

CHAPTER IX
BUILDING CODE

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9.01 TITLE

This Chapter shall be known as the "Building Code" of the City of Kenosha, Wisconsin.

9.02 DEFINITIONS

A. General. The following terms and phrases shall have the meanings provided herein:

Addition. New construction performed on a building which increases the outside dimension of the building.

Alteration; Alter; Altered. Substantial modification other than an Addition, minor repair or maintenance to a building or to systems within a building.

Accessory Building. A detached building in any zoning district not used as a dwelling unit, but having a use which is incidental to that of the main building, and which is located on the same lot. "Accessory Building" includes, but is not limited to,

garages, tool sheds, and gazebos.

Building. Any structure used or intended for supporting or sheltering any use of occupancy.

City. The City of Kenosha, Wisconsin.

Code Official. The Director of Neighborhood Services and Inspections and any duly authorized designee of the Director.

Department. The Department of Neighborhood Services and Inspections.

Driveway Approach. An area within a public right-of-way which is improved for motor vehicle traffic and which connects a private road or driveway to a portion of a public right-of-way which is improved for motor vehicle traffic.

Driveway Apron. The paved surface located on private property a minimum of nine (9') feet in width which extends from the street right-of-way to the principal Building or Accessory Building or its termination, whose intended use is the ingress and egress of the property with motor driven vehicles. The width of the Driveway Apron shall not exceed the width of the Driveway Approach at the property line, unless a variance is obtained therefor.

Dwelling. Any Building which contains one (1) or two (2) dwelling units.

Dwelling Unit. Two (2) or more rooms in a residence designed for, and occupied by, not more than one (1) family for living and sleeping purposes and containing only one kitchen.

Manufactured/Mobile Home. A manufactured home which was originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes an Addition, attachments, annexes, foundations and appurtenances that equal or exceed fifty (50%) percent of the assessable value of the manufactured home.

Minor Repair. Repair performed for maintenance or replacement purposes on any existing Building which does not affect room wall arrangement, light and ventilation, access to or efficiency of any existing stairways, exits, fire protection or aesthetic appearance, and which does not increase or Alter a given occupancy or use.

Occupancy. The use of a Building or structure for its intended purpose.

Occupied. A Building is considered to be Occupied when it is open to the public, when a business or manufacturing activity is performed therein, when people reside therein, or when any personal property is moved therein.

Permit. Any permit, however designated, issued by the Department of Neighborhood Services and Inspections under authority of this Chapter.

Permittee. A person who holds a Permit under this Code.

Person. Any natural Person, firm, partnership, corporation or legal entity.

Plan. A Building or site improvement plan and required documents.

Premises. The site of a Dwelling, multi-family Dwelling, Public Building or place of employment.

Public Building. Any Building or structure not a Dwelling or Accessory Building.

Work. Any activity on a Building or Premises which requires a Permit under this Chapter.

Work Site. The site where Work is being performed.

B. Other Definitions. Terms and phrases not defined herein, but defined in the Wisconsin Enrolled Commercial Building Code shall have the definitions contained therein.

9.03 GENERAL

A. Scope. This Code applies to all Dwellings, Public Buildings, places of employment and Accessory Buildings.

B. Intent and Purpose. The intent and purpose of this Code is to:

1. Protect the health, safety and welfare of the public and employees by establishing minimum standards for the design, construction, maintenance and inspection of Dwellings, multi-family Dwellings, Public Buildings and places of employment, and Accessory Buildings.

2. Provide Plan review and on-site inspections for Dwellings, multi-family Dwellings, Public Buildings and places of employment, and Accessory Buildings by inspectors certified by the Wisconsin Department of Commerce.

3. Establish and collect fees to defray administrative and enforcement costs.

4. Establish remedies and penalties for violations.

C. Adoption of Codes. The following Wisconsin Statutes and Administrative Codes, including all referenced codes and standards, and future amendments thereto, are incorporated by reference as if fully set forth herein, copies thereof being on file in the Department of Neighborhood Services and Inspections:

| | |
|-------------------|---|
| COMM 2 | Fee Schedule |
| COMM 5 | Licenses, Certifications and Registrations |
| COMM 16 | Electrical |
| COMM 18 | Elevators |
| COMM 20–25 | Uniform Dwelling Code |
| COMM 28 | Smoke Detectors |

| | |
|-------------------|--------------------------------|
| COMM 61-65 | Commercial Buildings |
| COMM 70 | Historic Buildings |
| COMM 75-79 | Existing Buildings |
| COMM 81-87 | Plumbing |
| COMM 90 | Public Swimming Pools |
| COMM 95-98 | Manufactured Home Parks |
| PSC 114 | Electrical Volume I |
| NEC | National Electric Code |

D. Change In Use or Occupancy. When the use of a Building is changed and the Code requirements for the new use are more stringent than those for the previous use, then such Building shall be made to comply with the requirements for the new use, as provided in this Code.

If upon inspection of a Building it is found that its use has changed since the effective date of the Building Code it was constructed under, and that it does not comply with the requirements of the Building Code in effect at the time of any such change of use, the Building shall then be made to comply with the requirements of the Building Code in effect at the time of such change of use.

E. Limitations. Approval of an application or Plan by the Department shall not be construed as an assumption of any responsibility on the part of the Department for the design or construction of the Building. The City, by approval of an application or Plan, does not assume liability for death, injuries sustained or property damage arising out of any defect in any Building, equipment, construction or installation.

F. Severability. If any section, clause, provision or portion of this Code or the Wisconsin Administrative Codes, or any other State law, rule or regulation herein incorporated is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

9.04 POWERS AND DUTIES OF CODE OFFICIAL

A. Code Official. During the course of his/her employment with the City, the Code Official shall not be employed by any contractor engaged in the construction, repair, remodeling, renovation or demolition of any Building in the City.

B. Duties. The Code Official shall administer and enforce all provisions of this Code, the Wisconsin Administrative Code, Department of Commerce rules and regulations, and all other State and local laws, rules and regulations regarding Buildings and places of employment with the assistance of authorized certified agents.

The Code Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code.

C. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this Code, or where the Code Official has reasonable cause to believe that there exists in a Building or on a Premises a condition which is contrary to or in violation of this Code which makes the Building or Premises unsafe, dangerous or hazardous, the Code Official is authorized to enter the Building or Premises at reasonable times to conduct inspections and perform the duties imposed by this Code, provided that if the Building is Occupied, that credentials be presented to the owner, owner's agent or contractor, and entry requested. If the Building or Premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner, owner's agent or contractor, and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

D. Records. The Code Official shall perform all administrative tasks required by City or State laws, rules and regulations. The Code Official shall keep a record of all Plans reviewed, Permits issued, fees collected, inspection reports, notices and orders issued. Each Permit shall be consecutively numbered in the order of its issuance.

