

**Sec. 2-2.** (b)(7)*Vacant building registration* (§ [103-370\(a\)](#)). The owner of a vacant building that is required to be registered with the City shall acquire or otherwise maintain liability insurance in an amount not less than \$300,000.00 for buildings designed primarily for residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses. The liability insurance shall provide coverage for any injury to any person or damage to the property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of the Fire Department – Division of Fire Prevention and Building Safety. ~~Department of Planning and Development~~. The City shall be named as an additional insured.

**Sec. 2-2.** (b)(13)*Gas contractors* (§ [103-195](#)). Class "A" and Class "B" gas contractor licensees shall carry General Liability Insurance and Completed Operations Insurance, with a minimum combined single limit of \$500,000.00 for bodily injury and property damage per occurrence. The completed operations coverage shall be sufficiently broad to cover installation, service and repair of equipment sold by the licensee and servicing, installation and repair of equipment not sold by the licensee. The insurance policies shall also provide for 30 days' notice prior to expiration, cancellation or material change to be sent to Fire Department – Division of Fire Prevention and Building Safety. ~~Department of Planning and Development~~. Copies of the insurance policies, or certificates of insurance indicating such coverage, must be filed with the Fire Department – Division of Fire Prevention and Building Safety. ~~Department of Planning and Development~~ before any Class "A" or Class "B" licenses shall be issued. The City shall be named as an additional insured on the policy.

**Sec. 2-3.** (1)*Moving buildings* (§ [40-136](#)). The Chief Building Inspector ~~Director of Planning and Development~~ may accept a bond guaranteeing that the building sought to be moved will be made to comply with the Building Code. The bond shall be twice the sum of the estimated cost of bringing the building into compliance with the Building Code.

**Sec. 4-45.** All licensees under this article granted approval by the Council to expand the licensed premises shall provide for a rigid snow-type fence enclosing the lands upon which the special event is taking place, as well as payment of a fee established by resolution per event upon requesting such permission. Licensees obtaining permission for expansion of licensed premises shall also be subject to other reasonable rules and regulations as established by the Police Department, Fire Department, ~~Department of Planning and Development~~ and the County Health Officer.

**Sec. 4-77.** The City Clerk shall notify the Police Department, County Health Officer, ~~Department of Planning and Development~~, and Fire Chief of all license and permit applications, and these officials shall review or cause to be inspected each original application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Council in writing any reasons why the license or permit should not be issued. No license or permit provided for in this section shall be issued without the approval of a majority of the Council and until such premises is in compliance with applicable regulations, ordinances and laws. The officers referenced in this section may also review or cause to be inspected all renewal applications and any premises being licensed.

**Sec. 4-109.** All licensees granted approval by the Council to expand the licensed premises shall provide for a rigid snow-type fence enclosing the lands upon which the special event is taking place, as well as payment of a fee per event in the amount established by resolution upon requesting such permission. Licensees obtaining permission for expansion of licensed premises shall also be subject to other reasonable rules and regulations as established by the Police Department, Fire Department, ~~Department of Planning and Development~~ and the County Health Officer.

**Sec. 4-114.** (b) (3) In addition to the restrooms which exist in each park, the licensee shall provide temporary supplemental toilet facilities at the rate specified by the current building code in anticipated attendance. Such temporary facilities and their operation shall be a type approved by the County Health Officer and Fire Department – Division of Fire Prevention and Building Safety. ~~Department of Planning and Development~~. The existing facilities in each of the parks shall be utilized at the rate of one per 100 persons.

**Sec. 4-146.** Application for a Temporary Class "B" License shall be made in writing on the form prescribed by law and filed with the City Clerk who may grant the same after appropriate review by the La Crosse County Health Department, Police Department, and Fire Department ~~and Department of Planning and Development~~. Said application shall be filed with the City Clerk not less than 15 days prior to the event. A fee in the amount established by resolution shall accompany each application.

**Sec. 4-147.** The City Clerk shall notify the Police Department, County Health Officer, ~~Department of Planning and Development~~ and Fire Chief of all license and permit applications, and these officials shall review or cause to be inspected each original application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Council in writing any reasons why the license or permit should not be issued. No license or permit provided for in this section shall be issued without the approval of a majority of the Council and until such premises is in compliance with applicable regulations, ordinances and laws. The officers referenced in this section may also review or cause to be inspected all renewal applications and any premises being licensed.

