

Title 15

BUILDINGS AND CONSTRUCTION

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(Note: Current Title 15 was repealed and replaced with revised Title 15. Ord. 4B-02, 2002)

Chapter 15.04

BUILDING AND MECHANICAL CODE

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* Prior history: Ords. A-145, 22, 57, 5A-80, 3A-83 and 3C-95.

15.04.010 Title designated.

This Chapter shall be known as the Building and Mechanical Code of the City of Altoona and will be referred to as the "Building Code".

15.04.020 Purpose.

This Chapter provides certain minimum standards, provisions and requirements for the safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the general health, safety and well-being of the general public and persons occupying or using such buildings and the general public through the enforcement of adopted codes.

15.04.030 Scope.

This Chapter applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings. Notwithstanding this section, this chapter shall not apply to children's play structures.

15.04.040 Definitions.

As used in this Chapter, the following terms have the meaning prescribed herein:

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

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

C. Building. Building means any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, storage, education, cultural activities or other purposes. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.

D. Building Inspector. Building Inspector means the individual(s) or firm appointed by the City of Altoona to exercise all of the powers and duties of a Building Inspector under Wisconsin law.

E. Construction. Construction means any part or portion of the activity of installing, locating, siting, erecting or razing a building.

F. Contractor. Contractor means any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.

G. Demolition. Demolition means the activity of completely or partially destroying or razing a previously erected or constructed building.

H. Department. Department means the Department of Safety and Professional Services, State of Wisconsin. (part Ord 6B-19)

I. Dwelling. Dwelling means:

1. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or

2. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.

J. Electrical. Electrical means the trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the state of Wisconsin or a person under the supervision of such an electrician.

K. Garage. Garage means a building which is primarily intended for storage or parked automobiles or equipment.

L. HVAC. HVAC is an acronym which stands for heating, ventilating and air conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

M. Occupancy. Occupancy means the act of utilizing a building for inhabitation by human beings. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence or commercial use shall constitute occupancy.

N. Owner. Owner means the individual, firm or entity that has record title to the real estate on which construction or demolition is taking place.

O. Plumbing. Plumbing means the trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the state of Wisconsin or work under the supervision of such a plumber.

P. Stop Work Order. Stop work order means a directive issued with respect to a construction project by a Building Inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the Building Inspector has authorized the resumption of the construction project.

Q. Structure. Structure means anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, stream bed or lake bed and including but not limited to objects such as buildings, sheds, cabins, manufactured homes, bridges and towers.

15.04.050 Adoption of Codes.

A. The following chapters of the Wisconsin Administrative Codes are adopted by the municipality and shall be enforced by the Building Inspector.

- SPS 101.121 Historical Buildings.
- SPS 316 Electrical.
- SPS 320-325 Uniform Dwelling.
- SPS 361-366 Commercial Building Code.
- SPS 375-379 Buildings Constructed Prior to 1914.
- SPS 381-387 Plumbing.

B. Any local building codes or requirements other than those contained herein are repealed. (Ord. 2B-15 (part); Ord. 6B-06 (part), 2006).

C. Highest Standards Prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (part Ord 6B-19, 2019)

15.04.060 Scope of Uniform Dwelling Code Expanded.

For the purposes of this chapter, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

A. Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980;

B. Detached garages greater than two hundred square feet serving one and two family dwellings. Grade-beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four inches in thickness. Reinforcement shall be a minimum of six by six inch number ten wire mesh. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab. SPS 322 shall not apply;

C. With respect to other detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow subsection B of this section and/or SPS 321. (Ord. 2B-15 (part), 2015; Ord. 7A-96 (part), 1996)

15.04.070 Building Inspector.

A. Certification. The Building Inspector and the Building Inspector's designee, shall be certified for inspection purposes by the Department of Safety and Professional Services in each of the categories specified under the Wisconsin Administrative Code. (part Ord. 6B-19)

B. Duties. The Building Inspector, or the Building Inspector's designee, shall administer and enforce all provisions of this Chapter, Wisconsin Statutes, applicable provisions of the Wisconsin Administrative Code and the Uniform Dwelling Code.

C. Inspection Powers. The Building Inspector, or the Building Inspector's designee, may, at all reasonable hours, enter upon any public or private premises for reasonable inspection purposes and may require the production of the permit for any building, plumbing, electrical, HVAC or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector, or the building Inspector's designee, while in the performance of the duties of the office of Building Inspector. If authorized Building Inspectors are denied access to property for inspection purposes, they are empowered to seek an inspection warrant pursuant to Section 66.0119, Wisconsin Statutes.

D. Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least forty-eight hours in advance by the applicant/contractor or property owner as applicable:

1. Footing;
2. Foundation;

3. Rough carpentry, HVAC, electric and plumbing;
4. Drantile/basement floor;
5. Underfloor plumbing;
6. Electric service;
7. Insulation;
8. Final carpentry, HVAC, electric and plumbing;
9. Erosion control.