E. Evidence of Compliance. Wherever it is deemed that there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to this Code, or in order to substantiate claims for alternative materials or methods to obtain Code compliance, the Code Official is authorized to request that tests be conducted through a recognized testing agency, or that designs or materials be reviewed and approved by licensed design professionals at the cost of the applicant. Such tests and approvals are subject to final approval and acceptance by the Code Official.

9.05 PERMIT APPLICATION

A. Application. To obtain a Permit under this Code, the owner, owner's agent or contractor shall first file an application in writing on form(s) furnished by the Department. The application shall include:

1. The address of the Premises.
2. The name, address and phone number of the owner.
3. The name, address and phone number of the

contractor.

4. The license number of the contractor.
5. The estimated construction cost of the Building.
6. Any other data or information requested on the application.
7. Plans and other construction documents as indicated in Section **9.05 B**.
8. The signature of the owner, owner's agent or contractors.

B. Submission of Plans. Plans shall be submitted in duplicate with each application for a Permit. All Plans shall be drawn to scale. In addition to customary calculations and specifications, each Plan shall include:

1. The location of any streets, alleys and lot lines.
2. Any other Buildings on the property.
3. Intended use of all rooms.
4. Floor area of all rooms.
5. Window and door sizes.

C. Surveys. Applications submitted for a Permit to construct new Buildings, Additions or Accessory Buildings shall be accompanied by a survey prepared and certified by a registered land surveyor. The Code Official may waive this requirement when property lines and Building location can be verified without a survey.

D. Plans. Where required, the Plans shall be prepared and wet-stamped by a State licensed architect or design professional. Where special or unusual conditions exist, the Code Official is authorized to require additional construction documents to be prepared by a licensed architect or design professional.

E. Issuance of Permits. If after reviewing Permit applications and Plans, the Code Official finds that all proposed Work complies with all City and State laws, rules and regulations, the Code Official shall approve said Plans and applications, conditioned upon any corrections or modifications required, assign appropriate fees, and issue the Permit upon payment of required fees.

F. Validity of Permit. The issuance or granting of a Permit shall not be construed as an approval of any violation of any of the provisions of this Code or of any other State or local laws, rules and regulations. Permits which authorize the violation or cancellation of the provisions of this Code or other State or local laws, rules and regulations shall not be valid. The issuance of a Permit and Plan approval shall not prevent the Code Official from requiring the correction of errors in Plans.

G. Revocation of Approval. The Code Official may revoke any approval of Permits and/or Plans issued under this Code based upon false statements or misrepresentation of facts on which the approval was based, or for material and substantial errors in Plans.

9.06 PERMIT

A. Permit Required. Any owner, authorized agent or contractor who intends to construct, enlarge, Alter, repair, renovate, move, demolish, or change the Occupancy of a Building, or to erect, install, enlarge, repair, renovate, remove, convert or replace any electrical, gas, mechanical or plumbing system, which is regulated by this Code, or to cause any such Work to be done, shall make application to the Code Official and obtain the required Permit prior to commencing any Work.

B. Display of Permit. Once a Permit is issued, a copy of the Permit shall be posted in a conspicuous area located on the Building or Premises.

C. Commencement of Construction. Construction shall commence within sixty (60) days of the date of Permit issuance or the Permit shall be null and void.

D. Permit Refund. Applications for Permits under this Chapter which, through the error of the applicant are taken out for the wrong Work or wrong Premises, or for any Work which was not commenced, shall be subject to a refund upon written request to the Department, providing that the refund request is received within one (1) year of the original date of issuance, and providing that a processing fee of the lesser of Twenty (\$20.00) Dollars or the cost of the Permit shall be first deducted by the Department.

E. Unpaid Permit. If after receiving a second notice of Permit approval and fees due, said Permit fees, as provided for by this Chapter, have not been paid for by or on behalf of the property owner or contractor, said fees shall be charged to the property owner of record as a special assessment against the real estate upon which the Permit applies, and shall be a lien upon the Premises until paid in full, with interest accruing on the unpaid balance at the rate of interest established in Section 2.10 of the Code of General Ordinances. There shall also be a One Hundred (\$100.00) Dollar Administrative Fee added to the charge and special assessment to cover the administrative costs of charging and assessing the Premises.

F. Completion of Construction. All Work authorized by a Permit shall be completed in accordance with this Code and all applicable State

and local laws, rules and regulations within the following specified time period(s):

| | |
|---|-----------------|
| New One and Two Family and Multi-Family Dwelling | 1 Year |
| Residential Addition/Alteration | 6 Months |
| New Public Buildings/ Additions to Public Building | 2 Years |
| Electric/Plumbing/HVAC | 6 Months |
| Accessory Building | 6 Months |

G. Extensions of Time To Complete Work. Any applicant who obtains a Permit and fails to complete the Work in the time specified in Section 9.06 F., may apply to the Code Official for a time extension not to exceed one (1) year. Extensions may be granted if the Work commenced has proceeded in a professional and workmanlike manner which exhibits reasonable progress. Extended Permits shall not impose new conditions unless required by this Code or any other State or local law, rule or regulation. Upon a violation of Section 9.06 F., no new Work may proceed without the issuance of an approved extension or a new Permit.

H. Exemptions From Permit. Exemptions from Permit requirements of this Code, below stated, shall not be deemed to grant authorization for any Work to be done in any manner in violation of the provisions of this Code or any other State or local laws, rules and regulations. Permits shall not be required for the following:

1. Building.

a. In residential uses, one (1) story Accessory Buildings used as tool or storage sheds, playhouses and similar uses, having a floor area of one hundred twenty (120) square feet or less, do not require a Permit. Permits are required for any Accessory Building of any size in any other zoning district.

b. Retaining walls which are five (5') feet in height or less, measured from the top of the footing to the top of the wall.

c. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work, siding, window replacement or reshingling.

2. Electrical.

a. Minor Repairs and maintenance Work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

b. Temporary testing systems required for the testing or servicing of electrical equipment or apparatus.

3. Mechanical.

a. Portable heating appliance.

b. Portable ventilation equipment.

- c. Portable cooling unit.
- d. Replacement of any minor part that does not Alter the approval of equipment or make it unsafe.

4. Plumbing.

a. The stopping of leaks in drain, water, soil, waste or vent pipes, provided that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such Work shall be considered as new Work and a Permit shall be obtained.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, providing such repairs do not involve the replacement or rearrangement of valves, pipes or fixtures.

I. Site Safety Requirements. As a condition of approval of any Permit, the Code Official may deem it necessary for the applicant to provide site safety and security measures as described herein due to the close proximity of the construction site to residential property or other conditions impacting site safety or security.

1. Fencing. The applicant shall install a six (6') foot high chainlink fence, including gates and access to the site, around the perimeter of the construction site in a manner approved by the Code Official. Required fencing shall be installed prior to the commencement of any other Work on the site.

2. Guarding Site. The applicant shall take or cause to be taken all steps necessary to properly guard the Work and the site around the Work, to protect the public from damage of or injury to property or Persons.

3. Other Conditions. The Code Official may impose additional means of site safety and security measures as deemed necessary by circumstances which are unique to any Work.