**Sec. 6-2.** (e)(2) The Fire Chief ~~Director of Planning and Development~~.

**Sec. 8-88.** (a)(1) The boundaries of each district are hereby established as shown on a map dated December 9, 2010, and as it may be amended, titled La Crosse Regional Airport Overlay Zoning District Map, La Crosse, Wisconsin, and the height restrictions are hereby established on a map titled Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin, which accompanies it and is hereby adopted as part of this article. Both the La Crosse Municipal Overlay Zoning District Map and the Height Limitation Zoning Map, La Crosse Wisconsin Airport, La Crosse, Wisconsin, shall bear the signature of the Mayor of the City attested by the City Clerk and shall be on file in the office of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 8-88.** (b) *Airport Overlay Zoning District.* All La Crosse Regional Airport Overlay Zones established by this article are shown on the La Crosse Regional Airport Overlay Zoning District Map which shall bear the signature of the Mayor of the City attested by the City Clerk and shall be on file in the office of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. These six zones encompass a three-mile radius from the La Crosse Regional Airport property line, as authorized by Wisconsin Statutes. No land use shall be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the La Crosse Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as nearby citizens. For the purpose of this article, the area of La Crosse County under the jurisdiction of this article is hereby divided into the following zones as shown in Figure 1 and Table 1.

**Sec. 8-116.** The City of La Crosse Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is authorized to administer this article and shall have the following responsibilities and powers:

**Sec. 8-116.** (10) Investigate, prepare reports, and report violations of this article to the City Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Attorney's Office for prosecution.

**Sec. 10-1.** (c) (2) The Fire Chief ~~Director of Planning and Development~~.

**Sec. 10-28.** (a) The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall periodically inspect the adult-oriented establishments within the City to determine compliance with the provisions of this article.

(b) The City Police Department and La Crosse County Health Department shall assist the Fire Department – Division of Fire Prevention and Building Safety ~~Planning and Development~~ in the enforcement of the article.

**Sec. 10-485.** The City Clerk shall report every application made pursuant to the preceding subsection to the Chief of Police, ~~Building and Inspection Department~~, Fire Chief and County Health Officer, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules, and regulations. The Fire Department – Division of Fire Prevention and Building Safety, ~~Building and Inspection Department~~ shall inspect the premises for new applications only. The reports of the Chief of Police, ~~Building and Inspection Department~~, Fire Chief and County Health Officer shall be in writing and shall be delivered to the Council prior to that time that such applications are considered.

**Sec. 10-49.** (7) The "Class B" intoxicating liquor and/or fermented malt beverage licensee and/or the agent shall be responsible for all violations of this Section and subject to compliance with any and all Health Department, ~~Department of Planning and Development~~, Fire Department and Police Department regulations pertaining to the beer garden, including any and all State and local regulations.

**Sec. 10-558.** The City Clerk shall report every application made pursuant to the preceding subsection to the Chief of Police, ~~Building and Inspection Department~~, Fire Chief and County Health Officer, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules, and regulations. The Fire Department – Division of Fire Prevention and Building Safety, ~~Building and Inspection Department~~ shall inspect the premises for new applications only. The reports of the Chief of Police, ~~Building and Inspection Department~~, Fire Chief and County Health Officer shall be in writing and shall be delivered to the Council prior to that time that such applications are considered.

**Sec. 107-32.** No mobile home park license shall be issued until the City Clerk shall notify the County Health Officer and Fire Department – Division of Fire Prevention and Building Safety ~~Building and Inspection Department~~ of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. The Fire Department – Division of Fire Prevention and Building Safety ~~Building and Inspection Department~~ shall inspect the premises for new applications only. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

**Sec. 10-76.** The City Clerk shall submit all applications for beer garden licenses to the Police, Fire, ~~Building and Inspection~~, and County Health Departments for investigation. These departments shall furnish to the Council in writing a recommendation as to whether the license should be granted. The Fire Department – Division of Fire Prevention and Building Safety ~~Building and Inspection Department~~ shall inspect the premises for new applications only.

**Sec. 10-139.** Each application submitted in accordance with the preceding subsection shall immediately be transmitted by the City Clerk to the Police Department, Fire Department, ~~Building and Inspection Department~~

and the County Health Officer for investigation, and said officers shall report in writing to the Chairman of the Judiciary and Administration Committee of the Council the result of their investigations and their recommendations on such application; and therefore said application shall be presented for action by the Council at the next or any subsequent meeting thereof upon report of the Judiciary and Administration Committee thereof. The Fire Department – Division of Fire Prevention and Building Safety ~~Building and Inspection Department~~ shall inspect the premises for new applications only.

**Sec. 10-230.** The City Clerk shall refer all applications for dance hall licenses to the Police Department, the Fire Chief, ~~the Building Inspector~~ and the County Health Officer for investigation to determine whether the dance hall sought to be licensed complies with the regulations, ordinances, and laws applicable thereto. These officials shall furnish to the Council in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed except after a reinspection of the premises as provided herein. The Fire Department – Division of Fire Prevention and Building Safety ~~Building and Inspection Department~~ shall inspect the premises for new applications only.

**Sec. 10-256.** (e) The Chief of Police, Fire Chief, ~~Building Inspector~~ and Health Officer shall conduct a thorough investigation of the applicant and the premises proposed to be licensed. They shall insure that the premises proposed to be licensed conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health, and all ordinances and regulations of the City. They shall report their findings to the council prior to the granting of any license by the Council. The Fire Department – Division of Fire Prevention and Building Safety ~~Building and Inspection Department~~ shall inspect the premises for new applications only.

