TITLE 15

Building Code

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CHAPTER 1

Building Code

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SEC. 15-1-1 BUILDING CODE ESTABLISHED.

(a) **Title.** This Chapter shall be known as the "Building Code of the Village of Colfax" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."

(b) **Purpose.** This Chapter 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.

(c) Scope. New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this Chapter 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 Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter 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.

SEC. 15-1-2 BUILDING PERMITS AND INSPECTION.

(a) Permit Required.

(1) **General Permit Requirement.** No building 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, razed, or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or the owner's authorized agent, from the Building Inspector or designee.

(2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:

a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involve beams, girders, columns, bearing or other walls, room arrangement, heating or air-conditioning systems, light and ventilation, location of stairways or exits, or any of the above, the existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy, use, and type of construction.

b. **Repairs.** Repairs for purposes of maintenance or replacement in an existing building or structure that do not involve structural portions of the building or structure; do not affect room arrangement, light and ventilation, access to or efficiency of stairways or exits, fire protection, or exterior aesthetic appearance; and do not increase a given occupancy or use shall be deemed minor repairs.

c. **Deteriorated Structures.** When an existing building or structure that does not conform to this Chapter has deteriorated from any cause to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alteration or moving of the building or structure shall be permitted. The building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated, demolished, and removed from the premises.

d. **Alterations and Repairs Required.** When structural members have deteriorated from any cause to less than their required strength, the owner shall restore those members to their required strength. Until the requirements of this Chapter are met, the building or structure shall be considered a menace to public safety, shall be vacated, and shall not be occupied or used.

e. **Extent of Deterioration.** The amount and extent of deterioration shall be determined by the Building Inspector.

(b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or designee. The application shall state the name and address of the landowner and, if different, the building owner; the legal description of the land; the name and address of the designer; the proposed use of the building; and any other information required by the Building Inspector.

(c) Site Plan Approval.

(1) **Site Plan Approval.** Applications for building permits for construction, reconstruction, expansion, or conversion, except one- and two-family residences in residentially zoned districts, require site-plan approval by the Village Board. The applicant shall submit a site plan and sufficient plans and specifications to allow the Village Board or its consultants to determine compliance with this Chapter.

(2) **Administration.** The Building Inspector shall preliminarily review the application and plans and refer them, together with a report, to the Village Board. The Board may refer the materials to one or more consultants. Within thirty (30) days after receiving the application, the Village Board shall authorize the Building Inspector to issue or deny the permit.

(3) **Requirements.** In acting on a site plan, the Village Board shall consider:

a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the use of adjoining land.

b. Entrances and exits, internal roadways, parking and loading areas, and whether traffic will be handled consistently with public safety and with minimized hazards.

c. The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal. d. Landscaping and the appearance of the completed site. The Village Board may require planting and screening to protect adjoining property values and carry out the purposes of this Section.

(4) **Effect on Municipal Services.** Before granting site approval, the Village Board may obtain advice from the Building Inspector, consultants, and other municipal officials regarding the effect on municipal services and utilities. If additional facilities are needed, final approval shall not be issued until the Village and applicant enter into an agreement regarding development of those facilities.

(5) **Appeals.** A denial contingent upon site-plan approval may be appealed to the Board of Appeals by filing a notice with the Village Clerk-Treasurer within ten (10) days after denial.

(d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property abuts a street dedicated for street purposes. No building permit shall be issued until the subdivision and required improvements have been accepted by the Village Board.

(e) Utilities Required.

(1) **Residential Buildings.** No permit shall be issued for a residential building until sewer, water, grading, and graveling are installed in the streets necessary to serve the property and a receipt for payment of the electrical hookup is presented to the Building Inspector.

(2) **Nonresidential Buildings.** No permit shall be issued for a nonresidential building until contracts have been let for installation of sewer, water, grading, and graveling in the streets necessary to serve the property.

(3) **Occupancy.** No person shall occupy a building until sewer, water, grading, and graveling are installed in the streets necessary to serve the property. A certificate of occupancy shall not be issued until those utilities are available.

(f) **Plans.** The application shall include complete plans and specifications, including a plot plan showing existing and proposed buildings and improvements; lot dimensions and setbacks; proposed grades; grades and setbacks of adjacent buildings; corner monuments; watercourses and drainage ditches; easements and restrictions; and a construction-erosion-control plan. Plans shall be drawn to an appropriate scale and signed by the designer when required. One (1) set of plans shall be submitted and shall remain on file in the office of the Building Inspector. Plans for all new one- and two-family dwellings shall comply with the applicable provisions of Wisconsin Administrative Code Chapters SPS 320 through 325, as amended from time to time.

(g) Waiver of Plans; Minor Repairs.

(1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, the Inspector may waive the filing of plans for alterations, repairs, or moving, provided the cost of the work does not exceed Two Thousand Dollars ($2,000.00).

(2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on a structure, or to heating, ventilating, or air-conditioning systems installed therein, valued at less than One Thousand Five Hundred Dollars ($1,500.00), as determined by the Building Inspector, without issuance of a building permit, provided the work does not change occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light, or ventilation.

(h) Approval of Plans.

(1) If the Building Inspector determines that the building will comply with Village ordinances and applicable state laws and orders, the Inspector shall issue a building permit stating the use of the

building. The permit shall be kept and displayed at the building site. Approved plans and specifications shall not be altered in a manner affecting applicable ordinances, laws, orders, building safety, or occupant safety without the Building Inspector’s written consent.

(2) When adequate plans are presented for only part of a building, the Building Inspector may issue a permit for that portion before receiving plans and specifications for the entire building.

(i) **Notification.** The permit holder shall notify the Building Inspector when ready for the following inspections: (1) Footings and foundation walls, including underground plumbing if ready.

(2) Rough-ins, including framing, energy, electrical, mechanical, and plumbing, before concealment.

(3) Before pouring concrete floors, including subgrade, drain tile, forms, and underfloor components.

(4) Upon completion of the project and before occupancy or use.

(j) **Inspection Warrants.** If an inspector is denied access to inspect property, the inspector may request that the Village Attorney seek an inspection warrant under Section 66.0119, Wisconsin Statutes.

(k) **Permit Lapses.** A building permit shall lapse and be void unless building operations commence within six (6) months. Uniform Dwelling Code permits expire twenty-four (24) months after issuance if the dwelling exterior is not completed or commenced. Electrical permits expire twelve (12) months after issuance if electrical wiring has not commenced.