9.07 FEES

A. Fees. The Common Council shall, from time to time, by Resolution, establish fees for the following Permits, reviews, inspections and services provided by the Department of Neighborhood Services and Inspections.

- Residential Building, Addition and Alteration**
- Commercial Building, Addition and Alteration**
- Accessory Building**
- Electrical**
- Plumbing**
- Heating, Ventilating and Air Conditioning**
- Plan Reviews**

- Razings**
- Moving of Buildings**
- Street Occupancy**
- Swimming Pools and Hot Tubs**
- Signs**
- Fences**
- Occupancy**
- Reinspection**
- Penalty**

B. Payment of Fees. A Permit shall not be valid until such time that the fees required by this Code have been paid.

C. Work Started Without Permit. When a Permit is required by this Code and Work is started prior to obtaining such Permit, the fees required shall be doubled. For the second offense within a twelve (12) month period, starting Work prior to obtaining a Permit, the fee shall be quintupled. For the third such offense within a twelve (12) month period, in addition to the penalties listed above, the Code Official may bar such contractor from Work in the City for a period of one (1) year from the completion date of the project which resulted in the third offense. The payment of such doubled or quintupled fee shall not relieve any Person from complying with the requirements of this Code, nor from any penalties proscribed herein.

D. Permit Fee Waiver For a Porch or Deck. A Permit fee waiver for a porch or deck may be granted to a property owner who has received an "Order To Repair" from the Department as a result of a Systematic Housing Program Inspection subject to the value of the repairs being less than Two Hundred (\$200.00) Dollars.

E. Impact Fees. The issuance of a Permit shall be conditioned upon the developer paying Impact Fees imposed in accordance with **Chapter 35** of the Code of General Ordinances.

F. Reinspection Fees. A Reinspection Fee may be assessed when any of the following occur:

- 1.** An inspection is requested by the owner, owner's agent or contractor, and the Work is not completed.
- 2.** An inspection is requested by the owner, owner's agent or contractor and there is no access to the Premises.
- 3.** After an initial inspection and notice of violation(s) to be corrected, an inspection is requested by the owner, owner's agent or contractor to approve corrections, and those corrections are incomplete or only a portion of the corrections are

made, or corrections have been ignored, and previous arrangements have not been made with the Code Official to accomplish ordered corrections in phases, a Reinspection Fee shall be imposed on the owner, owner's agent or contractor responsible for the inspection request.

Work may not proceed on the installation impacted until such time that said Reinspection Fee has been paid.

There shall be no Reinspection Fee for a final inspection to determine compliance, or for a reinspection occurring during a period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner.

A fee of Ninety (\$90.00) Dollars may be charged for a second reinspection; a fee of One Hundred Eighty (\$180.00) Dollars may be charged for a third reinspection; and, a fee of Three Hundred Sixty (\$360.00) Dollars may be charged for each subsequent reinspection. Reinspection Fees which are not paid for by or on behalf of the property owner within thirty (30) days of mailing of an invoice to the Permit holder shall be charged and collected as a special assessment against the real estate upon which the reinspection was made, and shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be an administrative fee in the amount of One Hundred (\$100.00) Dollars added to the charge to cover the administrative costs of charging and specially assessing the property.

9.08 ENFORCEMENT PROCEDURE

A. Inspections. No structural portion of any part of any Building, and no reinforcing steel, or structural framework of wood, steel, iron, concrete, nor any electrical, plumbing, or heating, ventilating or air conditioning installations shall be concealed without first obtaining proper inspection and approval.

B. Required Inspections. Required inspections are as follows:

1. Sewer and water connection(s).
2. Footings, after being formed and prior to pouring.
3. Foundation, prior to backfilling.
4. Post foundation survey.
5. Erosion control, prior to proceeding with framing.
6. Interior sewer.
7. Basement floor, prior to pouring.
8. Plumbing - rough-in.
9. HVAC - rough-in.

10. Electrical service and rough-in.
11. Carpentry - rough-in.
12. Final plumbing.
13. Final HVAC.
14. Final electric.
15. Final erosion control.
16. Final carpentry.
17. Occupancy.

C. Other Inspections. In addition to the inspections listed in Section **9.08 A.**, the Code Official is authorized to make or require any other inspections required to enforce any other State and City codes, laws, rules and regulations under the jurisdiction of the Department.

D. Inspection Requests. It shall be the duty of the holder of the Permit or their duly authorized agent to notify the Code Official when Work is ready for inspection. It shall be the duty of the Permit holder to provide access to and means for inspection of such Work for any inspections required by this Code.

E. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Code Official. The Code Official, upon making the requested inspection, shall either indicate the portion of construction which is satisfactory as completed, or shall notify the Permit holder or agent of the Permit holder where the Work fails to comply. Any Work which does not comply shall be corrected, and such Work shall not be covered or concealed until authorized by the Code Official.

F. Stop Work Order.

1. Authority. Whenever the Code Official finds any Work being performed in a manner contrary to the provisions of this Code, the Code Official is authorized to issue a Stop Work Order.

2. Issuance. The Stop Work Order shall be posted on the Premises where the violation exists, and the owner, owner's agent or contractor doing the Work shall be informed. Upon issuance of the Stop Work Order, the cited Work shall cease immediately. The Stop Work Order shall indicate the reason for the Stop Work Order, and the conditions under which the Work will be permitted to resume.

3. Unlawful Continuance. Any Person who shall continue any Work after having been served with a Stop Work Order, except such Work that is allowed to perform removal of a violation, shall be subject to the penalties as proscribed by this Code.

G. Unsafe Conditions. Any Person holding a Permit to conduct Work under this Code shall be

responsible to maintain the Work Site in a manner so as to be considered safe. The Code Official shall determine any additional safety measures which are to be taken, such as, but not limited to fencing or other acceptable measures.

9.09 CERTIFICATE OF OCCUPANCY

A. Conditions. A Certificate of Occupancy shall be issued only when it has been determined by the Code Official that all provisions of this Code and the provisions of the City of Kenosha Zoning Ordinance regulating Occupancy Permits have been met.

B. New Buildings. No Building hereafter erected shall be used or Occupied, in whole or in part, until a Certificate of Occupancy is issued. This requirement does not apply to Accessory Buildings used in conjunction with one and two family Dwellings.

C. Change of Use. No Building hereafter enlarged, extended or Altered to change from one use to another, in whole or in part, shall be Occupied, in whole or in part, until a Certificate of Occupancy has been issued.

D. Manufactured/Mobile Homes. Manufactured/Mobile Homes may be issued a Certificate of Occupancy only at such time that the Code Official has determined that required Permits were taken for proper connection of electric service, sewer and water connection, and Occupancy, and Work has been inspected and approved, and all conditions of **Chapter XX** regulating Manufactured/Mobile Homes have been met, and the Manufactured/Mobile Home bears a Wisconsin insignia of approval.