**Sec. 10-395.** The enforcement of this article shall be under the jurisdiction of the Department of Public Works, Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and Police Department, who shall have the power to inspect to determine compliance with this article.

**Sec. 10-428.** The issuance of an outdoor food cart/mobile food unit is conditional at all times. A license may be revoked or suspended by the Police Department, Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and/or Department of Public Works when necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or due to noncompliance of this section, this Code or applicable State or Federal laws.

**Sec. 10-522.** (1) m. Recycling facilities may have identification signs with a maximum of 20 percent per side or 16 square feet, whichever is more restrictive, for each side of the facility which faces a street or parking area. Directional signs, bearing no advertising message may be installed with the approval of Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way;

**Sec. 18-70.** All mercantile, commercial, business occupied buildings in excess of 5,000 square feet, places of assembly, high hazard occupancy buildings or multifamily residential structures of more than four units that have restricted access through locked doors and have a common corridor for access to living units constructed or where the total structural repairs or alterations exceed 50 percent of the assessed value of such buildings after July 31, 1997, shall be equipped with a key box that is UL listed and approved by the Fire Department. The key box shall be installed in a location that is approved by the Fire Department and shall be installed prior to the issuance of any occupancy permit by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 20-1.** (2)The Fire Chief ~~Director of Planning and Development~~.

**Sec. 20-54. - Procedures.**

In carrying out its duties under this article, the Commission must provide notice and hold public hearing. Prior to designating property as a historic structure or site, the Commission shall notify, in writing, the owners of record, as listed in the City Assessor's Office, of the proposed designation. Such notice shall be by personal delivery or certified mail at least 20 days prior to the public hearing considering the matter. Notice of such hearing shall also be published as a Class 1 Notice under Wisconsin Statutes. These owners shall have the right to confer with the Commission prior to final action by the Commission. Prior to any hearing considering a matter provided for in this article, the Commission shall notify the following: Mayor, Director of Public Works, Redevelopment Authority, Department of Parks and Recreation, Department of Planning and Development and Council Member in whose district the property is located. Each such department may respond to the Commission within ten days of notification with its comments on the proposed request for action. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed request for action. Notification of the decision of the Commission to designate or rescind a designation of a historic structure or historic site or to issue any certificate under this article shall be sent to the property owner. Notification shall also be given to the City Clerk, Planning and Development Department, Fire Department-Division of Fire Prevention and Building Safety and City Assessor.

**Sec. 20-92.** (a) Prior to applying for a permit from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ involving the exterior of a designated historic site or historic structure, an application for a certificate of recommendation shall be filed with the Commission, in the Department of Planning and Development.

**Sec. 20-92.** (c) No owner or person in charge of a historic site or historic structure shall construct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property until a certificate of recommendation has been issued by the Commission. The request for a certificate of recommendation for such sites shall be accompanied by the payment of a fee in the amount established by resolution. Until such certificate of recommendation has been issued by the Commission, the Fire Department – Division of Fire Prevention and Building Safety ~~Director of Planning and Development~~ shall not issue a permit for any such work.

**Sec. 20-93.** (a) Prior to applying for a permit from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ to demolish all or part of the exterior of a historic structure, historic site, or structure or contributing building in a historic district, an application for a certificate of appropriateness for demolition along with a fee as established by resolution shall be filed with the Commission, in the Department of Planning and Development.

**Sec. 20-119.** Any person performing demolition, excavating, building, or development requiring a permit from the City of La Crosse within an Archaeological District shall notify the City of La Crosse Fire Department-Division of Fire Protection Prevention and Building Safety ~~Department of Planning and Development~~ not less than two full working days prior to commencing activities disturbing more than 20 square feet of soil to a depth of two feet or greater except in the case of emergency excavations as approved by the Director of Public Works or the Fire Department-Division of Fire Protection Prevention and Building Safety ~~Department of Planning and Development~~. Such notice shall be in writing and shall include a description and location of the proposed work, the depth and area of the proposed soil disruption, and the proposed date and time of commencement of such work.

**Sec. 30-1.** (2) The Fire Chief ~~Director of Planning and Development~~.

**Sec. 30-2.** (b)*Abatement by owner.* The owner, owners, tenants, lessees, and/or occupants of any lot within the City upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom will hereinafter be referred to collectively as owners), shall jointly and severally abate said nuisance by the prompt removal of said personalty to completely enclosed buildings authorized to be used for such storage purposes, or otherwise to remove it to a location without the corporate limits of the City and it shall be unlawful if said owners allow said nuisance to exist or fail to abate said nuisance. If said person responsible for abatement of nuisance does not abate the same within five days as provided in (1), the Fire Department – Division of Fire Prevention and Building Safety ~~Planning and Development Department, Division of Building and Inspections~~ may cause said nuisance to be abated after providing 14 days notice with the cost of the same to be charged or assessed as a special charge under Wis. Stats. § 66.0627.

