

**CHAPTER 14**  
**BUILDING CODE**

- 14.01 Adoption
- 14.02 Administration and Enforcement
- 14.03 Demolition permit requirements for high value properties.

**14.01 ADOPTION.** The Village hereby adopts the City of Wisconsin Rapids Building Code, as amended from time to time, by reference.

**14.02 ADMINISTRATION AND ENFORCEMENT.** The Village Building Inspector shall administer and enforce this chapter within the Village.

**14.03 DEMOLITION PERMIT REQUIREMENTS FOR HIGH VALUE PROPERTIES.**

- (1) **APPLICABILITY.** The provisions of this section shall apply to the demolition of any buildings or improvements, or combinations thereof that have an average equalized assessed valuation for taxed properties or value based on statements of value for tax exempt properties over the previous five years of greater than \$1,000,000.
  - (a) **Demolition Definition.** For purposes of this section, the term “demolition” shall be all inclusive for the complete or partial destruction or relocation of buildings or other improvements and the complete restoration of the site to a developable condition.
  - (b) **Exemptions.** Where unsafe conditions as defined under section 14.11 of the building code are found by the Village Building Inspector, Health Inspector, or Fire Chief to exist and such conditions pose an imminent threat to human health and safety or the environment if they are not immediately removed and the Village official has legally issued an order for immediate demolition, the owner shall be required to file a complete application for a Demolition Permit within 90 days of the issuance of the demolition order.
- (2) **STATEMENT OF PURPOSE.** It is hereby declared a matter of public policy that the good maintenance and rehabilitation of existing buildings, the preservation of safe and sanitary housing available at reasonable prices, the preservation of high valuation properties for the financial stability of the community, the elimination and prevention of blight, unsanitary and unsafe conditions, and the careful consideration and planning of changes in the Village are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purposes of this section are to: aid in the implementation of adopted Village plans; encourage the reuse and/or relocation of existing buildings; discourage buildings from falling into a state of severe disrepair from lack of maintenance by the owner; promote the economic vitality of commercial and industrial areas; ensure the safety and compliance of proposed building demolitions, and rehabilitation of sites; protect the community’s investment in existing public infrastructure and facilities, and; provide a property owner and members of the public an opportunity to review proposed plans for demolition and restoration to ensure consistency with all applicable plans, policies and codes of the Village prior to the owner taking the irrevocable step of demolishing significant existing buildings and/or improvements.
- (3) **REQUIRED PRE-APPLICATION CONFERENCE.** At least 30 days prior to submitting an application for a Demolition Plan Review, the applicant shall meet with the Building Inspector. The purpose of the meeting shall be for the applicant to discuss his or her plans for demolition and property reuse and for the Building Inspector to discuss the provisions of this section and other applicable provisions of the Village Code of Ordinances.
- (4) **APPLICATION REQUIREMENTS.** A complete application for a Demolition Permit shall be filed with the Building Inspector and shall include the following:
  - (a) A completed and executed Building Permit for demolition and a Demolition Plan Checklist application form as provided by the Village;
  - (b) An itemized list of all existing buildings and improvements on the site proposed to be retained and those to be demolished, their approximate ages, approximate sizes in square feet, current or last uses, and the equalized assessed valuations for each of the previous 5 years;
  - (c) A detailed demolition operations plan and detailed time schedule describing:
    1. The proposed methods of demolition;
    2. The presence of asbestos, lead paint and other hazardous substances and materials in each and every building or on the site and the proposed methods of remediation;

3. Any proposed methods for processing the demolition debris on-site (e.g., concrete crushing);
  4. Any proposed recycling of demolition debris and methods for separating and storing them on-site;
  5. The proposed destinations for demolition debris taken from the site and the routes to be used through the Village;
  6. The proposed type and weight of trucks to be used to haul demolition debris from the site;
  7. The proposed type and origin of any materials to be used as backfill;
  8. The proposed methods to control fugitive dust and debris on- and off-site related to the demolition activities;
  9. The proposed methods to protect Village and other public utilities located on the property and in adjoining rights-of-way;
  10. The proposed hours of on-site operations;
  11. The proposed methods to secure the site during demolition; and,
  12. A detailed restoration and maintenance plan that includes the following:
    - a. A site plan showing all proposed surface materials (e.g. wooded, mowed, paved, etc.) for the entire property after demolition but before redevelopment/reuse;
    - b. A proposed grading plan for the entire property after demolition but before redevelopment/reuse;
    - c. Methods to be used to prevent illegal dumping on and use of the property;
    - d. A property maintenance schedule (e.g., mowing, brush removal, snow removal, etc.) and contact information during demolition and after completion of site restoration;
- (d) A current, legible property survey prepared by a licensed surveyor within ten (10) years prior to filing of application and which depicts lot boundaries, lot area and current improvements, including underground utilities to the extent known and/or discoverable by surveyor.;
- (e) A site plan drawn to scale showing all existing buildings and improvements on the property proposed to be retained and those proposed for demolition;
- (f) A site plan drawn to scale indicating all proposed new buildings and improvements and the existing buildings and improvements to be retained;
- (g) Photographs of all buildings and improvements proposed to be demolished;
- (h) A fiscal impact analysis, that quantifies the financial impacts listed below that are directly related to the proposed demolition and restoration of the property. For purposes of this analysis, the “fiscal impact period” shall begin five years prior to the date demolition is commenced. These impacts include the:
1. Equalized assessed valuation for the land and each and every building and improvement for each year of the fiscal analysis period;
  2. Net change in the equalized assessed valuation for the land and all improvements for each year of the fiscal analysis period;
  3. Net change in the property tax receipts for all property taxing jurisdictions for each year of the fiscal analysis period as both a total and as a percentage of the annual budget for each property taxing jurisdiction;
  4. Potable water usage for each year of the fiscal analysis period;
  5. Net change in potable water usage for each year of the fiscal analysis period.
  6. Sanitary sewage flows for each year of the fiscal analysis period;
- (i) Net change in sanitary sewage for each year of the fiscal analysis period.
- (j) A list of owner names and addresses of all properties within 200 feet of the site; ~~and~~, (Changed 5/19/20)