9.10 ONE AND TWO FAMILY DWELLINGS

A. Application of State Uniform Dwelling Code to One and Two Family Dwellings Constructed Prior to June 1, 1980. The State Uniform Dwelling Code in effect on June 1, 1980, shall apply to all one and two family Dwellings, and shall also apply where Alterations and/or repairs in excess of fifty (50%) percent of the value thereof are made thereto within any period of twelve (12) consecutive months. The value of said Dwellings shall be determined as of the date a Building Permit is applied for without deduction for damage caused by any catastrophe which necessitated repairs.

Where a portion of a one and two family Dwelling becomes damaged or out of repair, or where an Alteration of a portion thereof is sought, and the cost of said repair or Alteration does not exceed fifty (50%) percent of the value thereof, the State Uniform

Dwelling Code shall be applicable only to the portion of such Dwelling which is damaged, out of repair, or which is sought to be Altered.

The State Uniform Dwelling Code shall be applicable to all Additions to one and two family Dwellings, irrespective of size.

B. Exterior Building Variation for One and Two Family Residential Dwellings. One and two family residential Dwellings authorized to be constructed within the City shall conform with the guidelines as hereinafter set forth.

1. Exterior Building Variation Required. The exterior construction of all one and two family residential Dwellings shall be varied, when the units are proposed to be constructed, upon:

a. Lots which share a common side lot line and front upon the same street, including cul-de-sacs.

b. Corner lots and the adjacent lots facing the intersecting street.

c. Lots along the same street and facing each other where at least ten (10') feet of frontage is directly opposite the other lot(s), including cul-de-sacs.

2. Exterior Building Variation Defined. A Building shall be deemed to have "Exterior Building Variation" when the ground level street side view(s) shall be different in regard to one (1) or more of the following:

a. The facade width ground level, street side Building wall framing varies by two (2') feet or more in width.

b. The street side roof-wall proportions vary in roof style (i.e., gable, hip, gambrel).

c. The roof slope varies by 7.5 degrees or more (i.e., 4/12, 6/12, 8/12).

d. The total number, type or symmetrical location of doors, windows, or architectural properties (i.e., fixed window boxes, porches, dormers), and the exterior Building finish (i.e., horizontal banding, vertical banding, diagonal banding, brick, stone, stucco) varies.

3. Evidence of Compliance. Applications for Building and Occupancy Permits shall contain evidence of compliance with this Code in the form of a Certificate of Compliance. Any such Permit which is issued in reliance upon false evidence of compliance shall be null and void. The date of issuance of a Permit for the Building on the site shall be the date upon which compliance with this Code shall be determined.

C. Certificate of Occupancy. Certificates of Occupancy shall not be approved for Buildings not in compliance with this Code.

D. Application Where Existing Development Agreement. This Section 9.10 shall not be applicable to any lot covered by a City approved Development Agreement which contains requirements for exterior Building variation.

E. Appeals. The decision of the Code Official respecting exterior Building variation may be appealed to the Zoning Board of Appeals upon written Notice of Appeal being filed with the Code Official within ten (10) working days of the issuance of the Permit or a final determination.

9.11 UNSAFE BUILDINGS

A. Unsafe Buildings. Buildings that are or hereafter become unsafe or in noncompliance with this Code because of inadequate egress facilities, inadequate light, inadequate ventilation, which constitute a fire hazard or are otherwise dangerous to the public welfare; which involve illegal or improper Occupancy; or, which are vacant and not secured against entry, shall be deemed to be Unsafe Buildings. Unsafe Buildings shall be razed and removed, or made safe as provided in this Code.

B. Renovation. If it is determined that an Unsafe Building is to be renovated so as to make it safe, all repairs, Alterations or Additions shall conform with this Code.

9.12 EXISTING BUILDINGS

A. Scope. The legal Occupancy of any Building existing on the date of adoption of this Code shall be permitted to continue without change, except as provided in this Code.

B. Alterations.

1. Conformance To Code. Alterations to an existing Building shall conform with this Code.

2. Exception. Alterations to existing one and two family Dwellings shall conform with this Code, subject to the following standards.

a. Existing stairways in good repair and not being altered or replaced may remain in use if the stairway meets the following criteria:

(1) Riser height does not exceed eight and one-fourth (8-1/4") inches.

(2) Tread depth is not less than eight and one-half (8-1/2") inches.

(3) Head room is a minimum of seventy-two (72") inches.

(4) Stairway width is at least thirty-four (34") inches.

(5) Intermediate baluster spacing is no more than six (6") inches.

b. Existing areas with no framing or restructuring involved maintain a ceiling height of six feet, eight inches (6'8").

c. Where ceiling finishes are not removed, installation of battery-operated smoke detectors is acceptable.

d. Where wall or ceiling finishes are not removed, the existing insulation level may remain.

e. Where no wall finishes are removed, the existing receptacle outlet spacing may remain, provided there are at least two (2) separate and remote receptacles located in the room.

f. In the absence of wall or ceiling-type light fixtures, one of the two (2) required receptacle outlets shall be controlled by a remote switch.

The application of the aforementioned standards may be appealed in writing to the Code Official authorized to grant modifications for good cause.

C. Additions. Additions to an existing Building shall conform with this Code.

D. Conformance of Alterations and Additions. If an Alteration or Addition exceeds fifty (50%) percent of the gross area of the existing Building, the entire Building shall be made to conform with this Code.

E. Change of Occupancy Classification. When a change in Occupancy classification of an existing Building occurs, all provisions of this Code shall be met prior to approval of Occupancy.

9.13 TEMPORARY BUILDINGS AND USES

A. General. The Code Official is authorized to issue a Permit for temporary Buildings and temporary uses. Such Permits shall be limited as to duration of use, but in no event be permitted for more than one hundred eighty (180) days. The Code Official is authorized to grant an extension for good cause.

B. Conformance. Temporary Buildings and uses shall conform to the requirements of this Code.

9.14 STREET OCCUPANCY FOR DUMPSTERS

A. General Provisions.

1. Street Occupancy Permits For Temporary Placement of Dumpsters. Street Occupancy Permits issued by the Department may be approved only for the temporary placement of dumpsters used during the course of demolition or construction.

2. Department of Public Works Approvals. Street Occupancy for the placement of other materials, machinery, barricades or vehicles used in

conjunction with demolition, construction or any other purpose may be approved by the Department of Public Works in accordance with Chapter 5 of the Code of General Ordinances.

B. Permit.

1. Application. Application for a Permit to place a temporary dumpster in the right-of-way shall be made on forms provided by the Department. The application shall state the duration of the requested street Occupancy.

2. Certificate of Insurance. The applicant shall file with the application a Certificate of Insurance indicating that the applicant is insured for liability in the minimum amount of One Million (\$1,000,000.00) Dollars per Person, Two Hundred Fifty Thousand (\$250,000.00) Dollars per occurrence, and Fifty Thousand (\$50,000.00) Dollars for property damage.

