

CHAPTER 14
BUILDING CODE

- 14.01 Title
- 14.02 Purpose
- 14.03 Scope
- 14.04 Building Inspector
- 14.05 Building Permits and Inspection
- 14.06 Construction and Renovation of Buildings; State Codes Adopted
- 14.07 Garages
- 14.08 Private Swimming Pools
- 14.09 Radiant Heating Units
- 14.10 New Methods and Materials
- 14.11 Unsafe Buildings
- 14.12 Moving Buildings
- 14.13 Application of State
- 14.14 Disclaimer on Inspections
- 14.15 Stop Work Order
- 14.16 Penalties and Violations
- 14.17 Records
- 14.18 Appeals
- 14.19 Occupancy Permits
- 14.20 Razing, Scrapping, Salvaging, and Recycling
- 14.21 DEMOLITION PERMIT REQUIREMENTS FOR HIGH VALUE PROPERTIES.

14.01 TITLE.

This chapter shall be known as the "Building Code of the Village of Port Edwards" and will be referred to in this chapter as "this code".

14.02 PURPOSE.

This code provides certain minimum standards, provisions, and requirements for 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 health, safety, and well being of persons occupying or using such buildings, and the general public.

14.03 SCOPE.

New buildings or structures hereafter erected in, or any building or structure hereafter moved within or into the Village shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

14.04 BUILDING INSPECTOR.

(1) General Powers and Duties. The building inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He/She may pass upon any questions arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter. He/She shall direct the activities of the plumbing inspector and the electrical inspector.

(2) Qualifications.

(a) The building inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings.

(b) The building inspector shall be certified by the Wisconsin Department of Safety and Professional Services to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Code. (MC #1145)

14.05 BUILDING PERMITS AND INSPECTION.

(1) Permit Required. No building or structure of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the Village, except as herein provided, until a permit has been obtained by the owner, or his authorized agent, from the building inspector.

(2) Application. Application for a building permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and

such other information as the building inspector may require. In the event the building inspector or permit issuer determines that the estimated cost of the project will be less than \$100.00, a building permit shall not be required; however, all structural work, fences, accessory structures, signs and temporary structures require a permit regardless of the cost.

- (3) Utilities Required. No final inspection shall be completed for the construction of any residential building until sewer and water is installed and grading and graveling of the street necessary to service the property for which the permit is required is completed.
- (4) Plans. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the Commercial State Building Code shall bear the stamp of conditionally approved by the State Department of Safety and Professional Services Division of Safety and Buildings if required by SPS 361. One plan shall be submitted which shall remain on file in the office of the building inspector. When required by SPS 361 plans and calculations shall be signed and sealed by the licensed designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wisconsin Administrative Code SPS 320.09. An electronic copy of the plans shall be provided in the pdf format. If unable to provide an electronic file the Engineering Department will scan the plans into an electronic file. There will be charge as set by Engineering for the labor, equipment and administrative costs to scan the plans.
- (5) Approval of Plans. If the building inspector determines that the building will comply with all ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the building inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (6) Waiver of Plans. If the building inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving.
- (7) Fees for Building Permits and Inspections. At the time the application for a building permit or other designated permit is filed, the applicant shall pay the appropriate fees set by the Village Administrator with the concurrence of the Village Trustee Board Meeting.
- (8) Minor Repairs and Alterations. The building inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring an additional building permit to be issued.
- (9) Inspection of Work. The permittee or an authorized representative shall, in writing or orally, request inspections by the building inspector at appropriate times required for the enforcement of this code. The building inspector shall perform the requested inspection within 48 hours after notification. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if the inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the building inspector. Failure to notify the inspector for an inspection will result in the permit holder removing materials to expose concealed work or at the discretion of the inspector result in penalties as outlined in the adopted fee schedule for the first offense and second offense. Repeated violations will result in a citation being issued.
- (10) Permit Lapses. A building permit shall lapse and be void unless building operations are commenced within 6 months. If construction has started within the six month time frame, permits for residential alterations, garages, sheds, and decks shall be valid for 12 months and permits for

new principal buildings, commercial alterations and additions shall be valid for 24 months from date of issuance. Permits may be renewed at the discretion of the Building Inspector or Village Administrator at a cost of ½ of the normal permit price.