(l) Revocation of Permits.

(1) The Building Inspector or Village Board may revoke a building, plumbing, or electrical permit, certificate of occupancy, or approval issued under this Chapter, and may stop construction or use of approved materials, equipment, methods, devices, or appliances, for any of the following reasons:

a. Applicable ordinances, laws, orders, plans, or specifications are not being followed, and the permit holder refuses to conform after written warning.

b. Continuation of construction becomes dangerous to life or property.

c. A condition or provision of the permit application or permit is violated.

d. In the Building Inspector's opinion, inadequate supervision is provided at the job site.

e. A false statement or misrepresentation was made in the permit application, plans, drawings, data, specifications, certified lot, or plot plan on which issuance or approval was based.

f. A condition of approval or occupancy concerning new materials, equipment, methods, construction devices, or appliances is violated.

(2) Notice of revocation shall be in writing and may be served upon the permit applicant, premises owner and agent, if any, and the person in charge of construction.

(3) A revocation placard shall be posted upon the building, structure, equipment, or premises in question by the Building Inspector.

(4) After notice is served and posted, no person may proceed with construction on the premises. The revoked permit is null and void. Before construction resumes, a new permit shall be obtained and all required fees paid. Work ordered by the Building Inspector as a condition of reissuance, or necessary to preserve life and safety, may be performed.

(m) **Report of Violations.** Village officers shall immediately report to the Building Inspector any building work being conducted without a permit required by this Chapter.

(n) **Display of Permit.** Building permits shall be displayed conspicuously on the premises while authorized construction or work is in progress.

SEC. 15-1-3 STATE UNIFORM DWELLING CODE ADOPTED.

(a) **State Code Adopted.** Wisconsin Administrative Code Chapters SPS 320 through SPS 325 and SPS 327, regulating one- and two-family dwellings and camping units, are adopted by reference and made part of this Chapter as if fully set forth herein. Acts required or prohibited by the incorporated provisions are required or prohibited by this Chapter. Future amendments, revisions, and modifications are incorporated to secure uniform statewide regulation. A copy shall be kept on file in the Village Clerk-Treasurer's office.

(b) **Existing Buildings.** The Wisconsin Uniform Dwelling Code also applies to buildings and conditions where:

(1) An existing building is to be occupied as a one- or two-family dwelling and was not previously so occupied.

(2) An existing structure is altered or repaired and the cost during the life of the structure exceeds fifty percent (50%) of its equalized value, as determined by the Village Assessor.

(3) Additions and alterations, regardless of cost, are made to an existing building and the Building Inspector determines compliance with this Chapter's requirements for new buildings is necessary. Section 15-1-2 also applies.

(4) More than twenty-five percent (25%) of a building's roof covering is replaced within any twelve- month period, in which case all roof covering shall comply with applicable portions of this Chapter.

(5) Any addition or alteration, regardless of cost, shall conform to applicable portions of this Chapter.

(c) Definitions.

(1) **Addition.** New construction performed on a dwelling that increases its outside dimensions.

(2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems within a dwelling.

(3) **Department.** The Wisconsin Department of Safety and Professional Services or its successor agency.

(4) **Dwelling.** A building containing one or two dwelling units whose initial construction begins on or after the effective date of this Chapter, or an existing structure or portion thereof used or intended for use as a one- or two-family dwelling.

(5) **Minor Repair.** Repair performed for maintenance or replacement purposes on an existing one- or two- family dwelling that does not affect room arrangement, light and ventilation, access to or efficiency of stairways or exits, fire protection, exterior aesthetic appearance, occupancy, or use.

(6) **One- or Two-Family Dwelling.** A building structure containing one or two separate households intended for use as a home, residence, or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of others.

(7) **Person.** An individual, partnership, firm, or corporation.

(8) **Uniform Dwelling Code.** Wisconsin Administrative Code Chapters SPS 320 through SPS 325 and SPS 327, together with future amendments, revisions, and modifications.

(d) **Additional Codes Adopted.** The following Wisconsin Administrative Code provisions, as amended from time to time, are adopted by reference:

(1) SPS 301 - Administration and Enforcement.

(2) SPS 302 - Energy Conservation Standards.

(3) SPS 305 - Credentials and certification requirements, including HVAC, electrical, plumbing, construction, commercial electrical, and commercial building inspection.

(4) SPS 316 - Electrical Standards.

(5) SPS 381 through SPS 387 - Plumbing and Potable Water Standards.

(6) SPS 327 - Camping Units.

(e) **Method of Enforcement.** The position of Building Inspector is created to administer and enforce this Chapter. The Building Inspector shall be certified by the Wisconsin Department of Safety and Professional Services as required by Section 101.66(2), Wisconsin Statutes. The Building Inspector and assistant inspectors shall possess the certification categories required for the work they inspect. The Village Board shall appoint the Building Inspector.

(f) **Inspection Powers.** An authorized Village inspection official may, at reasonable hours, enter public or private premises for inspection purposes and may require production of the permit for building, plumbing, electrical, or heating work. No person may interfere with or refuse access to an inspector performing official duties.

SEC. 15-1-4 CONSTRUCTION STANDARDS; CODES ADOPTED.

(a) **Portions of State Building Code Adopted.** Wisconsin Administrative Code Chapters SPS 361 through SPS 366, as amended from time to time, are adopted and made part of this Chapter for the classes of buildings to which those provisions apply. Copies shall be kept on file in the office of the Village Clerk-Treasurer.

(b) **State Plumbing Code Adopted.** Section 145 of the Wisconsin Statutes and Wisconsin Administrative Code Chapters SPS 381 through SPS 387 and SPS 325, as amended from time to time, are adopted by reference and govern the installation, alteration, and repair of plumbing in the Village.

(c) **State Electrical Code Adopted.** Wisconsin Administrative Code Chapters SPS 316 and SPS 325, as amended from time to time, are adopted by reference and apply to buildings within their scope, subject to the exceptions set forth in this Chapter.

(d) **Conflicts.** If the Building Inspector and Village Board determine that provisions adopted under this

Section conflict with Federal Housing Administration standards as applied to a proposed building or structure, the most stringent provision shall be applied; however, the Wisconsin Administrative Code shall prevail.

SEC. 15-1-5 NEW METHODS AND MATERIALS.

(a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations 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.

(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 Industry, Labor and Human Relations. 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 Department of Industry, Labor and Human Relations.