C. Permit Conditions. Street Occupancy Permits shall be subject to the following conditions:

1. Use of Right-of-Way. A Permit shall not authorize the use of more than one-third (1/3rd) of the right-of-way between curb lines, and shall be restricted to the use of that portion of street right-of-way which is closest to the curb. No other portion of the right-of-way may be used without the written approval of the Department of Public Works.

2. Pedestrian Access. A minimum of four (4') feet in width shall be maintained on all sidewalks requested to be Occupied for pedestrian access.

3. Obstruction of Fire Hydrant/Railway Track/Traffic Lanes/Arterial Streets. The Permit shall not authorize placement of dumpsters within twenty-five (25') feet of any fire hydrant, within ten (10') feet of any railway track, or in any active traffic lane or arterial street.

4. Dumpsters. Dumpsters shall be clearly marked with flashers, barricades or reflective tape. Barricades shall not extend further into the street right-of-way than the width of the dumpster.

5. Additional Measures and Restrictions. Additional measures and restrictions may be imposed on a case-by-case basis as deemed necessary by the Code Official to protect the public health, safety and welfare.

6. Permit Denial.

a. No Permit shall be issued to any Person to use the right-of-way where the placing of the dumpster will unreasonably interfere with the public health, safety and welfare.

b. Permits shall be denied in every case where there is sufficient room for the dumpster upon the Premises served.

9.15 VACANT BUILDINGS

A. Definition. "Vacant Building(s)" shall mean a Building in which there has been no legal Occupancy for more than ninety (90) days.

B. Certificate of Occupancy. No Vacant Building shall be Occupied or otherwise used without first obtaining a Certificate of Occupancy.

C. Conformance. Prior to receiving Occupancy approval, Vacant Buildings shall be inspected for conformance with this Code.

9.16 MOVING OF BUILDINGS

A. Prohibitions.

1. Permit Required. No Building shall be moved within, through, into or out of the City of Kenosha without first obtaining a Permit as hereinafter specified.

2. Building Unsafe or Unfit - Unreasonable To Repair. No Building shall be allowed to be moved within, through, into or out of the City of Kenosha if deemed by the Code Official to be unsafe or unfit and unreasonable to repair.

B. Application For Permit. An application or a Permit shall be made on forms designated by the Department. In addition to the information requested on the application, the applicant shall also include the following:

1. A letter indicating the existing location of the Building, as well as the proposed new location for the Building.

2. A detailed description of the Building to be moved.

3. The proposed date and time of the move, including completion date.

C. Application Approval. The application shall be forwarded to the Mayor, Alderpersons of any district through which said Building will pass, the Director of Parks, the Director of Public Works, the Police Chief and the Fire Chief.

The Director of Parks and Director of Public Works shall approve the route proposed, if acceptable. If the proposed route is not acceptable, the applicant may amend the application to propose

an acceptable route, altering the size of the Building, and changing the day and time of the proposed move.

Upon receiving approval of the route, the Code Official shall review the application for conformance with this Code and approve the Permit for issuance when the conditions for the Permit and this Code have been met.

D. Application Denial. The application to move a Building may be denied for any of the following reasons:

1. Undue burden upon the City or public utilities in making accommodations for the move.
2. Use and/or location of moved Building will not be in conformance with a Master Plan or the Zoning Ordinance.
3. If an intended use requires a Conditional Use Permit, Site Plan Review or any other Permit, license or authorization, the Code Official shall deny said application until such time that required Permits, licenses or authorizations for the intended use are received.

E. Conditions.

1. Completion/Surety Bond. Moves, once commenced, shall be completed promptly, and the mover shall post a Surety Bond in the amount of Fifty Thousand (\$50,000.00) Dollars guaranteeing completion of the move in conformance with this Code within the time specified on the application, as approved.

2. Notification of Move Commencement and Completion. The mover shall notify the Code Official of the time the move is commenced and completed.

3. Obstruction of Streets, Traffic; Access to Fire Hydrants and Building. No Building shall be allowed to remain overnight upon any street crossing or intersection, or be permitted to obstruct traffic or access to any fire hydrant or Building.

4. Move During Period of Sunset to Sunrise; Inclement Weather. Red lights shall be attached at each corner of and every twelve linear (12') feet of any Building being moved within a street right-of-way during the time period from sunset to sunrise, and during periods of inclement weather.

5. Inspection Upon Completion of Move. Upon completion of said move, City departments shall make an inspection of the move route. Any damages caused by the move on said route shall be

noted in written form, and a written report shall be forwarded to the mover and the owner of the Building.

6. Responsibility for Move Costs. The owner is responsible for all costs involved in the move, including utility relocation and tree trimming. The mover is responsible for all damages and injuries caused by the move.

7. Bond Forfeitures. The Code Official is authorized to seek bond forfeitures whenever a default has occurred.

F. Conformance. The application to move a Building, upon approval, constitutes an agreement by the owner to bring the Building, when moved to a new location in the City, into conformance with this Code and any other required City and State rules, laws and regulations.

9.17 RAZING OF BUILDINGS

A. Permit. No Person shall raze any Building within the City without first obtaining a Permit therefor from the Department.

1. Application. The owner of the Building to be razed shall sign the Permit application. In the alternative, an agent for the owner may sign the Permit application upon providing written authorization verifying permission of the owner to apply for the Permit. The Code Official may require additional information and other State or local Permits as required by law, rule or regulation.

2. Fees. Permit fees shall be established by the City of Kenosha Common Council.

3. Surety Bond. Any application for a Permit to engage in the razing of Buildings within the boundaries of the City shall be accompanied by a Surety Bond, approved by the City Attorney as to form, in the amount of the actual cost of the Permitted Work. Such bond shall guarantee that all Work is performed in accordance with this Code and other State and local laws, rules and regulations, and hold the City harmless from any costs and expenses arising from the Permitted Work and secure timely performance of the Work. The City may reasonably require a bond of a greater amount, on a case-by-case basis, where deemed necessary, to protect the City.

4. Comprehensive Liability Insurance. An applicant for a Permit shall provide proof of comprehensive Liability Insurance in the amount of One Million (\$1,000,000.00) Dollars per occurrence and per person and Fifty Thousand (\$50,000.00)

Dollars property damage.

5. Disconnection of Utilities. The Permit holder shall be responsible for disconnections of utilities necessary for the razing, and shall provide evidence that necessary disconnections have been accomplished.

B. Permit Conditions. All Permits shall be subject to the following conditions:

1. Permit Term. The razing of a Building shall be completed within thirty (30) days after the date the Permit was issued. The Code Official may at his/her discretion extend the Permit term for cause. "Cause" shall mean the inability of the Permittee to act due to circumstances beyond Permittee's reasonable control upon the exercise of due diligence.

2. Inspection of Work. Work done under a Raze Permit is subject to inspection by the Code Official who shall have the authority to order corrective Work. Failure to follow the orders of the Code Official, or to complete the raze in accordance with this Code, shall give the Code Official authority to seek restitution from the required bond.

