upon any premises subject to the provisions of this chapter may be terminated by a landlord for the reason that the tenant whose tenancy is proposed to be terminated has reported an actual and existing violation of this chapter to the proper code enforcement authorities.
- (14) *Application for reconsideration, hearings, appeals.* Procedures for reconsideration, hearings and appeals under this section shall be as follows:
- (a) Hearings shall be conducted in accordance with the following:
 - 1. Any person aggrieved by a notice or order of the building services supervisor issued in connection with any alleged violation of the provisions of this section or of any applicable rules and regulations pursuant thereto or by any order requiring repair or demolition pursuant to subsection (12) of this section, may appeal to the board of appeals of the City of Marshfield a petition setting forth the reasons for contesting the notice or order.
 - 2. Such petition shall be filed within the 30 days upon forms supplied by the City of Marshfield Inspection Department.
 - 3. Upon receipt of a valid petition and payment of the proper fee, the board of appeals shall act upon the petition at the normal monthly meeting or at a special meeting if so requested by the petitioner.
 - 4. The city clerk shall notify the petitioner of the time, date and place of the meeting. Such notification shall be in writing.
 - 5. At the hearing the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance should be extended.
 - 6. The board of appeals of the City of Marshfield shall have the power to affirm, modify, or revoke the notice or order and may grant an extension of time for performance of any act required if it determines that undue hardship is connected with the timely performance of any act required by the provisions of this section or by applicable rules or regulations issued pursuant thereto and that such extension is in harmony with the general purpose of this section to secure the public health, safety and welfare.
 - 7. The board of appeals may grant variances from the provisions of this section or from applicable rules and regulations issued pursuant thereto when the board of appeals finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this section or by any applicable rules or regulations issued pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand, or that such variance is in harmony with the general purpose of this section to secure the public health, safety and welfare.
 - (b) Any person aggrieved by the final decision of the board of appeals of the City of Marshfield may obtain judicial review by filing in a court of competent jurisdiction within 30 days of the announcement of such decision a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the board of appeals.
- (15) *Emergencies.* Whenever, in the judgment of the building services supervisor, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued without notice, conference, or hearing, directing the owner, occupant, operator, or agent to take appropriate action

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to correct or abate the emergency. If circumstances warrant, the building services supervisor may act to correct the emergency. This action may include an order to vacate the premises.

(16) Conflict of ordinances; effect of partial invalidity.

- (a) For purposes of enforcing this section, in any case where a provision of this section is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Marshfield existing on the effective date of the ordinance from which this section derives, or of the Wisconsin Uniform Dwelling Code, the provisions which establish the lower standards for the protection of the public health, safety and welfare shall prevail.
- (b) If any section, subsection, paragraph, sentence, clause, or phrase of this section should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section which shall remain in full force and effect and to this end the provisions of this section are hereby declared to be severable.

(Code 1982, § 14.19; Ord. No. 1105, § 1, 6-26-2007; Ord. No. 1126, § 1, 4-8-2008; Ord. No.1149, § 1, 3-10-2009; Ord. No. 1220, § 1, 2-28-2012)