SEC. 15-1-6 UNSAFE BUILDINGS.

Whenever the Building Inspector or Village Board find any building or part thereof within the Village to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

SEC. 15-1-7 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Colfax. 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, the following disclaimer shall be applicable to all inspections under this Chapter: "These 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."

SEC. 15-1-8 GARAGES.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

SEC. 15-1-9 REGULATION AND PERMIT FOR RAZING BUILDINGS.

(a) No building within the Village of Colfax shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

(b) All debris must be hauled away at the end of each week for the work that was done on that week. 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. 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. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

SEC. 15-1-10 BASEMENTS; EXCAVATIONS.

(a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.

(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 for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector 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 (2) 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 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 Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

SEC. 15-1-11 DISCHARGE OF CLEAR WATERS.

(a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

(b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.

(c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

(d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

(e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

(f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

SEC. 15-1-12 DUPLEX SERVICE CONNECTIONS.

Each unit of a duplex shall have a separate water and sewer services.

SEC. 15-1-13 REGULATIONS FOR MOVING BUILDINGS.

(a) **General Requirements.**

(1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor from the Building Inspector and upon the payment of the 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 said moving operations shall be continued.

(2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.

(3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.

(b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All 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. Lights shall be kept in conspicuous places at each end of the building during the night.

(c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

(d) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village 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 Building Code 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 he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village 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.

(e) **Bond.**

(1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Colfax in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars ($1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the

indemnification to the Village 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 judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) 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.

(f) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars ($100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars ($200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars ($50,000.00), or such other coverage as deemed necessary.

SEC. 15-1-14 FEES.

The fee for all building permits shall be as established by resolution of the Village Board. If work commences prior to obtaining a building permit, double fees will be charged.

SEC. 15-1-15 SEVERABILITY.

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 15-1-16 PENALTIES AND VIOLATIONS.

(a) 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 shall promptly report all such violations to the Village Board and Village 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 in general penalty provisions of the Code of Ordinances. 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 other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctional order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

(b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant 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 Sec. ILHR 20.10(1)(c), Wis. Adm. 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 his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(3) Each day each violation continues after the thirty (30) day written notice period has runs hall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

(4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

(c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Colfax 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 his duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

CHAPTER 2

Construction Site Erosion Control

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15-2-3 Applicability of Regulations
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15-2-5 Design Criteria, Standards and Specifications for Control Measures
15-2-6 Maintenance of Control Measures
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15-2-8 Permit Application, Control Plan and Permit Issuance
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SEC. 15-2-1 AUTHORITY.

This Chapter is adopted pursuant to the guidelines in Sec. 62.2345, Wis. Stats.

SEC. 15-2-2 FINDINGS AND PURPOSE.

(a) **Policy Declaration.** The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the Village of Colfax.

(b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the State and Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands. The Village Board finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment deposition in waters located within or near the Village. It is, therefore, declared to be the purpose of this Chapter to control and, if possible, prevent soil erosion and minimize water runoff increases and, thereby, to preserve the natural resources, control floods, and prevent impairment of dams and reservoirs, protect the quality of public waters and wetlands, prevent property damage, preserve wildlife, protect the tax base and protect and promote the health, safety, and general welfare of the people of the Village of Colfax. This Chapter is in accordance and consistent with the Village's Zoning Code, so far as practicable.

SEC. 15-2-3 APPLICABILITY OF REGULATIONS.

(a) **Scope of Coverage.** This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All State funded or conducted construction is exempt from this Chapter. This Chapter shall apply outside the Village limits within the extraterritorial plat

review area provided by Chapter 236, Wis. Stats., and Title 15 of the Village Code of Ordinances, but only to those land disturbing activities relating to, arising from, or connected with a subdivision as defined in Sec. 236.02(12), Wis. Stats.

(b) **Exclusions.** The following activities are generally excluded from coverage under this Chapter:
   (1) State funded or conducted activities that are subject to the State Site Erosion Control and Stormwater Runoff Plan.
   (2) Agricultural land uses as defined in this Chapter and quarries, except where the Village Board, Village Engineer or Building Inspector determine that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.
   (3) Small land disturbing activities such as gardens, minor landscaping modifications and minor repair of sidewalks, paths or driveways, except where the Village Board, Village Engineer or Building Inspector determine that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

NOTE: State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff", which contains similar requirements as contained in this Chapter, as a minimum.

SEC. 15-2-4 DEFINITIONS.

(a) The following definitions shall be applicable in this Chapter:
   (1) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
   (2) **Building Inspector.** The building inspectors of the Village of Colfax.
   (3) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
   (4) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
   (5) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector and/or Village Engineer.
   (6) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
   (7) **Existing Grade.** The vertical location of the existing ground surface prior to excavation of filling.
   (8) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man/woman to a new location and shall include the conditions resulting therefrom.
   (9) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

(10) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

(11) **Land Disturbing Activity.** Any change to the land surface which may result in soil erosion, sedimentation or increase in water runoff, including but not limited to tilling, removal of vegetative cover, stockpiling of soil, grading, excavating, livestock grazing and filling of land.

(12) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including, agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

(13) **Landowner.** Any person holding title to or having any interest in land.

(14) **Land Treatment Measurers.** Structural or vegetative practices (including fencing) used to control erosion, sediment and water runoff.

(15) **Land User.** Any person who uses land collectively or individually as owner, operator, lessor or renter, or who occupies land by providing work or service that requires alteration of the land, or any person who has made other arrangements with a landowner which gives them the right and/or responsibility for use of the land.

(16) **Major Land Disturbing Activities.** Those activities where the land disturbance covers one or more acres, where a subdivision (as defined by Chapter 236, Wis. Stats.) is created, or where the Village Board, Village Engineer or Building Inspector determines that special circumstances due to topography, proximity to watercourses or relation to sensitive environmental area make the disturbance a major one.

(17) **Minor Land Disturbing Activities.** Those activities where the land disturbance covers less than one (1) acre and the activities do not otherwise fall within the definition of major land disturbing activities.

(18) **Parcel.** All continuous lands under the ownership or control of a land occupier or land user.

(19) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.

(20) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government or any combination thereof.

(21) **Public Lands.** All lands owned or controlled by any unit of government.

(22) **Runoff.** Includes, but is not limited to, ice or water flowing over the ground surface.

(23) **Sediment.** Solid material, mineral or organic, that is in suspension, is being transported to, or has been moved from, its site of origin by air, water, gravity or ice and has come to rest or has been deposited on the earth's surface at another location.