3. Foundation of Razed Building. Whenever a Building has been razed, the foundation thereof, if any, shall be leveled to at least one (1') foot below grade and filled in with ninety-five (95%) percent noncombustible fill material with the top two (2') feet of fill material being of dirt or sand. No combustible material may be placed in said foundation.

4. Driveway Approaches, Sidewalks and Slabs. Remaining driveway approaches shall be removed and replaced with curb and gutter; damaged public sidewalks shall be replaced; and driveway aprons, remaining slabs and private sidewalks shall be removed from the site prior to final approval. Permits for replacing curb and gutters, driveway approaches and public sidewalks shall be obtained from the Department of Public Works.

5. Site Grading. Whenever a Building has been razed, the site shall be graded with a minimum of three (3") inches of topsoil, with seed and mulch or sod applied to cover the entire disturbed area.

6. Disposal of Debris. The Permit holder shall dispose of all Building debris in a licensed landfill, except for salvaged materials. At any time, the license holder shall produce to the Code Official receipts and/or an itemized list of debris disposed of by dumping or salvage.

7. Site Safety and Security. The Permit holder shall, during the razing process, maintain the razing

site in a safe and secure condition, and the license holder shall promptly report any personal injury and property damage to the Code Official. The Code Official may require additional safety and security methods, including fencing and gating, as deemed necessary to protect the site and restrict access to the public.

C. Exemption. This Section shall not be construed to apply to contractors or homeowners doing demolition Work on part of a Building which is necessary in the course of Building construction Work being conducted under a Building Permit.

D. Accessory Buildings and Detached Garages. This Section shall not apply to demolition of Accessory Buildings or detached garages not greater than five hundred (500) square feet.

E. Special Assessment. The Code Official shall recover all costs of enforcement under a Raze and Repair Order through special assessments to be levied and collected as a delinquent tax against the real estate upon which the Building is located. Such special assessment shall be a lien upon the real estate. A One Hundred (\$100.00) Dollar Administrative Fee shall be added to the special assessment against the benefited property.

9.18 SWIMMING POOLS; HOT TUBS

A. Permit Required. No Person shall construct, build, rebuild, Alter, modify or improve any swimming pool or hot tub without first obtaining a Permit to do so. The applicant shall possess a valid Wisconsin Master Electrician's License.

B. Application for Permit. The application for a Permit shall be fully completed and include a Site Plan, as well as a copy of Plans and specifications for the Work proposed.

C. Inspections, Approvals and Insignia. No swimming pool or hot tub shall be used or made available for use until such time as a Code Official has inspected and approved the installation as being in conformance with this Code and has issued an insignia indicating such approval. Said insignia shall be permanently affixed by the Code Official in a conspicuous manner.

D. Regulations.

1. Location. Swimming pool and hot tub setback requirements are as follows:

- Interior Side Yard** Four (4') Feet
- Rear Property Line** Four (4') Feet
- Front Property Line** Forty (40') Feet

Street Side Yard . Twelve & One-Half (12.5') Feet

2. Electrical Conductor Clearance. Clearance from overhead or underground electrical conductors, whether private or utility-owned, shall be in conformance with **COMM 16** of the Wisconsin State Electrical Code, Volume 2, and **Article 680** of the National Electrical Code.

3. Exemption. Swimming pools and hot tubs are exempt from the maximum lot coverage provision of the City of Kenosha Zoning Ordinance.

E. Enclosures of Swimming Pools, Spas or Hot Tubs.

1. Requirements.

a. Every swimming pool, spa or hot tub which has a water depth of two (2') feet or more shall be completely surrounded by a fence or wall at least forty-eight (48") inches in height and not more than six (6') feet in height, nor less than forty-eight (48") inches in height above adjoining grade, in addition to the pool wall of an above ground pool.

b. Such enclosure shall be provided with a self-closing and self-latching gate or door, or made inaccessible to children by means approved by the Code Official.

c. All enclosures constructed at a height of less than six (6') feet shall be located a minimum horizontal distance of four (4') feet from the edge of the swimming pool, spa or hot tub.

d. A Building, deck, existing wall or other barrier complying with the requirements specified in this Section may be used as part of the required enclosure with the approval of the Code Official.

2. Exceptions. Swimming pools, spas and hot tubs which have a pool wall exceeding four (4') feet above grade shall be exempt from the fencing requirement, provided that the ladder or steps up to the pool, spa or hot tub are hinged at the top and capable of being raised out of the reach of children.

Spas and hot tubs equipped with a fitted cover and capable of supporting a minimum of one hundred (100 lbs.) pounds shall be exempt from the enclosure requirements.

F. Electrical Service and Wiring. The provisions of **COMM 16**, Wisconsin Electrical Code, Volume 2, and **Article 680** of the National Electric Code regarding minimum requirements for installation of electrical wiring and equipment in or related to swimming pools or hot tubs are hereby adopted by reference and made part of this Code.

G. Draining. Swimming pools and hot tubs shall

be drained in such a manner as not to create a public or private nuisance, not to allow water to flow upon any adjacent property without the consent of the owner or occupant of such property, not to create a hazard on any public right-of-way for vehicular or pedestrian traffic, and not to enter any sanitary sewer.

9.19 PLUMBING QUALIFICATIONS

No Person shall engage in plumbing or act as an Automatic Fire Sprinkler System Apprentice, Journeyman Automatic Fire Sprinkler Fitter, Journeyman Plumber, Master Plumber, Plumbing Apprentice, Registered Learner, Restricted Plumber or Utility Contractor as defined in Section 145.01, Wisconsin Statutes, nor apply for a Permit to do such Work, without first being licensed, certified or registered as required by Section 145, Wisconsin Statutes, and complying with all applicable State laws, rules and regulations.

9.20 ELECTRICAL

A. Qualifications. No Person, except as provided in Subsections B., C., and D. herein, shall install electrical wiring and equipment within the City, or apply for a Permit for which the performance of a licensed contractor is applicable, without first obtaining certifications as required by Chapter 101.87, Wisconsin Statutes, and conforming with all applicable State laws, rules and regulations.

B. Owner Occupied Residential Property. Property owners may install electrical wiring and equipment within the City for single family Dwellings which they occupy, upon obtaining a Permit from the Department to do so. Such Permit shall be issued only after passing an exam administered by the Department to demonstrate that he/she is competent to perform such Work in conformity with applicable State and City laws, rules and regulations.

Owners/occupants of single family Dwellings who pass the exam are prohibited from performing electrical wiring or Alteration of service entrance equipment and panels.

C. City Employees. City employees may install electrical wiring and equipment for the City upon being trained to perform such Work in conformance with State and City laws, rules and regulations.

D. Low Voltage Wiring. Any Person shall be exempt from this licensing requirement if the sole scope of the electrical Work to be performed is limited to low voltage wiring. Low voltage wiring performed on one and two family Dwellings is exempt from the Permit requirement.

E. Energizing New or Temporary Electrical Service. It shall be unlawful for a utility furnishing electric power within the City to energize a new or temporary service prior to an inspection of the Premises to be served being made by the Code Official, and prior to the Code Official approving the installation and notifying the utility.