E. Responsibility to Request Inspection. The responsibility to request any inspection lies with the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.

F. Expense of Exposing Work Completed. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the contractor and/or property owner to request any inspection, shall be the responsibility of the contractor and/or property owner.

G. Records. The Building Inspector, or the Building Inspector's designee, shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector, or the Building Inspector's designee, shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of issuance.

Also, a record showing the number, description and size of all buildings erected indicating the class of construction and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector, or the Building Inspector's designee, shall make a written annual report to the Common Council relative to these matters.

15.04.080 Permit required.

A. Commencement of Construction. No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal Building Inspector.

B. Building Permit Required. The construction which shall require a building permit includes, but is not limited to:

1. New buildings including agricultural buildings;
2. Additions that increase the physical dimensions of a building including decks;
3. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems;
4. Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit;
5. Alteration of plumbing, venting, electrical or gas supply systems;
6. Any electrical wiring for new construction or remodeling;
7. Any HVAC for new construction or remodeling;
8. Any plumbing for new construction or remodeling;
9. Re-siding and re-roofing.
10. Accessory buildings as defined in Title 19 larger than 48 square feet. (part Ord 6B-19, Ord. 4P-04, 2004).
11. All automobile driving and parking areas, including driveways and replacements, as defined in Title 19.

C. Minor Repairs. Minor repairs or minor construction activities which are valued at less than five thousand dollars (\$5,000), including the fair market value of labor and materials, and which do not change the occupancy area, structural strength, fire protection, exits, or ventilation of the building or structure shall not require a building permit.

1. Minor repairs include the finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector;

2. Minor repairs also include normal repairs and maintenance of HVAC, plumbing and electrical equipment or systems.

15.04.090 Submission of Plans.

A. Submission of Plans. The owner or contractor shall, with respect to any proposed construction or demolition, submit three (3) sets of building plans to the inspector for any work which expands the size of a building, any new building or as required by the inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the building inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

B. Plans. With applications for new detached structures or additions, there shall be submitted three (3) complete sets of plans and specifications, including a plot plan showing the location and dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of the proposed structure (to City datum), grade of lot and of the street abutting the lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest building on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for the control of soil erosion, surface water runoff and sediment disposition at the building site. The application shall include a copy of the approved Site Plan or applicable zoning permit for the property. (part Ord 6B-19).

Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector, or the Building Inspector's designee, in the City Hall.

Plans for buildings involving the State Building Code shall bear the stamp of approval of the Department of Safety and Professional Services. One (1) plan shall be submitted which shall be filed in the office of the Building Inspector, or the Building Inspector's designee, in the City Hall. All plans and specifications shall be signed by the designer. (part Ord 6B-19.)

C. Approval of Plans.

1. If the Building Inspector, or the Building Inspector's designee, determines that the building will comply with this Building Code and with other applicable Ordinances and orders of the City, the Building Inspector shall issue a building permit, which shall state the use to which said building is to be put, which building permit shall be kept and displayed at the site of the proposed building in such location as to be clearly visible from the street.

2. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants or which materially changes the structure, plumbing, HVAC or electrical systems associated with the structure, except with the written consent of the Building Inspector, or the Building Inspector's designee.

3. In case adequate plans are presented for part of the building only, the Building Inspector, or the Building Inspector's designee, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

D. Official Map. Consistent with Altoona Municipal Code 12.02 and Wis. Stats. § 62.23(6), no permit may be issued for any building in the bed of any street, highway, railroad right-of-way, public transit facility, parks, waterway or parkway shown or laid out on the City of Altoona Official Map. (part Ord 6B-19).

15.04.100 Issuance of Permit.

A. The Building Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. The permit shall state the use to which said building is to be put. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits shall be valid for two years, except commercial electrical permits

shall expire 12 months after date of issuance, if installation of the electrical wiring has not commenced. The permit may be extended for a specific time frame upon Building Inspector's approval and payment of appropriate fees. (Ord 11B-19, 2019)

B. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.

C. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building or the alteration or addition to an existing building.

15.04.105 Inspection and Site Maintenance

A. Inspection of Work. The Contractor shall notify the Building Inspector, or the Building Inspector's designee, when ready for inspections and the Building Inspector, or the Building Inspector's designee, may inspect after all buildings at the following stages of construction:

1. Footings prior to pouring concrete.
2. Foundation prior to backfilling.
3. Underfloor plumbing with air test & sewer and water laterals with air test.
4. Temporary and permanent electrical services.
5. General framing, rough electrical, plumbing and heating prior to insulation.
6. Insulation prior to sheet rock.
7. Completion of structure prior to occupancy.