- (11) Revocation. If the building, plumbing, or electrical inspector 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 instruction has been issued to him, he/she shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the building, electrical, or plumbing inspector may order to be done as a condition precedent to the re-issuance of the permit or as he/she may require for the preservation of human life and safety.
- (12) Report of Violations. The police, fire, or other Village officers shall report at once to the building inspector any construction which is being carried on without a permit as required by this chapter.

14.06 CONSTRUCTION AND RENOVATION OF BUILDINGS, STATE CODES ADOPTED.

- (1) Wisconsin Administrative Code IHLR a.k.a. COMM Chapters 50-69 are hereby adopted by reference and made a part of this chapter with respect to those classes of buildings to which said Chapters 50-69 specifically apply. Any future amendments, revisions and modifications of said Chapters 50-69 incorporated herein are intended to be made a part of this code. A copy of said Chapters 50-69 and amendments thereto shall be kept on file in the office of the building inspector.
 - (a) Terms. The building terms used in this chapter shall have the meaning given them by the State Building Code.
 - (b) Dwelling. The term "dwelling" includes every building occupied exclusively as a residence by not more than 2 families.
- (2) Wisconsin Uniform Dwelling Code Adopted.
 - (a) Wisconsin Administrative Code SPS Chapters 320 to 325 are hereby adopted by reference and made a part of this chapter and shall apply to all new one- and two-family dwellings and all additions to existing and new one- and two-family dwellings. Any future amendments, revisions and modifications of said Chapters 320 to 325 incorporated herein are intended to be made a part of this code. A copy of said Chapters 320 to 325 and amendments thereto shall be kept on file in the office of the building inspector.
 - (b) Wisconsin Administrative Code SPS Chapters 320 to 325 are hereby adopted by reference and made a part of this chapter and shall pertain to all remodeling or alterations in existing one- and two-family dwellings. Any future amendments, revisions and modifications of said Chapters 320 to 325 incorporated herein are intended to be made a part of this code. A copy of said Chapters 320 to 325 and amendments thereto shall be kept on file in the office of the building inspector.

14.07 GARAGES.

Residential Accessory Buildings. Residential accessory buildings over 200 square feet shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code SPS 320-325. Accessory buildings shall be located as allowed by the Zoning Ordinance. If a greater distance is required by some other section of this code or by some other ordinance or regulation, the most rigid requirement shall be applicable. Residential membrane canopy structures that are intended to provide shelter to vehicles or personal property are not permitted.

14.08 PRIVATE SWIMMING POOLS.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the city except in accordance with the following regulations.

- (1) Definition. "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.
- (2) Permit.
 - (a) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit has first been obtained from the building inspector.
 - (b) Application. Application shall be on forms provided by the building inspector and shall be accompanied by plans drawn to scale showing the following:
 - (1) Location of pool on lot, distance from lot lines and distance from structure.
 - (2) Location of water and sewer lines.
 - (3) Pool dimensions and volume of water in gallons.
 - (4) Existing overhead wiring relative to proposed pool.
- (3) Construction Requirements.
 - (a) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by zoning for permitted accessory building uses, and the waterline of any pool shall not be less than 5 feet from any lot line or building.
 - (b) No connection shall be made to the sanitary sewer.
 - (d) No above-ground pool shall be less than 5 feet from any sewer line.
 - (e) All pools, hot tubs and spas containing water more than 18 inches deep shall have an enclosure that is in compliance.
- (4) Electrical Requirements.
 - (a) To comply with Electrical Codes. All electrical installations shall require separate permits and shall be governed by the Village or State Electrical Code.
 - (b) Pool Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.
- (5) Use of Pool. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

14.09 RADIANT HEATING UNITS.

- (1) Definition. "Radiant heating unit" is a room heater, stove or free standing fireplace used to heat a room or rooms using the combustion of such solid fuels as wood or coal as a source of heat.
- (2) Permit Required. It shall be unlawful for any person to install or cause to be installed any radiant heating unit in the city without first having obtained a permit from the building inspector.
- (3) Application for Permit. Application for a permit shall be made on a form provided by the building inspector. The following data shall be submitted with the application:
 - (a) The manufacturer's installation, maintenance, operations manual, and listing information.
 - (b) Type and size of chimney.
 - (c) The proposed chimney flue or new chimney flue size.
 - (d) The number and size of existing vent connections to the chimney flue.
 - (e) The clearance distance from any wall or ceiling; if less than 36 inches from any wall or ceiling, the description of fire resistant material to cover such wall or ceiling.
 - (f) The type of floor on which unit will be mounted; if the floor is combustible, the type and size of fire resistant covering to be used.
 - (g) Any other information required by the building inspector relating to the safety and operation of the unit.
- (4) Issuance of Permit. Upon examination of the application and accompanying data by the building inspector, the inspector shall determine whether or not the installation of the radiant heating unit complies with the requirements of this section and, if so, issue the permit; if not, the building inspector shall state, in writing, his/her reasons for not issuing the permit.
- (5) Inspection. No person may operate or permit the operation of a radiant heating unit until the

building inspector has inspected and approved the installation thereof.