**Sec. 30-28.** (b)Whenever the Fire Chief ~~Director of Planning and Development~~ determines that four or more Code Nuisance Activities resulting in enforcement action have occurred at the premises on separate day during a consecutive 12-month period, the Fire Chief ~~Director of Planning and Development~~ shall notify the owner that the premises are a chronic nuisance premises. Only the Fire Chief ~~Director of Planning and Development~~ may notify the premises owner and tenant in writing. In reaching this determination, Fire Chief ~~Director of Planning and Development~~ shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Fire Chief ~~Director of Planning and Development~~ may initiate and implement the procedure and enforcement for Code Nuisance Activities under this section.

**Sec. 30-28.** (c)The Chief and Fire Chief ~~Director of Planning and Development~~ may jointly agree to initiate, implement and enforce this Section in the event that an aggregate of four or more combined Police Nuisance Activities or Code Nuisance Activities, in any combination thereof, resulting in enforcement action have occurred at a premises on separate days during a consecutive 12-month period.

**Sec. 30-28.** (e)The written notice shall be delivered to the owner of the premises by one of the following methods in descending order of preference: personal service, certified mail, first class mail, posting and/or publication, such other means as provided by law for service of process in a civil action, in that order, as the Chief or Fire Chief ~~Director of Planning and Development~~, as applicable, may determine appropriate under the particular facts and circumstances.

**Sec. 30-29.** Any owner receiving such notice shall personally meet with the City Official, Chief or Fire Chief ~~Director of Planning and Development~~, who issued the notice, within five days of receipt of such notice. The Chief or Fire Chief ~~Director of Planning and Development~~, as applicable, and owner shall review the problems occurring upon the premises. Within ten days of this meeting, the owner shall submit to the Chief or Fire Chief ~~Director of Planning and Development~~, as applicable, a detailed written abatement plan designed to forthwith and effectively end all the nuisance activity upon the premises. The plan shall also specify a name, address and telephone number of a person living within 60 miles of the premises who can be contacted in the event of further police, fire or inspection activities and/or contact.

**Sec. 30-30.** Whenever the Chief or Fire Chief ~~Director of Planning and Development~~, as applicable, determines:

(3)Reasonable effort has not been made by the owner of the premises to abate the nuisance activity; then the Chief or Fire Chief ~~Director of Planning and Development~~, as applicable, may calculate all of the costs, fees and expenses arising from and/or pertaining to any and all such police and related City responses and enforcement, including, but not limited to, actual burdened labor, overtime, materials, vehicle use, and related administrative time and efforts for this and any subsequent nuisance activities and enforcement actions upon, for and/or pertaining to the premises. The Chief or Fire Chief ~~Director of Planning and Development~~, as

applicable, shall then cause all such costs, fees and expenses to be charged against the owner of the premises and the premises itself, and if unpaid, charged, assessed, levied and collected by the City as a special charge against the premises.

**Sec. 30-31.** (a)Appeal by affected owner. An affected owner of the premises may appeal to the Chief or Fire Chief Director of Planning and Development, as applicable, the determination and invoiced special charges arising from and imposed for the police and related costs, fees and expenses set forth in this article in the manner set forth in this section.

**Sec. 30-31.** (f)The Clerk shall provide written notice to the appellant and to the Chief or Fire Chief Director of Planning and Development, as applicable, of such Common Council Meeting hearing date, time and place.

**Sec. 30-31.** (i)The appellant and Chief or Fire Chief Director of Planning and Development, as applicable, may each present witnesses who testify upon oath after being duly sworn-in by the City Clerk, the Deputy City Clerk or any other person authorized by law to administer oaths.

**Sec. 32-43.** (b)Graffiti shall be removed by the property owner or by the City at the property owner's expense. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may order graffiti removed within 24 hours of notification to a property owner. Notification to the property owner may include a door hanger or Order to Correct. If a property owner fails to remove graffiti within the time specified in the Order to Correct, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may cause the graffiti to be removed at the property owner's expense.

**Sec. 36-19.** (3) Nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, tree and shrub clippings, leaves, metal, wood, glass, bedding, crockery, gum, cement and brick stains or any substance, stain or material upon the sidewalk or paver brick that has a blighting or deleterious effect as determined by the Fire Department-Division of Fire Protection Prevention & Building Safety ~~Department of Planning and Development~~.

**Sec. 36-20.** (3)The Fire Chief ~~Director of Planning and Development~~.

**Sec. 36-57.** (a)For the purpose of ascertaining compliance with the provisions of this article, an authorized representative of the Board of Public Works or Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may obstruct, hamper, or interfere with such an inspection.