Nothing in this Chapter shall prevent the Building Inspector, or the Building Inspector's designee, from conducting other inspections at any time the Building Inspector, or the Building Inspector's designee, determine appropriate or necessary. No contractor or owner shall, at any time refuse access to the Building Inspector, or the Building Inspector's designee, to any building or structure for which a building permit has been issued pursuant to the provisions of this Chapter. If the Building Inspector, or the Building Inspector's designee, find the work conforms to the provisions of this Chapter, the Building Inspector, or the Building Inspector's designee, shall issue a certification of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector, or the Building Inspector's designee, in the City Hall.

B. Driveway Permit and Installation. No construction activity shall occur on any parcel in the City until a valid driveway permit has been obtained from the Director of Public Works and the driveway, including culvert and end walls if required, has been installed. Construction vehicles shall not use any access to the construction site on the property except access points approved by the Director of Public Works.

C. Construction Waste, Materials Disposal and Maintenance of Yards. The disposal of construction waste and excess construction materials is the responsibility of the property owner and contractor.

1. No person shall dispose of construction waste or excess construction materials by burning of such waste or materials.

2. No person shall dispose of construction waste or excess construction materials in any public property, road right-of-way, recreational trail or recreational easement.

3. During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property.

D. Littering on Construction Site. All construction sites must be maintained free and clear of litter and trash. The maintenance of the construction site free and clear of litter and trash is the responsibility of the property owner and contractor. Each construction site shall be maintained on a daily basis.

E. Permit Lapses. A building permit issued pursuant to the provisions of this Chapter shall lapse and be void unless building operations are commenced within twelve (12) months, or if construction has

not been completed within two (2) years from the date of issuance thereof. The permit may be extended for a specific time frame upon the Building Inspector's approval and payment of appropriate fees.

F. Violations of the Uniform Dwelling Code & Stop Work Order.

1. If an inspection reveals noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector, or the Building Inspector's designee, shall notify the permittee and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to provisions of the Wisconsin Administrative Code.

2. If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or the owner's authorized representative or agent, and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by the written notice of the Building Inspector, or the Building Inspector's designee, after satisfactory evidence has been provided that the cited violation has been corrected.

G. Revocation of Permits.

1. The Building Inspector, or the Building Inspector's designee, may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter, and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

a. Whenever the Building Inspector, or the Building Inspector's designee, shall find at any time that applicable Ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction order has been issued to the permit holder.

b. Whenever the continuance of any construction becomes dangerous to life or property.

c. Whenever there is any violation of any condition or provisions of the application for the building permit or the building permit.

d. Whenever, in the opinion of the Building Inspector, or the Building Inspector's designee, there is inadequate supervision provided on the job site.

e. Whenever any false statement or misrepresentation has been made in the application for the building permit, plans, drawings, data specifications or certified lot or lot plan on which the issuance of the building permit or approval was based.

f. Whenever there is a violation of any of the conditions of approval or occupancy given by the Building Inspector, or the Building Inspector's designee, for the use of all approved materials, equipment, methods of construction, devices or appliances.

2. The notice revoking a building permit, plumbing, HVAC or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises or the owner's agent, if any, and on the person having charge of the construction.

3. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector, or the Building Inspector's designee.

4. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void. Before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations and provisions of this Chapter.

However, such work as the Building Inspector, or the Building Inspector's designee, may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Building Inspector, or the Building Inspector's designee, may require for the preservation of life and safety.

H. Report of Violations. City officers shall report at once to the Building Inspector, or the Building Inspector's designee, any building or activity which is being carried on without a permit as required by this Chapter.

I. Display of Permit. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon. Such building permit shall be visible from the street.

15.04.110 Unsafe Buildings.

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Building Inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.0413(1)(i), Wisconsin Statutes.

15.04.115 Occupancy Permit.

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Building Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for a specified term. No person shall have occupancy of a building until an occupancy permit is issued.

15.04.120 Exterior Finish Required.

A. Exterior Finish Required.

1. All buildings shall have a weather-resistant, uniform and neighborhood compatible exterior finish. Tarpaper, unfinished wood, oriented strand board, tarp, fabric, insulation or similar material is not permitted. All exterior finish shall be completed and installed within one (1) year of the issuance of the building permit unless an extension is granted in writing by the Building Inspector or the Building Inspector's designee. All material and building components shall be installed, used and maintained as per manufacturer's recommendations.

2. Repairs or additions to existing structures shall utilize uniform materials, pattern, color and finish as the existing building to the maximum degree practicable.

3. All accessory buildings and structures shall:

a. Be anchored so as to withstand a horizontal wind of 90 mph and uplift pressure of 20 pounds per square foot acting over the surface;

b. Be rated to withstand a minimum of 40 pounds per square foot of snow load.