14.10 NEW METHODS AND MATERIALS.

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Safety and Buildings division. 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 Safety and Buildings division. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Safety and Buildings division.

14.11 UNSAFE BUILDINGS.

Whenever the building inspector finds any building or part thereof within the Village to be, in his/her judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he/she shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Sec 66.05, Wisconsin Statutes. Where the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Village in an action against the owner or tenant.

14.12 REGULATIONS FOR MOVING BUILDINGS

(1) Moving buildings.

- (a) Subject to Section 14.12(1)(b) herein, no person shall move any building or structure upon any of the public ways of the municipality without first obtaining a moving permit from the building inspector.
- (b) The following buildings and structures are not required to receive a moving permit: mobile homes in mobile home courts and mobile home subdivisions, new manufactured homes, and new manufactured residential accessory buildings under 12 feet wide when hauled by the manufacturer to a site in the Village on a properly licensed vehicle. However, all applicable traffic and vehicle codes as specified in chapters 347 and 348 Wis. Stats. shall apply. In addition, all other appropriate permits, such as building, electrical, HVAC, and plumbing are still required.

(2) Plan and permit requirements for moving buildings.

- (a) Application for a permit to move a building shall be made upon proper forms furnished by the Village Administrator. Application for a moving permit for a dwelling, nonresidential structure, or any other structure that requires a public hearing and Board of Trustee's approval, shall be made at least 45 days prior to the proposed moving date. Application for a moving permit for residential garages, residential accessory buildings, or any other structure that does not require a public hearing and Board of Trustees approval, shall be made at least 10 days prior to the proposed moving date.
- (b) The application for a permit required for moving buildings shall be accompanied by:
 - (1) A dimensioned plot plan showing the location of the structure on the parcel of land to which it is proposed to be moved.
 - (2) Construction plans showing any exterior or interior structural, electrical, plumbing, heating or ventilating changes, alterations or additions if any such are required or intended.
 - (3) A statement of any exterior work that will be done which would affect the appearance of the structure.
 - (4) A map showing the proposed moving route and stating the proposed moving date.

- (c) Payment of Fees. Before receiving a permit, the owner or his/her agent shall pay all appropriate fees to the appropriate departments at a rate in accordance with the most recently Board of Trustee's adopted fee schedule. The permit fee for a moving permit does not include any fees associated with the fee for a building permit to rebuild or alter the building upon its new location.
- (3) Conformance with Code. No permit shall be issued to move a building within or into the municipality and to establish it upon a location within the said municipality 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 said building is in a sound and stable condition and of such construction that it will meet the requirements of this Code.
 - (a) A complete plan of all further repairs, improvements, and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements, and remodeling are in conformity with the requirements of this Code, and that when same are completed, the building as such will so comply with said Code.
 - (b) In the event a building is to be moved from the municipality to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
 - (c) Each building that is moved into the Village shall have its electrical service upgraded to conform with the Village's Electrical Code.
 - (d) Each moved building shall be fully completed including all painting, siding, lawn, or other repairs needed and ready for occupancy within 180 days of the date of move. An extension of the time limits of this ordinance may be given at the discretion of the Village Administrator, provided continuous and reasonable efforts are being made to complete the building towards occupancy.
- (4) Moving of 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 (50) percent or more of its equalized value, and no permit shall be granted to repair, alter, or move such building within or into the municipality. Exceptions for historical buildings will be reviewed by the Village Planning Commission and final approval shall be made by the Board of trustees.
- (5) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day 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 any fire hydrant or any other public facility.
- (6) Security required for moving buildings. Before a moving permit is issued there shall be deposited to the Village the sum of not less than \$2,000 or 10% of the assessed value, whichever is greater, in the form of a performance bond, certified check, or bank cashier's check made payable to the Village. Such cash or certified check shall

guarantee to the Village that the structure will be in its new location in accordance with the provisions of Section 14.12(2) of this Code within 6 months after the date such permit is issued. The deposit for a residential accessory building shall be \$500, and, in either case, the deposit shall be returned after completion of the project. Before the deposit is returned, the applicant shall provide the Village Administrator a letter stating that the project is complete and is ready for inspection. Upon successful completion of the final inspection, settlement of all such damage claims, and the payment of all fees, the deposit will be returned, if any.