F. City Mandated De-Energization of Electrical Service. The Code Official, upon discovering an energized electrical service which constitutes a potential hazard to Person or property, may, in writing, direct a utility furnishing such electrical service to de-energize said service. It shall be unlawful for a utility to fail to promptly comply with said written directive within a reasonable time, except where to do so would de-energize a non-offending third party sharing the same service connection. A copy of said written directive shall be furnished forthwith to the owner/occupier of the Premises to be de-energized, whenever possible.

G. Residential Electrical Wiring. Any Alteration to any portion of residential electrical service equipment shall conform to the following provisions:

1. The electric service shall be a minimum of one hundred (100) amperes for a single family Dwelling, and one hundred fifty (150) amperes for a two family Dwelling. Service conductors and all associated equipment shall be new. All Work shall be installed per NEC, COMM 16, and the current WE Energies Service and Metering Manual.

2. All Dwelling Units shall be metered separately.

3. All banded meter sockets shall be replaced.

4. Property shall be supplied by only one (1) riser and service.

5. Service shall be located a minimum of three (3') feet horizontally from gas service.

6. Where electrical Work is done in a basement or attic, knob and tube wiring, if present, shall be removed and replaced with wiring in conformance with this Code.

7. A separate twenty (20) amp. Circuit is required for laundry appliances.

8. A separate fifteen (15) amp. Circuit is required for the furnace.

9. One (1) ground fault interrupter protected receptacle is required for basements and crawlspaces.

10. A minimum of two (2) appliance circuits on separate countertops, or within a six (6') foot minimum separation shall be provided for receptacles in each kitchen, and shall also be ground fault protected. There shall be a minimum of three (3) receptacle outlets in the kitchen.

11. In each bathroom, there shall be a minimum of one (1) receptacle adjacent to the lavatory, which shall be ground fault protected.

10. Individual branch circuits shall be installed to operate fixed motor operating appliances, whether automatically or manually started.

12. In Accessory Buildings with electrical wiring, a grounded receptacle shall be provided and shall be ground fault protected. A wall switch and light shall be provided. Garage door openers shall be provided with an outlet within two (2') feet of the garage door opener motor. All existing receptacles shall be ground fault protected.

13. Central air conditioning shall be wired in conformance with the National Electric Code with approved overcurrent protection and safety disconnect means for compressors and air handling units.

14. Every habitable room within a Dwelling Unit shall contain at least two (2) separate floor or wall-type electrical convenience outlets and one (1) wall or ceiling-type electric light fixture which is controlled by a remote switch located near the entrance to the room. If a ceiling or wall-type light fixture cannot be installed, one (1) of the two (2) required floor or wall-type convenience outlets may be controlled by a remote switch located near the entrance to the room.

15. Illumination shall be provided at all stairways and exits. Stairways going to a habitable room shall be provided with a three-way switch.

16. Convenience outlets shall be located as needed to prevent the use of extension cords.

17. The Permit shall be conditioned upon all safety violations being corrected.

9.21 HVAC

A. Qualification. No Person shall install or modify permanent heating, ventilating or air conditioning equipment without first obtaining a license therefor from the City Clerk/Treasurer. This licensing requirement shall not apply to employees of State regulated utilities.

Any Person who installs or Alters gas lines shall

possess a valid State of Wisconsin Master Plumber License.

B. Exception. The routine servicing of permanent heating, ventilating and air conditioning equipment shall not require a license.

C. License Application. Application for an HVAC License shall be made in writing to the City Clerk/Treasurer, along with the application fee. Incomplete or illegible forms may be rejected, as may forms not accompanied by the full application fee.

D. License Requirements and Fees.

1. Fee for Original License. The fee for an original license shall be Sixty (\$60.00) Dollars. A copy of the applicant's State of Wisconsin Qualifier Certificate shall be submitted to the City Clerk/Treasurer, together with the license fee.

2. Renewal of License. The fee for license renewal shall be Thirty (\$30.00) Dollars.

License fees shall be nonrefundable and nonproratable. Licenses not renewed in a timely manner shall expire, becoming null and void. Any successive license application following expiration shall be treated as an application for an original license, which may be granted only upon submittal of the original license fee, together with a copy of applicant's State of Wisconsin Qualifier Certificate.

E. License Term. The License term shall be from May 1 through April 30.

F. License Conditions. Licenses shall be conditioned upon conformance with the following:

1. Performing licensed activities in conformance with applicable State and City laws, rules and regulations.

2. Performing licensed activities only after taking out the required Permit(s).

G. State Qualifier Certification. All City of Kenosha HVAC License holders who do not hold a Department of Commerce HVAC Qualifier Certification are required to do so by no later than April 30, 2007.

H. License Suspension and Revocation. The Code Official may suspend or revoke any license issued hereunder, for cause, upon ten (10) days advance, written notice to the license holder of the charges and an opportunity to be heard. The decision of the Code Official may be appealed to the Committee on Licenses/Permits within ten (10) days

of the date of issuance.

9.22 AIR CONDITIONING EQUIPMENT LOCATION ON SINGLE, TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL BUILDINGS

A. Requirement. Permanently installed air conditioning condensers for central air conditioning systems serving single, two-family and multi-family residential Buildings shall be located on the side lot or rear lot (as defined in the Zoning Ordinance).

B. Exception. An exception may be granted by the Code Official if the air conditioning condenser cannot be feasibly located on the side or rear lot due to unusual circumstances, such as lot configuration, site improvements, and structural and mechanical restrictions. In such event, the air conditioning condenser may be located in the front yard (as defined in the Zoning Ordinance), upon the condition that it be screened by evergreen shrubs or other means approved by the Code Official. The exception and basis therefor shall be noted in the Permit file.

9.23 STREET NUMBERING

A. Numbering. All Buildings in the City of Kenosha shall be numbered in accordance with a certain book now on file in the office of the Department of Public Works, which is designated ADDRESS BOOK. All Buildings shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined in said book, and in accordance with the Official City Street Map.

B. Correcting Existing Numbers. The owner of any Building, which is not numbered or is incorrectly numbered, shall cause same to be numbered, or renumbered, as the case may be, not later than thirty (30) days from the receipt of notice from the Code Official and shall thereafter maintain same in compliance with this Ordinance.

C. Numbers, Size and Location. For all one or two-family Dwellings, such numbers shall not be less than 2-1/2 inches in height and shall be conspicuously placed near the front or main entrance door of each Dwelling so that the number can be plainly seen from the street. For apartments, multiple family Dwellings, institutional and commercial Buildings, such numbers shall not be less than six (6") inches in height. Whenever any Building is situated more than fifty (50) feet from the street line, the number of such Building shall be conspicuously displayed behind the sidewalk, near the driveway or common entrance thereto or upon a gate, post or other appropriate place so as to be easily discernible from the street, but so as not to obstruct the vision of motor vehicle operators.