B. Maintenance of Housing Appearances.

1. Foundations, Exterior Walls and Roofs. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit, which does not comply with the following requirements;

a. Every exterior wall, eave, soffit, trim and similar surface shall be free of deterioration, holes, breaks, loose or rotting board or timbers.

b. Structures that require paint or stain, or that have been painted or stained, should have paint or stained applied at regular intervals to exterior building surfaces. When the building has more than thirty percent deterioration of its finished surface on any wall, that wall shall be painted or stained.

c. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

d. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured, hung properly, and in good repair.

e. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof. (part Ord 6B-19, 2019)

15.04.121 Maintenance of Structures and Lots.

A. Grading and Drainage of Lots. Every yard, court, vent passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.

B. Accessory Structures. All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous shed.

C. Abandoned Dwellings. “Abandoned dwelling” means a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of 12 consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling. The owner of any abandoned dwelling or his or her authorized agent shall:

1. Cause all services and utilities to be disconnected from or discontinued to said dwelling.
2. Lock all exterior doors and windows of said dwelling;
3. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonable weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with section 15.04.120 A of this chapter; and
4. Maintain the yard and accessory structures such that they comply with section 15.04.121 A and B of this chapter.

D. Nuisances. The interior and exterior of vacant and abandoned dwellings and their premises shall be maintained in a nuisance-free condition.

15.04.125 Site Plan Approval.

1. Where a development activity is proposed for a property where a Site Plan, Final Implementation Plan, or other similar zoning permit is required by Altoona Municipal Code, no construction permit may be issued in absence of an approved plan, or which conflicts with an approved plan.

2. The approved zoning permit, illustrations, and all pertinent conditions shall accompany and be regarded as integral to the approved building plans and building permit whenever construction activities are taking place.

3. Dedicated Street and Approved Subdivision Required. Unless a waiver is granted by the Plan Commission, following a recommendation from the Zoning Administrator or the Zoning Administrator’s designee, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey and required improvements are accepted by the Common Council.

4. Payment In Lieu of Taxes. In all instances wherein the proposed construction and site plan involves the construction, renovation, alteration or addition to a building or site which is exempt from property taxes, the Plan Commission shall, when determined appropriate, negotiate a “Payment in Lieu of Taxes” or “PILOT” agreement. Such agreement shall be based on the current and future costs of providing municipal services to the facility and site. No applicable site plan shall be approved by the Plan Commission unless such PILOT agreement is completed and approved by the Common Council. (part Ord 6B-19, 2019)

15.04.130 Building Construction Insurance.

a. The Building Inspector, or the Building Inspector’s designee, shall require building contractor public liability insurance covering injury to one (1) person in the sum of not less than Three Hundred Thousand Dollars (\$300,000) and for one (1) accident in a sum of not less than Three Hundred Thousand Dollars (\$300,000), or the minimum amount required by the State of Wisconsin, Department of Safety

and Professional Services, whichever is greater; together with property damage insurance in a sum of not less than Three Hundred Thousand Dollars (\$300,000), or the minimum amount required by the State of Wisconsin, Department of Safety and Professional Services, whichever is greater; or such other coverage as deemed necessary by the City of Altoona in its sole discretion.

b. The City shall notify the property owner and building contractor identified in the Building Permit of the damages incurred and give written notice of the right to correct or repair such damages. Failure of the property owner and building contractor to complete such repairs to the City's satisfaction within thirty (30) calendar days shall be deemed sufficient cause to call the Building Construction Bond. The City of Altoona, in its sole discretion, may claim all or any portion of a Building Construction Insurance to repair damage to City roads, road right-of-ways, utilities and other property not owned or controlled by the owner of the parcel on which the construction activity is permitted or occurring.

15.04.135 Basements; Excavations.

a. Basement Subflooring. First floor subflooring shall be completed within one hundred twenty (120) days after the basement is excavated or be fenced or closed as provided in sub a. or sub b.

b. Fencing of Excavations. The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.

c. Closing of Abandoned Excavations. Any excavation for building purposes or any uncovered foundation which shall remain open and which excavation is not fenced or otherwise secured, for more than three (3) months shall be deemed abandoned and a nuisance. The Building Inspector, or the Building Inspector's designee, shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith, suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service.

If the owner of the land fails to comply with the order within the time required, the Building Inspector, or the Building Inspector's designee, shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report of the Building Inspector, or the Building Inspector's designee, on the cost thereof, pursuant to the provisions of Section 66.0627 Wisconsin Statutes.

15.04.140 New Methods and Materials

a. All materials, methods of construction and devices designed for use in buildings or structures covered by this Chapter, except accessory buildings and agricultural buildings, and not specifically mentioned in or permitted by this Chapter shall not be used until approved in writing by the Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code. (part Ord 6B-19).

b. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Safety and Professional Services. The data, test and other

evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State of Wisconsin Department of Safety and Professional Services. (part Ord 6B-19).

15.04.150 Fees.

a. Establishment of Fees. All building permit fees required by this Chapter shall be established by resolution of the Common Council of the City of Altoona and illustrated in Altoona Municipal Code 3.08. (part Ord 6B-19).

b. Fees Doubled. If a building permit is not obtained prior to commencement of construction, the applicable building permit fees shall be doubled.