(7) Insurance required for moving buildings. The Building Inspector shall require sufficient proof that the person actually moving the building will use equipment which will not damage such streets, sidewalks, alleys or public ways or grounds, and shall further require proper proof that such mover is insured by a reputable insurance company for public liability in an amount not less than \$250,000/\$500,000, and for property damage in the amount of not less than \$50,000. The Building Inspector shall require a certificate of insurance from the company insuring such mover, which certificate shall be filed with the Building Inspector before any permit shall be issued, and which certificate shall state the mover's insurance policy is then in full force and effect, and shall further state that upon cancellation of such policy, the company shall give to the city at least ten days' written notice thereof.

(8) Planning Commission action and final Board of Trustees approval.

(a) Subject to Section 14.12(8)(a)(1), 14.12(8)(a)(2), 14.12(8)(a)(3) and 14.12(8)(a)(4), no building or other structure shall be moved to or from any location within the Village, until all requirements of Section

14.12 are complied with, and not until a public hearing is held, and the Board of Trustees has granted permission for the moving of the building or structure. Before issuing such permit, the Building Inspector shall file a report with the Planning Commission or the Board of trustees containing the following data concerning the unit proposed to be moved:

- (1) A statement from the Building Inspector that he/she has inspected the said building, and that it complies with applicable building codes, or can be made to comply.
- (2) A statement from the Zoning Administrator that it complies or can be made to comply with all of the applicable provisions of the Zoning Code.
- (3) A statement from the Plumbing Inspector that it complies or can be made to comply with all of the applicable provisions of the Plumbing Code.
- (4) A statement from the Electrical Inspector that he/she has inspected it and that it complies or can be made to comply with all of the applicable provisions of the Electrical Code.

(b) A public hearing shall be held before the Planning Commission or Board of trustees on the proposed relocation of a building. A notice of the public hearing shall be published as a class I display advertisement in the official class I newspaper a minimum of one week before the Planning Commission or Board of trustees meeting at which the hearing is scheduled. The notice shall state the type of structure proposed to be moved, its present location, the location to which it is proposed to be moved, and the date and time of the hearing. No hearing shall be held until the costs of such hearing have been paid for in advance by the person requesting the relocation.

- (1) No public hearing or Board of trustee's permission shall be required for the moving of residential accessory buildings. However, all other requirements of Section 14.12 and all applicable traffic and vehicle codes as specified in Chapters 347 and 348, Wisconsin Statutes, shall apply.
- (2) No public hearing or Board of trustee's permission shall be required for the moving of non-residential accessory buildings. However, all other requirements of Section 14.12 and all applicable traffic and vehicle codes as specified in Chapters 347 and

348, Wisconsin Statutes, shall apply.

- (3) No public hearing or Board of trustees permission shall be required for any moving of a building outside the Village. However, all other requirements of Section 14.12 and all applicable traffic and vehicle codes as specified in Chapters 347 and 348, Wisconsin Statutes, shall apply.
- (c) After an examination of the application for the permit and after a view of the building proposed to be moved, and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of applicable district established by the zoning ordinances of the municipality, or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he/she shall submit with his/her application papers, complete plans and specifications for the proposed alterations.
- (9) Notification of utilities and departments for the moving of buildings.
 - (a) The applicant shall immediately notify any public utility whose lines or poles may be interfered with of the application. Such utility shall take any steps necessary to permit the building to be moved without damage to its lines and poles.
 - (b) At minimum, the Village Administrator will send notice to the following departments to determine if any further requirements for the moving of the building are required:
 - (1) Police Department. A written statement from the Police Department saying that a police escort is, or is not required, must be provided to the Building Inspector before the moving permit can be issued.
 - (2) Streets Department.
 - (3) Parks and Recreation Department. Upon completion of the moving, the Streets Department shall inspect the route and report to the Building Inspector any damage caused to the above- described property, and the estimated cost of repairing the property. All claims shall be submitted to the mover's insurance company for payment. No deposit as required in Section 14.12(6) shall be returned to the mover or applicant until all insurance claims are satisfied. Upon settlement of all such damage claims, the Building Inspector shall release the balance of the deposit, if any. The applicant shall be liable for any such costs or damages exceeding the deposit.