(24) **Sedimentation.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources, or the deposition of water-borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually resulting from a decrease in the velocity of the water flow.

(25) **Set of 1 Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin.

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average Total Rain (Inches)
0	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

(26) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

(27) **Soil Loss.** Soil removed from a given site by land disturbing activities or by the forces of erosion, and redeposited at another site.

(28) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(29) **Storm Sewer.** A closed conduit for conducting collected storm water.

(30) **Stormwater Runoff.** The waters derived from rains falling within a tributary drainage basin, flowing over the ground surface or collected in a water drainage system.

(31) **Structural Measures.** Land treatments intended to prevent erosion, sediment or runoff that include, but are not limited to, gully control structures, grass waterways, riprap, detention basins or ponds, sediment basins or ponds, flood retention dams, diversions, and lining channels with rock concrete or other materials. Contour strip cropping is not considered a structural measure under this Chapter.

(32) **Water Drainage Facility.** Any element in a water drainage system which is made or improved.

(33) **Water Drainage System.** All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, reservoirs, detention basins or ponds, storm sewers, streets, and pumping stations.

(34) **Working Day.** Monday, Tuesday, Wednesday, Thursday or Friday, excluding, however, any such day officially observed by the Village as a legal holiday. Also referred to as "business day".

SEC. 15-2-5 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.

All control measures required to comply with this Chapter shall be measures based on accepted design criteria, standards and specifications periodically established by the United States Soil Conservation Service, Wisconsin Department of Natural Resources or otherwise identified as acceptable by the Building Inspector or Village Engineer. Where design criteria, standards or specifications conflict, the most restrictive provisions shall apply.

SEC. 15-2-6 MAINTENANCE OF CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

SEC. 15-2-7 REQUIRED CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

(a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:

(1) Those sites requiring certified survey map approval or subdivision or land division plat approval under Village land division ordinances.

(2) Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats or subdivision plats.

(3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.

(4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.

(5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

(6) Those involving the laying, repairing, replacing, inspecting or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.

(7) Those sites involving the changing, enlargement, dredging or other alteration to any watercourse, waterway and/or wetlands.

(8) Those other situations where the Village Engineer or Building Inspector, at the request of the Village Board, determine that erosion or runoff is likely to occur unless control measures are taken.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the Village clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

(b) **Minimum Erosion and Runoff Control Standards to be Met.** At a minimum, the erosion and runoff control standards listed below must be met on all sites described in Subsection (a) above. Additional or more stringent control standards may be required in those situations where the Village Engineer and/or Building Inspector determines that special circumstances due to topography, approximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards. In cases where no permit has been issued, the landowner is responsible for obtaining compliance with the required standards:

(1) Site De-Watering. Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate control measures. Such sedimentation basins shall have a depth of at least three (3) feet, be surrounded by snowfence or equivalent barrier and have sufficient surface area to provide a surface settling rate of not more than one thousand five hundred (1,500) gallons per square foot per day at the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site, a neighboring site, or the bed or banks of the receiving water. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydrocyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate.

NOTE: There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low (1 gal/min), then an inclined or vertical enlargement pipe (about 8" in diameter for 1 gal/min) several feet long would be an adequate control device to restrict the discharge of one hundred (100) micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4-1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. With very large pumping rates (10,000 gal/min), sediment basins (about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three (3) feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydro-cyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices described above, but they would not be required.

(2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(3) Tracking. Each site shall have a three (3) inch graveled entrance pad of sufficient width and length to prevent sediment from being tracked into public or private roadways. Sediment reaching a public or private road shall be removed by street cleaning (not hydraulic flushing) before the end of each workday.

(4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.

(5) Channelized Runoff. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas.

(6) Sequenced Activities. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.

(7) Stabilized Disturbed Ground.

a. All disturbed ground and soil or dirt storage piles shall be contained on the site by filter barriers or other suitable means. The containment measures shall remain in place until the site is adequately stabilized.

All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching, filter barriers or covering, or other equivalent control measure.

b. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of one (1) year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

c. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

(8) Filter Fences, Straw Bales on Slopes. Filter fences, straw bales, or equivalent control measures shall be placed continuously along all sideslope and downslope sides of the site where deemed appropriate by Village officials. If a channel or area of concentrated runoff passes through the site, filter barriers shall be placed continuously along the channel edges to reduce sediment reaching the channel.

(9) Soil Storage Piles. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

(c) **Additional Erosion and Runoff Control Standards to be Met on Larger Sites.** These control standards are in addition to the minimum control standards as set forth in Subsection (b), and thus include, but are not limited to, all sites involving land divisions, subdivisions or certified survey maps (where land divisions, subdivisions or certified survey maps involve either one (1) or more acres or create five (5) or more lots or building sites), or all sites where one (1) or more acres are disturbed at a time, where special circumstance due to topography, proximity to watercovers or relation to environmentally sensitive lands make the disturbance a major one, shall meet the added control plan requirements as set up by the Village Engineer or Building Inspector. These requirements may include required public dedication of water runoff control

measures. The permittee is responsible for obtaining compliance with the control plan requirements. Informal guidelines for the control plan for a major land disturbing activity are hereto attached and incorporated herein as a part of this Chapter as an addendum.

(d) **Special Circumstances.** The control standards set forth in this Chapter are intended to apply on a typical development site. When land disturbing and/or development activity is proposed for a site with extraordinary features, the Village Board, at its discretion, will require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land disturbing or development activities are proposed to occur on slopes of more than twenty percent (20%) grade in designated floodplain, wetland, or conservancy areas or in environmental corridor areas identified in the Village Master Plan.

(e) **Erosion and Runoff Control by Public Dedication of Water Runoff Control.** The Village Board may require dedication of water runoff control measures. When such dedication is required, the dedicated land may also be utilized for parkland and for recreational use. Once dedicated and accepted, the Village shall maintain the runoff control measures as necessary to adhere to this Chapter and any other applicable laws or contracts. The potential costs of maintaining proposed runoff control measures will be among the criteria considered in both accepting or rejecting an entire "Erosion and Runoff Control Plan" for the areas and determining whether or not to require dedication to the Village of and/or all runoff control measures. In the event that the Village does not require dedication of any water runoff control measures, the continued maintenance of such measures shall be assured through such means as deed restrictions, easements or a contract with the Village.