15.04.200 Violations and Penalties.

a. Violations. Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector, or the Building Inspector's designee, shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided below.

b. General Penalty. Unless otherwise provided, any person who shall violate any of the provisions of this Chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

1. First Offense -- Penalty. Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

2. Second or Subsequent Offense -- Penalty. Any person found guilty of violating any provision of this Chapter who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

c. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

d. Other Remedies. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector, or the Building Inspector's designee, or other City Officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

e. Any person feeling aggrieved by an order or determination of the Building Inspector, or the Building Inspector's designee, may appeal from such order or determination to the Common Council. The procedures customarily used to effectuate an appeal to the Common Council shall apply.

f. Except as may otherwise be provided by Statute or Ordinance, no officer, agent or employee of the City of Altoona charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of the individual's duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of the individual's duties

under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

15.04.210 Disclaimer.

This ordinance shall not be construed as an assumption of liability by the municipality or the building inspector for damages because of injuries sustained or property destroyed by a defect in any dwelling or equipment.

15.04.220 Severability.

If any section or portion of this chapter shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of this chapter. The remainder of this chapter shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this chapter are repealed as to those terms that conflict.

Chapter 15.05

SWIMMING POOLS

Sections:

15.05.010	Definitions.
15.05.020	Permit Required.
15.05.030	Fencing.
15.05.040	Construction and Structural Design.
15.05.050	Health Department Approval.

15.05.010 Definitions.

In this chapter, unless the context clearly requires otherwise:

A. **Swimming Pool.** Swimming pool means a receptacle of water, or an artificial pool of water having a depth capacity at any point of more than two feet, intended for the immersion or partial immersion of human beings, and including all appurtenant equipment. Exempt from this Section are decorative landscaping and wildlife pools.

B. **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

15.05.020 Permit Required.

A. No swimming pool shall be installed or constructed without a permit having been issued therefore by the Building Inspector. Application for such permit shall be made in writing on forms furnished by the Building Inspector and shall contain appropriate plans and specifications, showing the proposed location of the swimming pool and such other information as the Building Inspector may require in accordance with the provisions of this subchapter. The application shall generally comply with the standards required of an application for a building permit under Section 16.04.080, insofar as the same is applicable.

B. Permit fee shall be established by the Altoona Common Council as set forth in Addendum "A" to Chapter 3.08 of Altoona Municipal Code. (Ord 5C-18, 2018).

15.05.030 Fencing.

A. All outdoor swimming pools having a depth capacity of two feet or more shall be completely enclosed by a fence prior to use of the swimming pool. The wall of a building may be accepted as a part of the required fence when found by the Building Inspector to provide a sufficient degree of protection. Such fence shall be not less than four feet in height above the ground level immediately adjacent to the exterior of the fence. Such fence shall be constructed of not less than eleven and one-half gauge chain link fencing or such other construction which will make access to the swimming pool area equally difficult. All fence material and fence posts shall be resistant to decay and corrosion and fence posts shall be set in concrete bases or similarly secured. Any open space between the bottom of the fence and the ground shall not exceed four inches. Each fence opening or point of entry into the pool area enclosure shall be equipped with a gate. Each gate shall have at least the minimum height required for the fence and shall be equipped with self-closing and self-latching devices placed at the top of the gate or at a place which is otherwise inaccessible to small children.

B. All such outdoor swimming pools which are located above ground and encompassed by an exterior wall having a height of four feet or more shall be exempt from the provisions of subsection A; provided, that all such aboveground pools shall be equipped with an effective fence and gate system at all points of entry to the pool, constructed to the specifications contained in subsection A.

C. Upon completion and prior to filling with water, each such outdoor swimming pool shall be enclosed by either fencing as required above or a temporary construction fence. Such temporary fence shall be a snow fence or similar design at least four feet in height and securely anchored in place. The fence shall be constructed with its base flush to the ground and shall have supportive posts placed no more than eight feet apart. The fence shall remain in place until such time as a permanent fence is installed as provided in this section. The installation of a permanent fence shall take place no later than sixty days after the initial filling of the swimming pool.

D. All persons owning or in charge of a swimming pool for which a fence is required under this section shall construct or provide such fence within ninety days following the effective date of the ordinance codified in this chapter.

15.05.040 Construction and Structural Design.

A. All swimming pool plumbing and electrical facilities shall be installed in accordance and compliance with Chs. SPS 316, SPS 390, DHS 172, and PSC 114 of the Wis. Admin. Code. All swimming pools, other than above ground pools, shall be completely surrounded by a walkway of concrete or other approved material, at least three feet in width and designed so as to prevent back drainage into the pool. If drains are provided in such walkways they shall not be connected to the recirculation system piping. (Ord. 2B-15, 2015)

B. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected. All connections to the city water supply or sewer system shall be approved by the inspection division.

C. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all State regulations and code and with any and all Ordinances of the City now in effect or hereafter enacted.

D. All electrical installation, including lighting and heating but not limited thereto, which are provided for, installed or used in conjunction with a private or residential swimming pool shall be in conformance with the State law and City Ordinances regulating electrical installations.

E. No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted for an accessory building.

15.05.050 Health Department Approval.

Plans and specifications for public swimming pools shall be submitted to and approved by the health department prior to issuance of a permit under Section 15.05.020.

CHAPTER 15.06

REGULATIONS FOR RAZING BUILDINGS

Sections:

15.06.010	Razing and Demolition.
15.06.020	Application.
15.06.030	Demolition.
15.06.040	Clearing and Leveling the Site.
15.06.050	Removal and Disposal.
15.06.060	Bond Required.
15.06.070	Insurance Required.

15.06.010 Razing and Demolition.

A. Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than four hundred square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.

Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date of issuance. All work associated with the razing permit shall be completed within thirty (30) days of the commencement of such work. Any unfinished portion of work remaining beyond the thirty (30) days must have special permission to proceed from the Building Inspector, or the Building Inspector's designee.

15.06.020 Application.

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

1. The name and address of the owner of the building on date of application and, if different, on date of demolition;
2. The name, address and telephone number of the contractor(s) performing the demolition work;
3. The date upon which demolition is to commence;
4. The date by which demolition shall be complete;
5. A list of all hazardous waste and hazardous and toxic substances (as defined by Section NR 600.03(98) Wis. Admin. Code and Section 289.01(11), Wisconsin Stats as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Section 254.11(1), Wisconsin Statutes), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
6. A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
7. A description of the method of demolition to be used; and
8. A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
9. Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

15.06.030 Demolition.

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

B. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air, creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.

C. The permittee shall take all necessary steps, prior to the razing of a building, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations. Such steps may include the employment of a qualified person in the field of pest control or by such other means as may be appropriate.

15.06.040 Clearing and Leveling the Site.

A. The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with tile adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the building inspector so as to prevent blowing dust, dirt or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.

B. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector shall, within seventy-two (72) hours following notification by the permit holder, the owner or his agent, inspect each excavation, or part thereof, before the filling of any excavation may proceed. The notice to the Building Inspector shall be in writing and on forms provided by the Building Inspector for such purpose.

C. It is unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector, or the Building Inspector's designee, to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. The opinion shall be deemed a sufficient approval by the municipality provided that a written copy of the opinion is delivered to the clerk at least twenty-eight (28) hours before filling of the excavation commences.

15.06.050 Removal and Disposal.

A. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations.

B. All debris must be hauled away at the end of each day for the work that was done on that day, or be deposited in a refuse container designed for such purposes. The refuse container shall be located on the property and all debris in the container shall be secured in such a manner so as to prevent littering. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.

C. The permit holder shall give the Building Inspector seventy-two (72) hours' written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

15.06.060 Bond Required.

A. Before a permit is issued to raze any building, the party applying for the permit shall make a cash deposit to the City of Altoona in a sum, to be fixed by the City, which sum shall not be less than one thousand dollars (\$1,000). The cash deposit shall be held for indemnification of the municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgement, together with the costs or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.

B. The bond required by this subsection shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing

such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein. The Building Inspector may waive the timelines in this subdivision if the Building Inspector, after investigations, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under twelve years of age.

15.06.070 Insurance Required.

The Building Inspector shall require, in addition to the bond above indicated, public liability insurance covering injury to one person in the sum of not less than five hundred thousand dollars (\$500,000.00) and for one accident, aggregate not less than one million dollars (\$1,000,000.00), together with property damage insurance in a sum not less than five hundred thousand dollars (\$500,000.00), or such other coverage as deemed necessary.

CHAPTER 15.07

REGULATIONS FOR MOVING BUILDINGS

Sections:

15.07.010	Moving Buildings.
15.07.015	Moving Damaged Buildings.
15.07.020	Equalized Assessed Value Requirement.
15.07.025	Continuous Movement.
15.07.030	Street Repair.
15.07.035	Conformance with Code.
15.07.040	Bond Required.
15.07.045	Insurance Required.
15.07.050	Prior Approval Required.

15.07.010 Moving Buildings.

A. General Requirements.

1. No person shall move any building or structure upon any of the public rights-of-way of the municipality without first obtaining permit therefor from the Building Inspector and upon the payment of required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which the moving operations shall be continued.

2. A report shall be prepared by the Director of Public Works with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City shall be paid to the Building Inspector, or the Building Inspector's designee, prior to issuance of the moving permit.

3. Issuance of a moving permit shall further be conditioned on approval of the moving route by the Director of Public Works and the Police Chief. (Ord. 9A-04, 2004)

15.07.015 Moving Damaged Buildings.

No building shall be repaired, altered or moved within or into the municipality that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the municipality.