14.13 APPLICATION OF STATE CODES.

Wisconsin Administrative Code SPS Chapter 305, Chapters 320 through 325, Chapters 360-367; the State Electrical Code SPS 316; the State Plumbing Code SPS 381-387, 390, 391; the State Flammable Liquids Code SPS 310; and the Well Construction and Pump Installation NR 812 are hereby adopted by reference and the building inspector and/or his/her designee shall enforce the provisions thereof. Any violation of said codes or amendments thereto shall constitute a violation of this code, whether unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein.

14.14 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this code is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended

to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

14.15 STOP WORK ORDER.

Whenever the provisions of this code or of the plans approved thereunder are not complied with, a stop work order shall be served on the owner or his/her representatives and a copy thereof shall be posted at the site of the construction. Such stop work order shall not be removed except by the written notice of the building inspector after satisfactory evidence has been supplied that the violation has been corrected.

14.16 PENALTIES AND VIOLATIONS.

Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation (reported by a citizen or Village authority) of the provisions of this chapter shall be deemed an unlawful building, structure or use. The building inspector or Village Administrator after an investigation shall promptly report all such violations to the Village attorney. The Village retains the right to seek any corrective action or lawsuit necessary to mitigate damages, but is not compelled to do so. Any action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure of the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 1.07 of this Code and shall be left to the discretion of the building inspector and Village administrator for remediation. 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 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.

Should the building inspector feel that remedy by local citation is the best remedy he/she and/or his/her designee shall cause such citation to be issued and file such citation and supporting documents that he/she feels are necessary with the municipal court clerk for action in such court. Each day that a violation exists may be considered a separate violation.

14.17 RECORDS.

The building inspector or his/her designee shall keep a record of all applications for building permits in a file and/or data base and regularly number each permit in the order of issuance. he/she shall keep a record showing the number, description and size of all buildings erected during his/her term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. he/she shall keep a record of all inspections made and of all removal and condemnation of buildings. he/she shall make a monthly report to the common council and mayor on the above matters.

14.18 APPEALS.

Any person feeling himself aggrieved by any order or ruling of the building inspector may within 20 days thereafter file an administrative appeal from such order or ruling to the Board of Appeals, such an appeal to be in writing.

14.19 OCCUPANCY PERMITS.

An occupancy permit must be issued before any new commercial building, commercial addition, commercial tenant build out or new residential building is occupied. At the discretion of the building inspector a temporary occupancy permit may be issued. Failure to obtain an occupancy permit may result in penalties outlined in 14.16.

14.20 RAZING, SCRAPPING, SALVAGING, AND RECYCLING

- (1) Purpose. The purpose of this ordinance is to regulate the removal of scrap and salvageable equipment and materials from vacated buildings without immediate functional replacement thereof. The phrase “immediate functional replacement thereof” does not include replacement that occurs as part of a remodeling project in conjunction with valid building, heating, plumbing or electrical permits, nor the removal of industrial equipment where industrial operations of the same or similar kind will continue after removal. The Board of trustees finds that such removal may result in the complete abandonment of property and reduce the chance that such property will in the future be devoted to any productive or enjoyable public or private use, and therefore cause conditions which will create health and safety hazards and aggravate blight, interfere with the enjoyment of and reduce the value of private property, and interfere with the safety and welfare of the public.
- (2) Definitions.
 - (a) Code Official shall mean: The Building Inspector, Fire Marshall, County Health Officer or Police Chief.
 - (b) Commercial Building shall mean: Any multi-family dwelling, retail business, government or non-profit service or sales building, and any appurtenant structure more than 300 square feet in area measured at the ground level.
 - (c) Industrial Building shall mean: Any building or appurtenant structures whether currently used or previously used for manufacturing, warehousing, shipping, receiving, parking, vehicle, trailer or transport storage, inventory storage, administration, and any other use ancillary to a manufacturing process or supply business located on a site that is more than 1 acre in area.
 - (d) Razing shall mean: The wrecking or disassembly of a structure more than 300 square feet in area measured at the ground level.
 - (e) Razing, Scrapping, Salvage or Recycling shall not mean: the sale and purchase of residential, commercial, or industrial structures or facilities for the purpose of continuing a previous or similar use.
 - (f) Residential Property shall mean: any single or two unit dwelling structure or appurtenant structure more than 300 square feet in area measured at the ground level.
 - (g) Salvageable Materials shall mean: Real or tangible personal property that is man- made; is affixed to real property; is detachable from real property; and may have a resale value, either for re-use or as scrap or recycling purposes. Such materials shall not include any structural materials or components.
 - (h) Scrapping, Salvaging, or Recycling shall mean: The removal of fixtures, equipment, or building materials from a residential, commercial or industrial structures or facilities following cessation of residential use or business operations.
 - (i) Vacated Building shall mean: A building or structure that had a principal non- residential use as its most recent use allowed by law, which principal use has ceased.
- (3) Permits Required.