SEC. 15-2-8 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.

(a) **Permit Application.** No landowner or land user, other than the Village, may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Village Engineer. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector or Village Engineer. By submitting an application, the applicant is authorizing the Building Inspector, Village Engineer and other designated Village officials to enter the site to obtain information required for a review of the control plan.

(b) **Content of the Control Plan for Land Disturbing Activities.**

(1) Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:

a. Site boundaries of adjacent lands which accurately identify site location;

b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);

c. 100 year floodplains, flood fringes and floodways;
d. Vegetative cover;
e. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
f. Locations and dimensions of utilities, structures, roads, highways, and paving; and
g. Site topography at a contour interval not to exceed five (5) feet.

(2) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

(3) Site Construction Plan. A site construction plan including:
a. Locations and dimensions of all proposed land disturbing activities;
b. Locations and dimensions of all temporary soil or dirt stockpiles;
c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter;
d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and (1)Provisions of maintenance of the construction site control measures during construction.
e. Provisions of maintenance of the construction site control measures during construction.

(c) **Emergency Situations.** Notwithstanding the above, a private landowner or the Village may commence land disturbing activity without an approved control plan where immediate action is necessary in order to respond to an existing or threatened emergency situation. When such emergency activity is undertaken, care will be taken to comply with the erosion and runoff control standards set forth in this Chapter to the fullest extent practicable under the circumstances. The Building Inspector or Village Engineer shall be notified by the private landowner within three (3) hours after commencing such land disturbing activities under this Section.

(d) **Minor Land Disturbing Activities -- Content of Control Plan Statement.** Minor land disturbing activities are all those activities other than those deemed to be major land disturbing activities. For minor land disturbing activities, an erosion control plan (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule). These documents will be used to meet the requirements of this Chapter.

(e) **Review of Major and Minor Land Disturbing Control Plans.**

(1) Major Land Disturbing Activities. Within forty-five (45) days of receipt of a completed control plan, the Village Engineer and Building Inspector shall determine if the requirements of this Chapter are met. The applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

(2) Minor Land Disturbing Activities. Control plan statements for minor land disturbing activities shall be reviewed by the Building Inspector for compliance with this Chapter. The Building Inspector shall approve, reject or conditionally approve the plan within the same number of working days as required for issuance of a building permit, but in no event more than ten (10) working days after receipt of the completed control plan statement. If the control plan statement is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

(f) **Permits.**

(1) Duration. Permits shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or Village Engineer may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.

(2) Permit Fees -- Major Land Disturbing Activities. The application fee for a major land disturbing activity permit shall be Twenty Dollars ($20.00). In addition to this fee, before any permit will be issued, the applicant shall pay the actual engineering fees or expenses incurred by the Village in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. These additional charges shall be determined by the Building Inspector and Village Clerk-Treasurer.

(3) Permit Fees -- Minor Land Disturbing Activities. The application fee for a minor land disturbing activity permit shall be Ten Dollars ($10.00), except where a building permit fee is paid in connection with the same activity, then a fee of Five Dollars ($5.00) shall be paid in order to obtain the necessary land disturbing activity permit.

(g) **Permit Requirements -- Major Land Disturbing Activity.** All Major Land Disturbing Activity Permits shall require the permittee to do at least the following:

(1) The applicant shall provide the Village, prior to issuance of the permit, and irrevocable letter of credit, certificate of deposit or certified check to the Village in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all required control measures as determined by the Village Engineer and/or Building Inspector. The security deposited shall guarantee that all required control measures will be taken or installed according to the approved plan. The security shall remain in full force for the entire period of the permit unless released earlier by the Village. The Village shall have the right to draw upon the security for the purposes of obtaining compliance with the approved Control Plan as it deems necessary. If the erosion and runoff control requirements of this Chapter are included as part of plat or certified survey map conditions of approval, then security for performance of the control requirements may be included as part of the overall security required for installation of improvements under this Code of Ordinances.

(2) Contact the Building Inspector upon completion of any control measures and at least two (2) business days prior to commencing any land disturbing activity.

(3) Obtain written permission from the Village Engineer or Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.

(4) Install all control measures as identified in the Control Plan.

(5) Maintain all control measures as identified in the Control Plan.

(6) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.

(7) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.

(8) Allow the Building Inspector, Village Engineer, or other designated Village officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.
(9) Keep a copy of the approved Control Plan on site.

(h) **Permit Requirements – Minor Land Disturbing Activity.** All Minor Land Disturbing Activity Permits shall require the permittee to:
(1) Obtain permission in writing from the Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.
(2) Install all control measurers as identified in the approved Control Plan.
(3) Maintain all control measures as identified in the Control Plan.
(4) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
(5) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
(6) Allow the Building Inspector, Village Engineer, and other designated Village officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.

SEC. 15-2-9 INSPECTION.

(a) The Village Engineer, Building Inspector or other designated Village officials shall inspect all Major Land Disturbing activities in order to ensure compliance with the Control Plan and permit.
(b) In the case of Minor Land Disturbing activities, the Building Inspector shall inspect sites in order to ensure compliance with the Control Plan and permit.
(c) If the land disturbing or land development activities are being carried out without a valid permit, i.e., unauthorized, Village inspection officials may enter the land in question pursuant to the special inspection warrant provisions of Sections 66.122 and 66.123, Wis. Stats.

SEC. 15-2-10 ENFORCEMENT.

(a) **Violations.** No land development or land disturbing activities within the scope of this Chapter may occur without full compliance with the provisions of this Chapter. Any person who violates or fails to comply with any provision of this Chapter is subject to the enforcement and penalty provisions contained herein.
(b) **Enforcement.** This Chapter shall be enforced consistent with the policies and purposed underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this Chapter:
(1) Stop Work Order.
a. A stop work order may be issued by the Village Engineer, Building Inspector, or their authorized agents, after an inspection if:
1. Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
2. The Control Plan is not being implemented in a good faith manner;
3. The conditions of the Permit are not being met.

b. Stop work orders may be retracted when compliance with the Chapter is obtained. The Village Engineer, Village Board, Building Inspector or their designee has the authority to retract a stop work order for Major Land Disturbing activities; the Building Inspector, Village Engineer and their designees, may retract stop work orders on Minor Land Disturbing activities.

(2) Revocation of Permit. Where a stop work order has been issued in order to obtain compliance with a Control Plan, the Village may revoke the Permit if the permittee does not cease the illegal activity or obtain compliance with the Control Plan or Permit conditions within five (5) days from issuance of the Stop Work Order.