- (k) A commitment for a surety bond or irrevocable letter of credit in favor of the Village to insure the work to be performed pursuant to the demolition permit, within the required time limits established by the Village, in an amount not less than one hundred twenty-five percent (125%) of the total estimated cost of the demolition project, such estimate to be provided by the applicant at the time of the submission of the application required hereunder; and *(Added 5/19/2020)*
  - (l) A fee as indicated on the Village of Port Edwards Fee Schedule.
  - (m) The Building Inspector may waive any of the above requirements provided the information submitted by the applicant is sufficient for the Village Board to make the findings, recommendations and decisions prescribed in this section. Likewise, nothing herein shall prohibit the Building Inspector or Village Board from requesting additional information from the applicant as necessary for them to fulfill their responsibilities under this section.
- (5) APPLICATION PROCESSING AND NOTICE.
- (a) Completeness Determination. Upon the Building Inspector's determination that an application is complete, the Building Inspector shall schedule a public information meeting at the following Village Board Meeting no later than 45 days from the date of such determination.
  - (b) Notice. Notice of the application and any reports by the Building Inspector shall be noticed. Notice also shall be provided to all property owners within 200 feet of the subject property by first class mail, which shall be postmarked and delivered to the postal service at least 15 days in advance of the public information meeting.
- (6) ATTENDANCE AT PUBLIC INFORMATION MEETING. Either the applicant or her/his agent or attorney shall attend the public information meeting of the Village Board at which such application is to be considered unless such attendance has been excused by the Village Board.
- (7) REVIEW CRITERIA. Applications for a Demolition Plan Review may be approved only upon a finding that all of the standards listed below are met. These standards include:
- (a) The proposed demolition and site restoration is consistent with adopted land use plans;
  - (b) The proposed demolition and site restoration is compliant with all requirements of the existing zoning district;
  - (c) The proposed demolition is not in conflict with any local, state or federal historic preservation regulations applicable to the property;
  - (d) The proposed demolition and site restoration preserve significant natural features to the degree practical by minimizing tree and soil removal, preventing erosion and sedimentation, and by other appropriate site planning techniques. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to the site;
  - (e) Demolition operations and new buildings and improvements are arranged to permit access by emergency vehicles to all buildings at all times;
  - (f) The proposed physical act of demolition and site restoration does not result in a substantial or undue adverse impact on nearby property, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future;
  - (g) The proposed demolition and site restoration is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property;
  - (h) Following demolition, the property is restored and left in a development-ready condition;
  - (i) Adequate measures are proposed to continually maintain the property consistent with all applicable codes
- (8) ACTION ON AN APPLICATION.

- (a) Village Board. Within 45 days of the Building Inspector determination the application is complete, the Village Board shall consider the application and recommendations and act to accept, reject or modify them. However, nothing herein shall prohibit the Board from continuing consideration of an application for up to an additional 60 days prior to taking action on it where the Board finds it is in the best interest of the Village to do so. Further, with the joint concurrence of the Village Board and applicant the matter may be continued for a period of up to one year prior to action by the Board.
  - (b) Conditions of Approval. After review of the application and other pertinent documents and evidence made a part of the public record, Village Board may impose conditions of approval as are reasonably necessary to assure the application's compliance with applicable provisions of Village ordinances. Such conditions may include but are not limited a requirement that the applicant provide a performance bond in an amount sufficient to ensure that the demolition and site restoration are conducted in accordance with the approved operations plans and within the approved time schedule.
  - (c) Validity. Unless specified otherwise as part of the conditions of approval of an application, a Demolition and Site Restoration approval shall be valid for one year from the date the approval is granted during which time the applicant shall obtain a demolition permit and commence demolition activities. Thereafter, the approval shall remain valid for a time period consistent with the approved development schedule. Time extensions for approved applications may be granted by the Village Board where the Board finds it is in the best interest of the Village to do so.
- (9) **ENFORCEMENT AND VIOLATIONS.** The Building Inspector, with the aid of the Police and Fire Departments, shall enforce the provisions of this section of the Building Code. Any person who violates, disobeys, neglects, omits or refuses to comply with of any of the provisions of this section of the Building Code, shall be subject to the penalties described in Sec. 25.04 of the General Provisions including the assignment of daily penalties for each day the property is found to be in violation of the Code. Such penalties shall be in addition to any other applicable penalties that may be described in a valid development agreement between the applicant and the Village or as may otherwise be allowed by law including the Village making a claim on the applicant's performance bond.