- (a) The razing, scrapping, salvaging or recycling of any building, structure or facility located within the Village shall require a permit obtained in accordance with this Section.
- (b) A Class 1 Permit shall be required for the razing, scrapping, salvaging, or recycling of any vacated residential property.
 - (1) The application for a Permit shall be submitted to the Building Inspector, along with a proposed plan that will identify the following:
 - (a) Date of razing, scrapping, salvaging, or recycling.
 - (b) Names, addresses, and contact information for contractors engaged to carry out the activity.
 - (c) Proposed disposition of salvageable materials, fixtures, and personal property.
 - (d) Identification of contacts made to utilities for disconnection of water, sewer, power, and other utilities.
 - (e) Abandonment of any private water well, dry well, or septic tank or system on the property.
 - (f) Plan for disposition or recycling of building materials.
 - (g) Plan for removing foundation, backfilling, topsoil restoration, regarding, landscaping, and continuing maintenance.
 - (h) Plan for tree protection.
 - (i) Plan for protection or restoration of sidewalk, curb, gutter and infrastructure.
 - (2) The fee for a Class 1 Permit shall be in accordance with the fee schedule adopted by the Village fee schedule.
 - (3) The Village may require the applicant or the property owner to post an irrevocable letter of credit or other acceptable surety in an amount sufficient to cover the costs of repairs to the streets, curbs, gutters, sidewalks and infrastructure that may be caused by the activity. Said surety shall be effective for a period of one year after the completion of the restoration of the site.
- (c) A Class 2 Permit shall be required for the razing, scrapping, or recycling of any vacated commercial building.
 - (1) The application for the Permit shall be submitted to the Building Inspector, along with a proposed plan that will identify the following:
 - (a) Date of razing, scrapping, salvaging, or recycling.
 - (b) Identification and location of any hazardous materials or waste and plans for its disposition.
 - (c) Identification and quantification of any know chemical, material, substance, or waste which is now or hereafter defined as or included in the definition of a “hazardous substance”, “hazardous material”, “hazardous waste”, “solid waste”, “toxic substance”, “pollutant”, “contaminant”, or words of similar import under any applicable Wisconsin or Federal law.
 - (d) Names, addresses, and contact information for contractors engaged to carry out the activity.
 - (e) Removal or abandonment of any private water well, dry

- well, storage tanks, or septic tank or system on the property.
- (f) Proposed disposition of salvageable materials, fixtures, and personal property.
- (g) Identification of contacts made to utilities for disconnection of water, sewer, power, and other utilities.
- (h) Plan for removing foundation, backfilling, topsoil restoration, regarding, landscaping, and continuing maintenance.
- (i) Plan for disposing or recycling building materials.
- (2) The fee for a Class 2 Permit shall be in accordance with the fee schedule adopted by the Board of trustees.
 - (3) The Village may require the applicant or the property owner to post an irrevocable letter of credit or other acceptable surety in an amount sufficient to cover the costs of repairs to the streets, curbs, gutters, sidewalks and infrastructure that may be caused by the activity. Said surety shall be effective for a period of one year after the completion of the restoration of the site.
- (d) A Class 3 Permit shall be required for the razing, scrapping, salvaging, or recycling of any vacated industrial building. A vacated industrial building located on a campus of less than 1 acre shall comply with the Class 2 Permit requirements.
 - (1) The application for the permit shall be submitted to the Board of trustees, along with a proposed plan that will identify the following:
 - (a) Date of razing, scrapping, salvaging, or recycling.
 - (b) Identification of facilities to be razed, scrapped, salvaged, or recycled.
 - (c) Identification and location of all utilities to be terminated.
 - (d) Identification and quantification of any know chemical, material, substance, or waste which is now or hereafter defined as or included in the definition of a “hazardous substance”, “hazardous material”, “hazardous waste”, “solid waste”, “toxic substance”, “pollutant”, “contaminant”, or words of similar import under any applicable Wisconsin or Federal law.
 - (e) Names, addresses, and contact information for contractors engaged to carry out the activity.
 - (f) Removal or abandonment of any private water well, dry well, storage tanks, or septic tank or system on the property.
 - (g) Disposition of salvageable building materials.
 - (h) Identification of contacts made to utilities for disconnection of water, sewer, power, and other utilities.
 - (i) Plan for removing foundation, backfilling, topsoil restoration, regarding, landscaping, and continuing maintenance.
 - (j) Plan for recycling building and industrial materials and equipment.
 - (k) Plan for building removal.
 - (l) Plan for removing, remediating, capping or containing any contamination, and Plan for future use.
 - (2) The fee for a Class 3 Permit shall be in accordance with the fee schedule adopted by the Board of trustees.