**Sec. 36-57.** (b)Any person who violates a provision of this article may be issued a citation by the City of La Crosse Police Department or an authorized agent of the Board of Public Works or the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

**Sec. 36-63.** The provisions of this article shall be administered by the City of La Crosse Board of Public Works and its designated agents and the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 36-68.** (d)The owner, designated agent or operator of any City serviced multiple family dwellings shall provide a suitable stand and pad complying with [section 36-70](#) and provide an adequate number of containers, not to exceed six containers total, or shall provide a proper sized permanently placed dumpster to eliminate any nuisance as may be determined by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or Refuse and Recycling Office.

**Sec. 36-73.** (a)The owner, designated agent or operator of any multiple-family dwelling consisting of nine or more bedrooms shall be required to provide a dumpster or dumpsters of appropriate size as specified by the City of La Crosse Fire Department – Division of Fire Prevention and Building Safety ~~Planning Department of Planning and Development~~ or Refuse and Recycling Office for the deposit of refuse. The owner, designated agent or operator of any multiple family dwelling consisting of nine or more bedrooms shall provide a proper sized permanently installed dumpster to eliminate any nuisance as may be determined by the City Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or Refuse and Recycling Office. Refuse deposited in said dumpsters shall be collected and transported to a licensed disposal facility not less than once per week, and may be ordered to be dumped more frequently as deemed necessary by Refuse and Recycling Office or Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ at the expense of the property owner. In addition to the determination as to the size of the dumpster or dumpsters, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is authorized to order relocation and/or screening or enclosure of any such required dumpster or dumpsters in order to eliminate any nuisance with respect to the same as may be determined by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The owner, designated agent or operator of any multiple family dwelling unit consisting of four to eight bedrooms shall be required to provide a dumpster if such owner or operator is cited twice or issued two orders to correct for violation of the City's recycling and refuse regulations within any 12-month period.

**Sec. 36-73.** (c)The Director of Public Works will review the proposed cooperative agreement, and may request additional information. Upon approval of the cooperative agreement, the Director shall notify the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and Refuse and Recycling Office that a cooperative dumpster agreement exists for the adjoining properties. Agreements shall be valid for up to five years and if either property is sold or the parties to the agreement change, the Director of Public Works shall be notified immediately in order to nullify the agreement or to submit a new agreement.

**Sec. 36-79.** (b)In case such owner or designated agent of said premises shall fail to comply with the requirements of said notice within the time provided for in said notice, the Fire Department – Division of Fire Prevention and Building Safety ~~Planning and Development Department, Division of Building and Inspections~~, pursuant to Wis. Stat. Section 66.0627, may cause such garbage or refuse to be removed either by contract or by having City employees do the same, and charge the cost thereof to the property owner. Within the time set forth in said notice, owner or designated agent may request an appeal of any charges due before the Board of Public Works by notifying the Director of Public Works. Upon nonpayment of such charges, such charge shall become a lien upon such property and shall automatically be extended upon the current or next tax roll as delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge.



**Sec. 36-80.** (b) The Recycling Coordinator, with input from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, shall prepare the application form for all licenses for solid waste/recycling transfer stations in the City requiring the following information:

**Sec. 36-80.** (c) The applicant shall pay an annual license fee, which shall pay for administrative costs of annual inspections by the Recycling Coordinator and Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and other costs related to monitoring compliance with the conditions of the license as set forth under [chapter 115](#), article VI.

**Sec. 40-1.** (b) (3) The Fire Chief ~~Director of Planning and Development~~.

**Sec. 40-13.** (e) (4) Each permittee shall notify the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ of the location of all dumpsters or refuse containers placed in the streets, alleys, highways, sidewalks, or other public ways within the City.

**Sec. 40-131.** The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, the Police Department and the Board of Public Works shall enforce and carry out the requirements of this article.

**Sec. 40-136.** The Chief Inspector ~~Director of Planning and Development~~ may accept a bond in accordance with [section 2-3](#).

**Sec. 44-108.** (c)(1) The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may issue to the owner of a building undergoing renovation, as evidenced by the issuance of a building permit, three parking permits each exempting one contractor work vehicle or panel van from one-hour and two-hour parking limits while such vehicle is in service upon payment of a permit fee of in the amount established by resolution for up to 90 consecutive days. A permit card signed and issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Director of Planning and Development~~ shall be issued to each permittee, which shall be displayed on the driver's side of the vehicle, displaying the address of the building undergoing renovation, whenever parked contrary to such time limits. The contractor work vehicle or panel van shall only be permitted to be parked on the same block face as the building undergoing renovation or construction.

**Sec. 44-108.** (c)(2) If such permittee knowingly allows another driver or vehicle to take advantage of the exemption, the City Police Department, Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or Parking Utility Staff may immediately revoke the permit, in addition to other penalties provided in this article.

**Sec. 46-26.** (f) *Inspection.* No plumber shall cover or permit the covering of any water service line until the installation has been inspected and approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or its duly authorized representative. When so directed, the plumber shall hydrostatically test the system in the presence of the authorized inspector.