(3) Village to Perform Work. Five (5) days after posting a stop work order, the Village may issue a notice of intent to the permittee or landowner or land user of the Village's intent to perform work necessary to comply with this Chapter. Upon receipt of permission from the landowner or pursuant to a court order, the Village Engineer and/or other designated Village officials or agents, as determined by the Village Board, may go on the land and commence the work. The costs of the work performed by the Village, plus interest, shall be billed to the permittee or the landowner or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the Village Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sec. 66.60, Wis. Stats.

(4) Injunction and Other Judicial Remedies. Compliance with the provisions of this Chapter may also be obtained by the Village Board authorizing the Village Attorney to commence appropriate action to enjoin violations, compel compliance, or pursue other appropriate judicial relief.

(5) Private Remedies Preserved. These enforcement provisions are not intended in any way to restrict or limit the rights of private parties to pursue whatever private legal remedies they may have available as a result of any erosion, sediment or water runoff.

(c) **Penalties.** Any person violating any provision of this Chapter shall be subject to a forfeiture as provided in Section 1-1-6. Each day a violation exists shall constitute a separate offense. Before commencing a forfeiture action, the Village shall issue a written warning to the person believed to be violating the Chapter, granting the person two (2) business days in which to remedy the violation and avoid the commencement of a forfeiture action.

SEC. 15-2-11 APPEALS; VARIANCES.

(a) **Appeal or Variance Requests.**

(1) By Applicant or Permittee. Any aggrieved applicant, permittee or land user may appeal any order, decision, determination or inaction of the Village in administering or enforcing this Chapter, or may apply for a variance from the requirements of this Chapter. A Twenty-five Dollar ($25.00) filing fee must accompany the appeal or variance request. Appeal or variance requests must be submitted in writing, state the grounds for the appeal or variance request, and be filed with the Village Clerk-Treasurer. Publication and other associated costs will be in addition to this fee and paid by the applicant.

(2) Appeal By Citizens.
   a. An appeal of any order, decision, determination or inaction of the Village in administering or enforcing this Chapter may be commenced upon the filing of a petition signed by twenty-five (25) adult residents of the Village and payment of a Fifty Dollar ($50.00) fee to cover the cost of the appeal.
   b. The appeal must be filed with the Village Clerk-Treasurer and shall state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the Village Clerk-Treasurer within five (5) business days of its filing with the Village. The filing of a citizen appeal, by itself, does not prohibit the commencement or continuation of any work or activity.

(3) Appeal Deadline. Appeals by applicants, permittees or citizens must be filed within forty-five (45) days of the order, decision, determination or inaction being appealed.

(4) Multiple Appeals Prohibited. Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. The Board of Appeals shall consolidate appeals wherever possible to avoid a multiplicity of appeal proceedings and to hasten the final resolution of a matter. The Board of Appeals may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.

(b) **Authority.**

(1) Authority to Grant Variances. The Board of Appeals shall decide all variance requests in accordance with the provisions of this Code of Ordinances. The Board of Appeals shall only grant such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter is impracticable or otherwise unreasonable or demonstrated to be unnecessary. Such variances may be granted only when the Board of Appeals has been presented with satisfactory proof that the variance will achieve compliance results comparable to those set forth in this Chapter.

(2) Appeals. The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by Village officials in administering this Chapter. The Board of Appeals shall use the rules, procedures, duties and powers authorized by Village ordinance and statute for the Board of Appeals in hearing and deciding appeals and authorizing variances. The Board of Appeals shall hear and decide within thirty (30) days of receipt of the written request and payment of the appeal fee, unless an extension is agreed upon by the Appellant and Board of Appeals. The procedures utilized by the Board of Appeals shall be as prescribed in the Village Zoning Code.

(c) **Enforcement Not Stayed.** The filing of an appeal or variance does not preclude the Village from commencing or continuing any of the enforcement actions set forth herein or a forfeiture proceeding set forth in this Chapter unless the Village Board specifically agrees to stay such enforcements.

CHAPTER 3

Fair Housing

15-3-1 Statement on Fair Housing
15-3-2 Definitions as Used in This Chapter
15-3-3 Unlawful Practices
15-3-4 Exemptions
15-3-5 Enforcement

SEC. 15-3-1 STATEMENT ON FAIR HOUSING.

It is hereby declared to be the policy of the Village of Colfax to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

State Law Reference: Sec. 66.432, Wis. Stats.

SEC. 15-3-2 DEFINITIONS AS USED IN THIS CHAPTER.

(a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

(b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

(c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.

(e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.

(h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is

engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.

(j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.

(k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

SEC. 15-3-3 UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Village for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or

(g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

(h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(1) The lowering of property values in the area;
(2) An increase in criminal or antisocial behavior in the area; or
(3) A decline in the quality of schools serving the area.

(i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Village for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

(j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

(k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or

(l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or

(m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or

(n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or

(p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

SEC. 15-3-4 EXEMPTIONS.

This Chapter shall not apply to:

(a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

(b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:
    (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
    (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
    (3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

SEC. 15-3-5 ENFORCEMENT.

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Village Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance

with this Chapter shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.

CHAPTER 4

Grievances Regarding Access to Public Buildings,
Programs, Services and Employment

15-4-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

SEC. 15-4-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS, PROGRAMS, SERVICES AND EMPLOYMENT.

(a) **Statement of Purpose.**

(1) The Village of Colfax, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Village programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Village Board and is available from the Village Clerk-Treasurer. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the Village Clerk-Treasurer.

(2) The Clerk-Treasurer shall serve as the Americans With Disabilities Act Coordinator with respect to 42 USC Sec. 12101, Title I, regarding employment, to conduct a self-evaluation in connection therewith, and to accept all grievances filed with respect thereto and make decision thereon in consultation with the Village Attorney within thirty (30) days of the filing of such grievance. Such decision may be appealed to the ADA Compliance Committee in accordance with the procedure established in this Section.

(3) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Village President, subject to confirmation by the Village Board, at the Board's organizational meeting. The ADA Compliance Committee shall consist of three (3) to five (5) members, and shall, if possible, have a representative from the following fields:

a. Business and/or non-profit organization.
b. Education.
c. Disabled representative.
d. Elected official.
e. Health/medical.

(4) Village letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."