- (3) The Village may require the applicant or the property owner to post an irrevocable letter of credit or other acceptable surety in an amount sufficient to cover the costs of repairs to the streets, curbs, gutters, sidewalks and infrastructure that may be caused by the activity. Said surety shall be effective for a period of one year after the completion of the restoration of the site.
- (4) Permit Validity. A Class 1 Permit shall be valid for a period of 60 days following the date of issuance. A Class 2 Permit shall be valid for a period of 90 days following the date of issuance. A Class 3 Permit shall be valid for a period of one year following the date of issuance. Any permit may be extended for a period of up to 90 days due to weather or unforeseeable circumstances. The terms of the plan filed with the Village shall become the enforceable obligation of the permittee and a continuing condition of the permit issuance.
- (5) Failure to Obtain Permit. Failure to file the required application and securing a permit prior to beginning razing, scrapping, salvaging, or recycling operations following cessation of residential occupation or commercial or industrial business activities, or continuation of demolition or removal operations following revocation of a permit shall be a violation of this ordinance and shall be punishable in accordance with Section 14.16 of this Chapter.
- (6) Application.
 - (a) The application shall be submitted to the Building Inspector with the appropriate fee no less than 15 days prior to the proposed date of commencement. The application shall include all supporting information required by this section.
 - (b) Code Officials may require additional information of a specific applicant. Upon the filing of a Class 3 Permit application, the owner and the Village may agree to extend the review period for an additional 45 days.
- (7) Irrevocable Letter of Credit.
 - (a) When required as a condition of a permit, the permittee shall post an Irrevocable Letter of Credit in an amount required by the Village and in a form acceptable to the Village Attorney. The Irrevocable Letter of Credit must be issued by a financial institution certified by the State to conduct such business, allowing for direct draw by the Village on demand without court action and without approval by permittee, to complete work or repair damage which was the obligation of the permittee. The Irrevocable Letter of Credit shall contain a provision that it remain as an obligation to the Village for no less than one year after the completion of the last act by the permittee of razing the vacated building, or after the expiration of a permit issued under this section to the permittee, whichever is later.
 - (b) In setting the value of the Irrevocable Letter of Credit, the Board of trustees shall consider the recommendation, if any, of the Code Officials; the expertise of the applicant; the longevity of the applicant; the capitalization of the applicant; the scope of the proposed project; the possible environmental hazards that could be created; the effect of the proposed operation on the surrounding neighborhood; and the cost of remediation to the Village if the permittee fails to complete its obligations.
- (8) Abatement of Asbestos. The applicant shall provide proof of notification to the Wisconsin Department of Natural Resources in compliance with Wisconsin Administrative Code, ch. 447 or its successor concerning examination for and presence of regulated asbestos-containing materials in the structure.