**Sec. 46-30.** (c) *Installation and inspection.* Water services serving premises in authorized fringe areas shall meet the installation and inspection standards as outlined in [section 46-26](#), along with other regulations, that may be applicable. Not more than one building shall be supplied from one tap at any time. It shall be unlawful to extend water service from any building within fringe area to a building outside authorized fringe area or to any point or use other than indicated in the original application. All future water services within fringe area shall be permitted only if such service can be connected to an existing public water main. The water systems in

the buildings to be served by the Water Utility may be inspected by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for cross-connections to insure compliance with the State Plumbing Code.

**Sec. 46-78.** (a)*Notice to City.* No claim made against the City for defective sewers or stoppage of sewers shall be paid unless the claimant shall have notified the City Clerk in writing of the stoppage or other defect at the time the same shall have been opened and shall have afforded the Plumbing Inspector an opportunity to make investigation of the claimed defect or other trouble upon which such claim shall be based. Upon such notice to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ of the sewer complained of and to make report in writing of its findings to the Council.

**Sec. 48-1.** (2)The Fire Chief ~~Director of Planning and Development~~.

**Sec. 48-3.** (c)*Marine shipping structures.* Pursuant to Wis. Stat. § 30.31(7), before any permit for building or improving any structure directly affecting marine shipping is issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, the plans therefor shall be submitted to the Joint Board of Harbor Commissioners. If the Board finds that the location or design of the structure will adversely affect the orderly development of the harbor or the orderly movement of traffic to or within the harbor, the Board may disapprove the plans, giving its specific reasons for such disapproval. No such building or improvement of any such structure directly affecting marine shipping shall be made without first obtaining a permit through the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and approval by the Joint Board of Harbor Commissioners. No permit for building or improving a structure shall be issued until the plans therefor have been approved by the Joint Board of Harbor Commissioners.

**Sec. 48-3.** (f) (2)Other enforcement methods. Whenever any marine shipping structure or dock wall is being done contrary to the provisions of this section, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or Joint Board of Harbor Commissioners may order the work stopped by posting on the jobsite a placard to that effect and such work shall not be commenced until authorized and shall further be subject to other remedies as provided by law including injunction.

**Sec. 50-3. - Packaging, labeling and methods of sale of commodities.**

The provisions of Wis. Admin. Code chs. ATCP 90 and 91 relating to packaging and labeling and methods of sale of commodities are hereby adopted by reference, copies of which are on file in the office of the Engineering Department ~~Department of Planning and Development~~.

**Sec. 101-3.** The owner of any parcel of land who proposes to split or alter said parcel or lot shall have prepared by a State-certified surveyor a survey and legal description showing the correct boundaries before any legal description changes are made by the City Assessor's Office for tax purposes. Such newly proposed description or descriptions shall also be submitted to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for approval. Violations of this section are a Class C offense. The following persons are hereby authorized to enforce the provisions of this section and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

**Sec. 101-3.** (2)The Fire Chief ~~Director of Planning and Development~~.

**Sec. 103-1.** (2)The Fire Chief ~~Director of Planning and Development~~.

**Sec. 103-6.** (e) *Building numbers required.* The City Engineer shall cause to be prepared maps of the City showing the numbering of buildings and lots in accordance with the provisions of this section. It shall be the duty of all owners and occupants of buildings to obtain or learn the correct numbers to be placed on their respective buildings, for which no fee shall be charged. The owners and occupants of all houses and buildings shall be required to place correct numbers on the front of their respective buildings and on all garages and outbuildings with alley access in a conspicuous place open to public view according to the official map designating the numbers as provided by this subsection (e), and failure to do so within 20 days after the mailing of a notice by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ ordering the posting of such numbers in accordance with the notice, shall make such owner or occupant liable for penalties provided herein. The numbers shall be no less than four inches in height, not less than six feet from the floor of said garage or outbuilding, and shall contrast with the background on which they are displayed. The numbers shall not be spray painted on any buildings or houses.

**Sec. 103-27.** *Approved,* as to materials and types of construction, means approval by the Fire Department- Division of Fire Protection Prevention and Building Safety ~~Department of Planning and Development~~ as the result of investigation and tests conducted, or by reason of accepted principles of tests by national authorities, technical or scientific organization.

**Sec. 103-29.** (a) Whenever any building work is being done contrary to the provisions of this article, or in an unsafe or dangerous manner, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may order the work stopped by posting on the job site a placard to that effect and such work shall not be recommenced until authorized.

**Sec. 103-29.** (b) Whenever any building is being used or occupied contrary to the provisions of this article, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use, and such person shall comply with the notice.

**Sec. 103-31.** (a) No building or structure shall be constructed, installed, altered, repaired or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with this article, and with orders of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ issued thereunder. The owner and the person constructing, installing, altering, repairing or removing of a building or structure shall be jointly and severally liable for compliance with the terms and conditions of this chapter and with any orders of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ issued thereunder.