15.07.020 Equalized Assessed Value Requirement.

If the equalized assessed value of the building to be moved is not within twenty percent of the surrounding buildings within one thousand feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within ten percent of the lowest equalized value of any of the surrounding buildings within one thousand feet of the parcel where the building is proposed to be moved to.

15.07.025 Continuous Movement.

The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

15.07.030 Street Repair.

Every person receiving a permit to move a building shall notify the Building Inspector a minimum of three (3) business days prior to the time of moving. Before the moving of the building occurs, the Building Inspector shall inspect the moving route in order to ascertain pre-project road conditions. Every person receiving a permit to move a building shall within one day after the building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the Director of Public Works, inspect the streets and highways over which the building has been moved and ascertain the condition. If the removal of the building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the permittee to do so within ten days thereafter to the satisfaction of the Common Council, the Common Council shall order the repair the damage done to such streets and hold the person obtaining such permit and the sureties on this bond responsible for payment of same.

15.07.035 Conformance With Code.

No permit shall be issued to move a building within or into the City of Altoona and to establish it upon a location within the City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that the building is in a sound and stable condition and of such construction that it will meet the requirements of the Building Code contained in this Chapter in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building Inspector, and the Building Inspector shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of the Building Code contained in this Chapter and that when same are completed, the building, as such, will so comply with the Building Code contained in this Chapter. In the event a building is to be moved from the City of Altoona to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

15.07.040 Bond Required.

A. Before a permit is issued to move any building over any public way in this municipality, the party applying for the permit shall make a cash deposit to the City of Altoona in a sum, to be fixed by the City, which sum shall not be less than five thousand dollars (\$5,000). The cash deposit shall be held for indemnification of the municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgement, together with the costs or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.

B. The bond required by this subsection shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein. The Building Inspector may waive the timelines in this subdivision if the Building Inspector, after investigations, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under twelve years of age.

15.07.045 Insurance Required.

The Building Inspector shall require, in addition to the bond above indicated, public liability insurance covering injury to one person in the sum of not less than five hundred thousand dollars (\$500,000.00) and for one accident, aggregate not less than one million dollars (\$1,000,000.00), together with property damage insurance in a sum not less than five hundred thousand dollars (\$500,000.00), or such other coverage as deemed necessary.

15.07.050 Prior Approval Required.

A. Before any permit to relocate a building may be issued, the Building Inspector shall examine the application for the permit and approve the application.

B. The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of the building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final site.

C. The Building Inspector shall not grant a permit unless the Building Inspector has taken a view of the building proposed to be moved and of the site at which it is located.

D. The Building Inspector may not issue a permit for relocation of a building unless it finds that the exterior appearances and design of the building to be moved or moved and altered, will be consistent with the exterior appearance and design of the buildings already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the municipality. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.

E. In case the applicant proposed to alter the exterior of the building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash bond of not less than five thousand dollars (\$5,000.00) with the City to secure the timely completion of all proposed exterior alterations to the building, as set forth in the plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the City.

F. No occupancy permit shall be issued for the building until the exterior alterations proposed to be made have been completed.

Chapter 15.08

FLOODPLAIN REGULATIONS

Note: Chapter 15.08 was repealed on January 22, 2009, Ord. 1A-09, 2009. See Chapter 19.16 for Floodplain Regulations.

Chapter 15.09

FIRE PREVENTION CODE

Sections:

15.09.010 State fire prevention code adopted.

15.09.020 Violations—Penalty.

15.09.010 State fire prevention code adopted.

A. The provisions of Wis. Stats 101.14(2) and the Wisconsin Administrative Code of the Department of Safety and Professional Services, SPS 314, are adopted by reference, and the rules and regulations contained therein are made a part of this chapter as if they were fully set forth herein. Any act required to be performed or prohibited by the Statute or Administrative Code provisions incorporated herein by reference is required or prohibited by this chapter. A current copy of the Statute and Wisconsin Administrative Code containing the sections herein enumerated and all amendments thereto shall be kept on file at city offices. Any amendments to this chapter shall be adopted by reference as if they were fully set forth herein. (part Ord 1A-20, 2020).

B. If any provisions, herein adopted by reference, are in conflict with or contravene each other, or are in conflict with or inconsistent with any provision of this chapter, the strictest provision shall be applied.

15.09.020 Violations—Penalty.

The penalty for violation of this chapter shall be as provided in Chapter 1.08 of the Altoona Municipal Code. (part Ord 1A-20, 2020, Ord 2B-09, 2009)

Chapter 15.12

BUILDING CONSTRUCTION SITE RUNOFF, EROSION AND SEDIMENT CONTROL

Sections:

15.12.010	Authority.
15.12.020	Findings and Purpose.
15.12.030	Applicability.
15.12.040	Scope.
15.12.050	Compliance.
15.12.060	Erosion Control—Applicability.
15.12.070	Erosion Control—Standards.