(5) An ADA Committee meeting shall be treated as any other Village committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

(b) **Complaint Procedure.**

(1) Complaints shall be filed with the ADA Coordinator, in care of the Village Clerk-Treasurer.

(2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.

(3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.

(4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.

(5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later that twenty (20) days after its filing.

(6) The Village Clerk-Treasurer shall maintain the files and records of the Village relating to the complaints filed.

(c) **Appeals.**

(1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcripted and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.

(2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Village Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Village Board shall precede the vote.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

CHAPTER 5

Minimum Housing Code

15-5-1 Title
15-5-2 Intent and Purpose
15-5-3 Rules and Definitions
15-5-4 Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service
15-5-5 Safe and Sanitary Maintenance of Property
15-5-6 Quantity, Location and Use of Space in Residential Buildings
15-5-7 Fixing the Responsibility of Owners, Operators, and Occupants
15-5-8 Inspection
15-5-9 Designation of Unfit Dwellings and Legal Procedure Therefor
15-5-10 Enforcement, Service of Notices, and Orders and Hearings

SEC. 15-5-1 TITLE.

This Chapter shall be known as the Village of Colfax Minimum Housing Code.

SEC. 15-5-2 INTENT AND PURPOSE.

(a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and property values.

(b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

SEC. 15-5-3 RULES AND DEFINITIONS.

(a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

(1) Words used in the present tense shall include the future.
(2) Words used in the singular number shall include the plural number, and the plural the singular.
(3) The word "shall" is mandatory and not discretionary.
(4) The word "may" is permissive.
(5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for.

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

(1) Adequate -- "Adequate" shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.

(2) Apartment -- "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

(3) Approved -- "Approved" shall mean approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter or this Code of Ordinances.

(4) Attractive Appearance -- "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.

(5) Basement -- "Basement" shall mean a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(6) Boarding House -- See "Lodging House" and "Lodging Room."

(7) Building -- "Building" means a combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.

(8) Capacity in Persons -- The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.

(9) Compliance Inspection. An inspection performed in conjunction with a lawful order of the Village Board or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

(10) Dwelling -- "Dwelling" is a place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.

(11) Dwelling Unit -- "Dwelling Unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

(12) Extermination -- "Extermination" shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

(13) Family -- A "family" is an individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers. For the purpose of this Subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the

"family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

(14) Friable Material. Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

(15) Good Working Condition -- "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.

(16) Habitable Space -- "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.

(17) Impervious to Water -- "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.

(18) Infestation -- "Infestation" means the sustained presence of household pests, vermin, or rodents.

(19) Living Room -- "Living room" shall mean a room used primarily for living, dining, or cooking purposes.

(20) Lodging House -- "Lodging house" is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.

(21) Lodging Room -- "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

(22) Mixed Occupancy -- "Mixed occupancy" shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.

(23) Occupant -- "Occupant" means one who occupies or has actual possession of usable space.

(24) Operator -- "Operator" shall mean any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.

(25) Owner -- The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

(26) Person -- A "person" shall mean and include any individual, firm, corporation, association, or partnership.

(27) Properly -- "Properly" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.

(28) Provided -- "Provided" shall mean furnished, supplied, paid for or under control of the owner.

(29) Residential Building -- A "residential building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:

a. Single-family dwellings.
b. Two (2) family dwellings.
c. Multiple-family dwellings (including apartment hotels).
d. Lodging houses.
e. Fraternity and sorority houses.

(For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)

(30) Room. A "room" is a partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

(31) Rooming House -- See "Lodging House" and "Lodging Room."

(32) Sleeping Room -- A "sleeping room" shall mean a room used for sleeping purposes.

(33) Structure -- "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

(34) Supplied -- "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

SEC. 15-5-4 MINIMUM STANDARDS FOR BASIC EQUIPMENT, LIGHTING, VENTILATION, HEATING AND ELECTRICAL SERVICE.

(a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage, recyclables and other refuse, safe means of egress, provision of light, air, heat, and electrical service.

(b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

(1) Basic Plumbing Requirements. Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Sec. ILHR 82.40, Wis. Adm. Code.

(2) Water Heating Facilities. Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a

temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.

(3) Refuse Storage. Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location of which is in compliance with Village regulations.

(4) Egress. Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in Sections ILHR 21.04(2) or ILHR 51.161 and ILHR 51.162, Wis. Adm. Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.

(5) Plumbing. Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(6) Windows and Ventilation.

a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Sections ILHR 21.05 or ILHR 57.13, Wis. Adm. Code, as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with ILHR Codes may remain in use with the granting of a variance by the Board of Appeals.

b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.

c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.

d. All exterior door and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15th, but no later than November 15th annually.

e. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.

(7) Electrical. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit:

a. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area [air conditioners, ranges, space heaters and motor driven equipment one-eighth (1/8) hp. or over excluded.]

b. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room and furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at the center of the room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for the ceiling or wall fixture in the dining room.)

c. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves)
   1. Living Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
   2. Dining Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
   3. Kitchen: One (1) per eight (8) feet or fraction of countertop and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each eight (8) feet or less of length. Separate outlets shall be provided for refrigerators.
   4. Dining Areas in Kitchen: One (1) per seventy-five (75) square feet or major fraction.
   5. Bedroom: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
   6. Laundry: One (1) when laundry equipment is present.
   7. Bathrooms and Lavatories: One (1) [may be part of wall fixture if seventy-two (72.0) inches or less from floor].
   8. Other Habitable Rooms: Minimum of two (2).

d. Fixed appliances exceeding one-eighth (1/8) hp. or three hundred (300) watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to present use of extension cords (NED 400-8).

e. All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring, shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
f. Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted.
g. Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least two and one-half (2-1/2) foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2-1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.
h. When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be one hundred (100) amps for the first two (2) dwelling units in a building and fifty (50) amps for each additional unit. Where electric heat and air conditioner over twenty (20) amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electrical Code.

(8) Heating.
a. All habitable rooms shall be provided with a permanently connected heating system complying with the Village ordinances.
b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the Village shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(9) Lighting.
a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the

occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

(10) Cooking Areas Restricted. The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.

(11) Emergency Work Information. Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

SEC. 15-5-5 SAFE AND SANITARY MAINTENANCE OF PROPERTY.

(a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.

(b) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:

(1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.

(2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special charge against the benefitted property.

(3) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.

(4) Fences, Walks, Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings.

(5) Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

(6) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within ten (10) days, or any unsightly bulk items. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height in compliance with Village ordinances. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby the appearance and value of the neighborhood and Village. The Village, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.