**Sec. 103-34.** (a) (1) No building, or any part thereof, shall be erected, constructed, reconstructed, altered, remodeled, moved, or wrecked, nor shall any person make any repairs to buildings or structures damaged by fire or otherwise, nor commence excavation for any building or structure, or part thereof, unless a permit therefor shall be first obtained by the owner or his agent from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-34.** (a) (2) e. *Extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the Fire Department – Division of Fire Prevention and Building Safety ~~Director of Planning and Development~~.

**Sec. 103-34.** (b) *Applications.* Any person desiring a building or demolition permit shall file an application with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ containing information required by the Department.

**Sec. 103-34.** (c)(1) All applications for building permits shall be accompanied by specifications and plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings and accessory buildings existing, and the lines within which the buildings or structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine compliance with this article. One copy of the plans shall be returned to the owner when approved. Plans which do not contain sufficient information to determine compliance with this article shall be rejected. Plans shall be drawn to scale upon substantial paper or cloth. Essential parts shall be drawn to a scale of not less than one-eighth inch to one foot. Plans and specifications shall describe the work proposed sufficiently to show compliance with the law. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. All plans shall bear the name of the architect, engineer, or person responsible for their preparation, and in no case shall permits be issued when such person has failed to comply with Wis. Stat. § 102.31. At the discretion of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, the submission of plans and specifications for private garages, small sheds or small, unimportant work may be waived.

**Sec. 103-34.** (c)(2) All applications for demolition or wrecking permits shall be accompanied by a drawing showing the size and location on the lot of the building, buildings or structures to be demolished, the owner of the property, the owner's address, the name of any contractor and the contractor's address who is to perform the demolition. The application shall also show the current zoning of the lot or parcel of land where the building or structure to be demolished is located as well as the intended use of the lot or parcel of land after demolition. The application shall also contain any other information deemed necessary by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ on forms provided by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. All applications shall be signed by the owner of the building or the owner's authorized representative.

**Sec. 103-34.** (d)(1) Plans and specifications which comply with all applicable laws and regulations, including the zoning, subdivision control and airport ordinances, shall be endorsed or stamped "Approved" and the permit shall be issued in the name of the owner. Applications shall be acted upon within ten days. If plans and specifications do not comply with all applicable laws and regulations, Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall refuse to issue the permit, or has discretion to issue a conditional permit, subject to any written orders necessary to bring the proposed construction within compliance. When the permit is conditionally issued both sets of plans and specifications shall be endorsed or stamped "Approved - See Conditions." One approved set of specifications and plans shall be retained by Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, and one set shall be returned to the applicant, which latter set shall be kept on the building site at all times while the work authorized thereby is in progress, and shall be open to inspection by authorized public officials. The issuance of a permit shall not prevent the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ from thereafter requiring the correction of errors in the plans and specifications. All work performed under a permit shall conform to the approved application and plans, and approved amendments thereto.

**Sec. 103-34.** (d)(2) Except as provided for by [chapter 115](#), article VI and with respect to historic buildings as provided for in this chapter, all applications for wrecking or demolition permits shall be acted upon within ten days after submission of the same provided such applications are complete as required by the City Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall refuse to issue a wrecking or demolition permit until any required conditional use permit

be obtained or should the intended or proposed use of the lot or parcel of land after demolition be contrary to existing zoning or other State, Federal or local regulations. Any proposed or intended use after demolition which requires zoning which requires zoning changes shall mean that the demolition permit application shall be held in abeyance by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ until such time as any requisite zoning changes are made and approved by the Common Council. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall also notify the applicant that should the applicant not use the lot or parcel of land in accordance with the stated intended use or in, accordance with the zoning in effect at the time of the application, that no required zoning changes or variances shall be permitted for a period of two years after demolition unless the same is waived by the Common Council. The provisions in this subsection prohibiting the issuance of a demolition permit shall not apply to buildings or structures that are ordered demolished under applicable local, State or Federal law.

**Sec. 103-34.** (e)(2) It shall be the responsibility of the owner, applicant, authorized agent and contractor to contact the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ regarding required inspections. Failure to comply with this subsection may result in penalties under [section 103-62](#)

**Sec. 103-34.** (f)(1) The Chief Inspector ~~Director of Planning and Development~~ may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

**Sec. 103-34.** (f)(1) a. Whenever the Chief Inspector ~~Director of Planning and Development~~ shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.

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

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

d. Whenever, in the opinion of the Chief Inspector ~~Director of Planning and Development~~, there is inadequate supervision provided on the job site.

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

f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Chief Inspector ~~Director of Planning and Development~~ for the use of all new materials, equipment, methods or construction devices or appliances.

**Sec. 103-34.** (f)(2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and the owner's agent, if any, and on the person having charge of construction. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this division, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this division. However, such work as the Chief Inspector ~~Director of Planning and Development~~ may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

**Sec. 103-34.** (g)(1) Except as otherwise provided herein, permits shall expire if the building or work authorized is not commenced within six calendar months from the date of such permit, or is suspended, abandoned or substantial progress is not shown for a period of 60 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be the same amount required for a new permit. For purposes of this section, the term "substantial progress" shall mean at least 20 percent of the exterior coverings applied or 20 percent of the project completed as determined by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-34.** (h)(1) Permit fees shall be based upon the square footage of work to be done, as determined by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ on the basis of total square footage, in the amount established by resolution.