(Note: Chapter 15.12 was repealed and replaced to limit the chapter's applicability to building construction sites only, due to creation of Title 14 of Municipal Code which address other storm water management requirements in the City of Altoona. Ord 12B-06, 12/14/06)

15.12.010 Authority.

This chapter is adopted under the authority granted by Section 62.11(5), Wis. Stats.

15.12.020 Findings and Purpose.

The Common Council finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the City. It is, therefore, declared to be the purpose of this Chapter to control and, if possible, prevent soil erosion and minimize stormwater runoff increases and, thereby, to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, preserve wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the City of Altoona.

15.12.030 Applicability.

This chapter applies to building sites within the incorporated boundaries of the City of Altoona.

15.12.040 Scope.

Any land owner or land user who undertakes, begins, commences or performs land-disturbing activities associated with building construction; or who permits another person to do the same, on land subject to this chapter, shall be subject to the provisions of this chapter.

15.12.050 Compliance.

Compliance with the standards and criteria of this chapter shall not bar a nuisance action or other civil action brought by any injured public or private party for damage to property upon which the erosion directly occurred or to property or other rights which were damaged by erosion, sedimentation or runoff.

15.12.060 Erosion Control—Applicability.

A. General Requirement. Any owner, occupant or user who undertakes, commences or performs land-disturbing activities associated with building construction; or who permits another person to do the same, on land subject to this Section, shall be subject to this Chapter.

15.12.070 Erosion Control—Standards.

Construction sites for one and two family dwellings shall be subject to the provisions of COMM 21.123. Construction sites for commercial buildings greater than one acre shall be subject to the provisions of COMM 61.115. Construction sites for commercial buildings less than one acre shall be subject to the applicable provisions of Title 14 of Altoona Municipal Code.

Chapter 15.14

RETAINING WALLS

Sections:

- 15.14.010** **Definitions.**
- 15.14.020** **Permit Required.**
- 15.14.030** **Information to be included in permit application.**
- 15.14.040** **Construction.**
- 15.14.050** **Design Specifications.**

15.14.010 **Definitions.**

A. Retaining wall. A wall installed within 45 degrees of vertical and which is designed to resist the lateral displacement of soil.

B. Retaining wall height. The distance from grade at its base to grade at its cap as measured along a retaining wall's vertical projection.

15.14.020 **Permit required.**

A permit shall be required if any of the following conditions are met:

- A. A retaining wall is to be 3 or more feet in height;
- B. A retaining wall is to be placed within an existing or proposed slope which exceeds 1 foot vertical to 5 feet horizontal for a distance of at least 10 feet;
- C. The setback from a property line is less than the height of the retaining wall or is less than 5 feet.

15.14.030 **Information to be included in permit application.**

The following should be included in the permit application, in addition to any other city requirements:

- A. Details regarding the location and size, a description of the material to be used, together with a detailed cross section of the retaining wall, proposed grades on both sides of the retaining wall, and a description of the method of construction to be utilized shall also be required;
- B. Preservation of significant natural features or trees;
- C. Appearance with respect to the low side of the wall;
- D. Long-term durability and maintenance requirements;
- E. Proposed use of land on both sides of the retaining wall.

15.14.040 **Construction.**

A retaining wall shall be designed to meet all of the following conditions:

- A. Withstand the loads imposed upon it, including both dead and live load surcharges to which such walls are subjected;
- B. Ensure stability against the following:
 - 1. Overturning
 - 2. Sliding
 - 3. Excessive foundation pressure
- C. Ensure frost and hydrostatic pressure will not compromise the integrity of the wall;
- D. Not interfere with natural surface water drainage patterns or create a disruption of the approved drainage or grading plan;
- E. Adequate safety features and precautions shall be incorporated into the retaining wall design to mitigate the hazard of the abrupt drop-off created by the wall which includes, but is not limited, to the following:

1. A fence or other approved barrier at least 36 inches in height that is at least 50 percent transparent to be installed on or adjacent to the top of the retaining wall which is located closer than 2 feet to a walk, path, parking lot, or driveway used by the general public;
- F. The design and location shall not have a negative impact on abutting properties.

15.14.050 Design Specifications.

- A. Structural engineering shall be required if any of the following conditions are met:
 1. A retaining wall is more than 5 feet in height;
 2. It is in the opinion of the City Engineer that structural engineering is required due to the loads that are likely to be imposed;
- B. When retaining walls are subject to 15.14.050(A), the design shall be sealed and signed by a licensed engineer, as defined in Wis. Stat. Ch. 443;
- C. All other retaining walls shall follow the manufacturer's specifications in the design which shall be provided to and approved by the Building Inspector or City Engineer, or their designee. (Ord. 2A-15 (part), 2015)