(7) General Requirements.

a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.

(8) Stairs. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in Sections ILHR 21.04 or 51.16, 51.161, 51.162 and 51.164, Wis. Adm. Code, as dictated by the type of occupancy in the building.

(9) Plumbing Fixtures. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

(10) Bathrooms. Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(11) Supplied Facilities.
   a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
   b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
   c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.

(12) Equipment Removal Restricted. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.

(13) Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building.

(14) Removal of Debris.
   a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
   b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
   c. All vacant lands within the Village shall be leveled off to permit the mowing of weeds as outlined within this Code. This includes the removal of stones, bottles, wires and other debris that will interfere with mowing operations.
   d. All lands in the Village shall be kept free of weeds and maintained so there is no detrimental influence to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

SEC. 15-5-6 QUANTITY, LOCATION, AND USE OF SPACE IN RESIDENTIAL BUILDINGS.

(a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.

(b) **Size of Dwellings and Rooms.**
   (1) Detached Single-Family Dwellings. Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.

(2) Size of Rooms.
   a. Apartments. The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
   b. Lodging Rooms. The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.

(3) Excluded Spaces. The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.

(4) Hallways. Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.

(5) Cellar Space. No cellar space shall be used as a sleeping room.

(6) Basement Use as a Sleeping Area. No basement space shall be used for a sleeping room unless:
   a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
   b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
   c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

SEC. 15-5-7 FIXING THE RESPONSIBILITY OF OWNERS, OPERATORS AND OCCUPANTS.

(a) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.

(b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:

(1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.

(2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse, recyclables, and garbage as required by this Code of Ordinances.

(3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.

(4) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his

dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.

(5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.

(7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

(8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

SEC. 15-4-8 INSPECTION.

(a) The Building Inspector is authorized and empowered to inspect all residential buildings within the Village for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.

(b) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

SEC. 15-4-9 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE THEREFOR.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

(a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.

(2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.

(3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.

(4) One which, because of its general condition, location or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.

(b) Any dwelling, dwelling unit, building or structure designated and placarded as unfit for human habitation and in need of repair by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.

(c) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.

(d) No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.

(e) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter.

(f) (1) Any building which has been vacant for more than thirty (30) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.

(2) The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.

(3) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

SEC. 15-5-10 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

(a) (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

a. Be in writing.
b. Include a statement of the reasons why it is being issued.
c. Allow a reasonable time for the performance of any act it requires.
d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

(2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.

(b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.

(c) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.

(d) Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served. Following a hearing in the case of any notice suspending any permit required for this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.

(e) The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

(f) Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, or modify it, or revoke it.

(g) Determinations of the Building Inspector under this Section may be appealed to the Board of Appeals using the procedures prescribed in Title 13, Chapter 1 of this Code of Ordinances.

CHAPTER 6

Historic Preservation

15-6-1 Declaration of Public Policy and Property
15-6-2 Definitions
15-6-3 Power and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts
15-6-4 Criteria for Determining Eligibility
15-6-5 Register of Historic Sites, Structures, Landmarks and Districts
15-6-6 External Alteration of Designated Property
15-6-7 Transfer of Historically Designated Property
15-6-8 Review of Permits
15-6-9 Designation of Repository for Documents

SEC. 15-6-1 DECLARATION OF PUBLIC POLICY AND PROPERTY.

The Village Board hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

(a) Safeguard the cultural resources of the Village of Colfax by preserving sites, structures, landmarks and districts which reflect elements of the Village's cultural, social, economic, political, visual or architectural history.
(b) Protect and enhance the Village's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
(c) Foster civic pride in the beauty and notable achievements of the past.
(d) Enhance the visual and aesthetic character, diversity and interest of the Village.
(e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the Village with respect to the cultural, civic, architectural and historic heritage of the Village.

SEC. 15-6-2 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) **Committee.** The Historic Preservation Committee created hereunder.
(b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the Village, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
(c) **Historic District.** An area of the Village which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the Village zoning map.

(d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Village Board; this includes prehistoric aboriginal sites.
(e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
(f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the Village.

SEC. 15-6-3 POWERS AND DUTIES OF HISTORIC PRESERVATION COMMITTEE; PROCEDURE FOR DESIGNATION OF SITES, STRUCTURES, LANDMARKS AND DISTRICTS.

(a) **Composition.**
(1) The Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Committee will act in an advisory capacity to the Village Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village. In the alternative, the duties of the Committee may be delegated to a standing committee of the Village Board.
(2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
a. Active interest in the historic preservation of the Village of Colfax.
b. Knowledge of the history of the Village and its environs.
c. Expertise and knowledge concerning architecture and archeology.
d. Ability to utilize authoritative resources concerning historic preservation.
(3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new appointment or reappointment shall be made by the Village Board for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.
(4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
(5) The Historic Preservation Committee shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
(6) The Village Board shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
(b) **Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-6-4 below.

(c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.

(d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.

(e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof.

(f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of Village designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.

(g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.

(h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.

(i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

SEC. 15-6-4 CRITERIA FOR DETERMINING ELIGIBILITY.

In determining the eligibility of any area, site, place, building, structure or district within the Village as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

(a) Its character, interest or value as a part of the history or cultural heritage of the Village, State or United States.

(b) Its association with the persons or events which have made a significant contribution to the cultural heritage.

(c) Its potential to yield information important in history or prehistory.

(d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.

(e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the Village.

SEC. 15-6-5 REGISTER OF HISTORIC SITES, STRUCTURES, LANDMARKS AND DISTRICTS.

The Village of Colfax shall maintain a register of historic sites, structures, landmarks and districts.

SEC. 15-6-6 EXTERNAL ALTERATION OF DESIGNATED PROPERTY.

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in The Secretary of the Interior's Standards for Rehabilitation.

SEC. 15-6-7 TRANSFER OF HISTORICALLY DESIGNATED PROPERTY.

(a) The Village Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.
(b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

SEC. 15-6-8 REVIEW OF PERMITS.

(a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Village Clerk-Treasurer or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Village Board concerning the proposed permit.
(b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Village Board within thirty (30) days. The Village Board, will vote to decide if the permit will be issued or denied.
(c) The Village Board, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Village Board shall consider the following factors:
    (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
    (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.

(d) The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.

(e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

SEC. 15-6-9 DESIGNATION OF REPOSITORY FOR DOCUMENTS.

The Village of Colfax Village Hall is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.