D. Multiple Family Residential and Commercial Buildings. Multiple family residential and commercial Buildings will be assigned one numerical address. The owner(s) of any multiple family residential or commercial Building shall number each Building in accordance with the officially assigned address. In addition, whenever feasible, such feasibility to be determined by the City Engineer, the owner shall number each Dwelling Unit separately with a letter designation (for example, "Apartment A"). In the case of multi-storied Buildings, the owner may assign numbers to each unit, such as first floor 100 series, second floor 200 series, (for example, "Apartment 101"), etc.

E. Duties of the City Engineer. It shall be the duty of the City Engineer, or his/her designee, to inform any party applying therefor of the number or numbers applicable to any Building as provided by this Ordinance. The City Engineer shall keep said "Address Book" current and same shall be open to inspection of all Persons at regular office hours.

9.24 SIDEWALK, CURB AND GUTTER, DRIVEWAY APPROACHES

A. Damage To Sidewalk, Curb and Gutter, and Driveway Approach To Be Repaired. It shall be unlawful to crack, break, displace or otherwise damage a public sidewalk, curb and gutter, or Driveway Approach in the course of performing Work under this Code, unless a Permit is obtained under Chapter V of the Code of General Ordinances.

B. Permit Required. Repairs, replacement and modification of any public sidewalk, curb and gutter, or Driveway Approach shall be done only after applicant has obtained a Permit to do so from the Department of Public Works.

C. Driveway Aprons. Driveway Aprons shall be installed to prevent storm water runoff from flowing onto adjoining property. Driveway Aprons shall be sloped toward the public right-of-way where motor vehicles will ingress and egress the property. Driveway Aprons determined by the Code Official not to be in compliance with this Section shall be brought into compliance by following directives of the Code Official.

All properties shall have a Driveway Apron constructed of a minimum of four (4") inches of bituminous concrete, asphalt or Portland Cement concrete no later than six (6) months after the issuance of the Certificate of Occupancy.

D. Conformance. In the event the Code Official determines that a public sidewalk, Driveway Approach, curb, gutter or Driveway Apron has been

installed in violation of this Code, or that damaged public sidewalks, Driveway Approaches, curbs and gutters have not been repaired to minimum City standards, a Certificate of Occupancy shall not be issued until such time that public sidewalks, Driveway Approaches, curb and gutter and Driveway Aprons have been repair or installed in conformance with this Code.

9.25 DOWNSPOUT DISCHARGE

No Person may install or maintain a downspout which discharges storm water less than three (3') feet from any property line, unless the water flow from the discharge is directed either perpendicular to any public right-of-way adjacent to the property, or to a public drainage swale approved by the Department of Public Works.

9.26 RETAINING WALLS

A. Permit Required. No Person shall construct, build, Alter or modify any retaining wall over the height of five (5') feet without first obtaining a Permit.

B. Application. Application for such a Permit shall be made on a fully completed application form, and submitted along with two (2) sets of Plans and specifications.

C. Regulations. Any retaining wall which exceeds a height of twenty-four (24") inches above the adjacent grade shall be required to have a fence installed a minimum of thirty-six (36") inches in height on top of the wall, and comply with **Section 2.0** of the City of Kenosha Zoning Ordinance.

9.27 EXCAVATIONS; DEPRESSIONS; PITS

A. Definitions.

1. Hazardous Depression shall mean any excavation, pit, hole, gully, ditch or depression of any nature wherein water is accumulated and retained for more than twenty-four (24) hours; wherein trash, debris or odorous or otherwise objectionable material accumulates; or, which, in the judgment of the Code Official, otherwise constitutes a danger to the public safety and welfare.

2. Building Excavation shall mean the excavation made for the basement or foundation of a Building.

B. Public Nuisance. Hazardous Depressions are hereby determined to constitute a public nuisance.

C. Abatement.

1. Hazardous Depressions. In all cases where the Code Official finds a Hazardous Depression constituting a public nuisance, the Code Official shall serve upon the owner of the property a notice requiring the abatement thereof within ten (10) days of the date of notice by filling in the depression or other such measures as the Code Official deems necessary. In the event the owner of the property shall neglect or refuse to abate in the manner prescribed, the Code Official shall cause the abatement Work to be done, and the cost thereof shall be assessed against the property as a special tax, and collected as are other special taxes. There shall also be a One Hundred (\$100.00) Dollar Administrative Fee added to the charge and special assessment to cover the administrative costs of charging and assessing the property. Filling, in all cases, shall be done with materials and in a manner approved by the Department of Public Works to insure that natural drainage is not unduly blocked or hampered.

2. Building Excavations. If a Building Excavation is deemed by the Code Official to be a Hazardous Depression, it shall be subject to abatement by the Code Official as hereinbefore set forth. Provided that, in any event, if construction on the Building within the excavation is not commenced within six (6) months after breaking ground, the Code Official may serve an order upon the owner of the property and the holder of any encumbrance of record that the erection of the Building begin forthwith, or that the excavation be filled within fifteen (15) days to lot grade. In the event the owner or encumbrance holder neglects or refuses to abate such hazard in accordance with the order, the Code Official shall cause the abatement Work to be done in a manner approved by the Department of Public Works as to drainage, and the cost thereof shall be assessed against the property as provided in **9.27 C.1.**

3. Exceptions. This Code shall not apply to Lake Michigan, the Pike River, Pike Creek, natural wetlands, and lakes and lagoons located on any property which are part of an approved subdivision plat, or any storm water ditch or water retention basin located on public or private property, which are part of a City-approved Storm Water Drainage Plan, or part of a statutory Drainage District.

9.28 APPEALS

Any Person wishing to appeal an interpretation of the Code by a Code Official, or by an action taken against a license, may do so by the following means.

A. State of Wisconsin Building Code, Plumbing Code, Electric Code, Heating,

Ventilating and Air Conditioning Code or State Statute. Appeals are to be made in writing on forms provided by the Wisconsin Department of Commerce.

B. City of Kenosha Zoning Ordinance. Appeals are to be made in writing on forms available from the Department, submitted together with the appropriate fee, to the Zoning Board of Appeals.

C. City License. Appeals regarding actions taken against a City HVAC Contractor or City Demolition Contractor shall be made in writing to the Committee on Licenses/Permits.

D. State License or Registration. Appeals to action taken against a Master Plumber, Master Electrician or Residential Contractor Registration shall be made in writing to the Wisconsin Department of Commerce.

9.29 VIOLATIONS; PENALTIES

A. Violations. No Person shall erect, use, occupy or maintain any Building in violation of any provision of this Code, or act contrary to any provision of this Code, or cause any violation of this Code to be committed. Each day of violation shall be considered a separate offense.

B. Penalties. Any Person violating any of the provisions of this Code, except for the provisions governing the administration or enforcement thereof, shall upon conviction be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars per day, nor more than Five Hundred (\$500.00) Dollars per day, together with the costs of prosecution; and, if in default thereof, shall be imprisoned for a period of not less than one (1) day, nor more than six (6) months in the County Jail, or until such forfeitures and costs are paid.