- (9) General Operating Requirements. The following regulations shall apply to all permit holders in accordance with the provisions of this section:
- (a) Permit issued pursuant to this section shall be plainly displayed on the premises upon which the building is located.
 - (b) The building and premises shall, at all times, be maintained in as clean, neat, and sanitary condition as the premises will reasonably permit.
 - (c) No garbage, refuse or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage kept in rodent-proof covered containers which are removed from the premises as often as necessary to provide a sanitary environment.
 - (d) Work done under this Permit shall be subject to inspection by the Code Officials.
 - (e) An applicant for a Permit shall maintain proof of insurance policies, naming the Village as additional insured, during the life of the Permit in the following minimum amounts:
 - (1) Automobile Liability (owned, non-owned, leased)
 - (a) Bodily Injury: \$2,000,000 each occurrence.
 - (b) Property Damage: \$2,000,000 each occurrence.
 - (2) Pollution Legal Liability: \$5,000,000 each loss where asbestos removal, environmental process, abatement, remediation, or dumping/disposal in a Federal or State regulated facility is required.
 - (3) Worker's Compensation: Statutory limits.
 - (4) Employer's Liability: \$500,000 each accident; \$500,000 disease, each employee; and \$1,000,000 disease, policy limit.
 - (5) Umbrella Liability: \$2,000,000 over the primary insurance coverages listed above.
 - (f) No scrap salvage or debris which is temporarily stored on the premises shall be allowed to rest on or protrude over any public street, walkway or curb, or become scattered about or blown off the premises.
 - (g) No mechanized process whatsoever shall be utilized on the premises to reduce salvageable materials or debris in volume unless approved by the Council in conjunction with a specific Permit. Such prohibited mechanized processes include, but are not limited to, crushers or shredders.
 - (h) There shall be strict compliance with the Village Municipal Code related to noise control.
 - (i) No premises or building subject to a Permit shall be allowed to become a public nuisance or be operated in such a manner as to adversely affect the public health, safety or welfare.
 - (j) There shall be full compliance with the Village Building, Fire and Health Codes and with all other Village, County, State and Federal laws, rules or regulations which may be applicable.
 - (k) The Permit holder shall, during the salvage process, maintain the work site in a safe and secure condition.
 - (l) The Permit holder shall dispose of building debris in a licensed landfill, excepted for salvaged/recyclable materials. At any time, the Permit holder shall produce to the

- Code Officials receipts and/or an itemized list of debris disposed of by dumping, salvage, or recycling.
- (m) The Permit holder shall be responsible for disconnections of utilities necessary for the salvaging process, including plumbing, electrical and natural gas. Evidence that the necessary disconnections have been accomplished shall be submitted to the Building Inspector.
 - (n) The Permit holder shall comply with all orders of the Code Officials imposed at the granting of the Permit or at any other time.
 - (o) The Irrevocable Letter of Credit and required insurance imposed is a continuing condition of issuance and validity of the Permit.
 - (p) The Permit holder is responsible for any damage to Village streets, curb and gutter, sidewalks, signage, lighting fixtures, or other Village infrastructure caused by or arising out of demolition operations or transport within Village limits.
 - (q) The Permit may restrict outdoor operations during nighttime hours of 10 p.m. to 7 a.m.
 - (r) The Permit holder shall comply with all soil and erosion control requirements found within the State Uniform Dwelling Code and the Village storm water regulations found within the Municipal Code.
 - (s) The Building Inspector is authorized to inspect and render final approval of completed razing, scrapping, salvaging, or recycling activities.
- (10) Backfill and Grounds Restoration. If the submitted plan does not provide for new or other construction on the site to be commenced within 180 days following completion of demolition described in the plan, the plan shall provide for the following site restorations:
- (a) Foundations. Whenever a building has been razed, any foundation shall be leveled to at least one foot below grade and filled with ninety-five percent noncombustible granular fill material with the top two feet of fill material being dirt or sand. No solid fill or combustible material may be placed in said foundation.
 - (b) 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.
 - (c) Site Grading. Whenever a building has been razed, the site shall be graded with a minimum of three inches of topsoil, with seed and mulch or sod applied to cover the entire disturbed area.
 - (d) Environmental Work. If capping of a contaminated site is contemplated with the approval of the Wisconsin Department of Natural Resources or other environmental protection agency, a copy of the approved order shall be provided to the City.
- (11) Inspections. Permit holders and property owners shall permit Code Officials to inspect the premises proposed to be permitted, with or without advanced notice, as often as may be required to permit the performance of their duties and assure compliance with this Section. Inspections shall be made during normal business hours in the absence of emergency circumstances which require prompt attention to protect the public health, safety, and welfare or to preserve evidence of noncompliance with this Section. The unreasonable failure to permit inspections shall be grounds for permit denial or the suspension or revocation of same.
- (12) Suspension and Revocation of Permit. If, in the opinion of the Code Officials, the

public is subject to imminent danger due to violation by the Permit holder or anyone involved in the operation, the Code Officials shall issue an order to the Permit holder requiring immediate cessation of those operations creating the imminent danger. Pursuant to such order, the Permit holder shall cause such operations to cease as directed by the Code Officials. The Permit holder may appeal any such order to the Board of Zoning Appeals, in writing, setting forth the basis for any appeal. The Board of Zoning Appeals shall hold a hearing regarding any such appeal and provide at least ten days' notice of the hearing to the Permit holder and the Code Officials.

14.21 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.