**Sec. 103-34.** (h) (6) The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall issue a statement showing permit fees to be paid, which statement shall be filed with the Director of Finance/Treasurer and payment thereof made by the applicant. Upon presentation to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ of the receipt of the Director of Finance/Treasurer showing the payment of all required fees, it shall thereupon issue the permit.

**Sec. 103-34.** (h) (8) The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall issue a statement showing permit fees to be paid, which statement shall be filed with the Director of Finance/Treasurer and payment thereof made by the applicant. Upon presentation to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ of the receipt of the Director of Finance/Treasurer showing the payment of all required fees, it shall thereupon issue the permit.

**Sec. 103-34.** (i) *Wrecking permits for historic buildings.* The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall not issue any wrecking or demolition permit for a historic building or structure after it has been noticed for designation or designated as such by the Heritage Preservation Commission except according to the procedure provided in article II of [chapter 20](#)

**Sec. 103-35.** (a) *Approval.* The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, upon notification by the permit holder or his agent in writing and upon forms furnished by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for that purpose, shall make the following inspections, and shall either approve the construction inspected or shall notify the permit holder or his agent, in writing, wherein the construction fails to comply, and shall establish a period of time to bring about compliance. Copies shall be forwarded to all parties concerned. Approval of inspection shall be indicated by initialing or stamping the permit placard on the job site at space provided for that purpose.

**Sec. 103-35.** (a) (3) *Frame inspection.* Frame inspection shall be requested and made after the roof, all framing, fireblocking, and bracing is in place, and all vents, pipes, wiring, heating and chimneys are complete. No reinforcing steel or structural framework shall be covered or concealed without first obtaining the approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-35.** (a) (4) *Insulation inspection.* Insulation inspection shall be requested and made after all insulation is completely installed and all other requirements of an insulation inspection completed. No

insulation shall be covered or concealed without first obtaining the approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-35.** (b)*Waiver.* Footing inspection, foundation inspection, insulation inspection, and frame inspection may be waived by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ when the construction comes under the jurisdiction of the Wisconsin Department of Safety and Professional Services, and when plans are prepared by, and the work supervised by, a registered architect, whereupon inspection shall be at the discretion of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-35.** (c)*Certificate of occupancy required.* No owner shall use or permit the use of any building or premises hereafter constructed, changed, converted, remodeled, altered, repaired, enlarged, or moved, until a certificate of occupancy shall have been issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, except the temporary occupancy of residences by the owner's pending the completion of the building when approved in advance in writing by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Such certificate shall show that such building or premises, and the proposed use thereof, are in conformity with the provisions of this Code and other ordinances of the City.

**Sec. 103-36.** (a)(2)The Mayor shall designate one of the members Chair. Two of the members shall be registered architects or professional engineers or experienced employees of registered architects or professional engineers, and the remainder shall be experienced members of the construction industry. All shall serve without compensation. The secretarial work of the Board shall be done by an employee of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, and the office of Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall be considered the office of the Board.

**Sec. 103-36.** (c) *Right to appeal; variances.* Except as otherwise provided in this chapter, the Board shall have the power to hear and decide appeals where it is alleged there is error in any action or decision of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ concerning this chapter and to authorize such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement would result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. An appeal shall stay all proceedings in furtherance of the matter appealed from unless the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall certify to the Board of Building and Housing Appeals that a stay would cause imminent peril to life or property in which case proceedings shall not be stayed, except by order of the Board of Building and Housing Appeals after hearing, or by a court of competent jurisdiction after hearing.

**Sec. 103-36.** (d)(1)The Board shall adopt its own rules of procedure other than those established by this chapter and shall keep a record of its proceedings, showing the action of said Board and the vote of each member upon each question considered. The concurring vote of four members of the Board, except when only three members are present, in which case a concurring vote of three members, shall be necessary to reverse a decision of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or to decide an application for a special exception permit. Appeals and requests for variances shall be made to the Board of Building and Housing Appeals within time limits established by the Board of Building and Housing Appeals.

**Sec. 103-36.** (d)(2)The appellant shall file with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Building and Inspections~~ ~~Department of Planning and Development~~ a notice

of appeal specifying the grounds therefor on forms provided by the City with the receipt of the Director of Finance for an appeal fee in the amount established by resolution. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall transmit to the Board of Building and Housing Appeals all papers involved in the appeal. Within ten days after receipt of the petition notice of appeal, the Board of Building and Housing Appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing before the Board of Building and Housing Appeals shall be commenced not later than 30 days after the date on which the petition or appeal was filed; provided, that upon written application of the petitioner to the Board of Building and Housing Appeals, it may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in its judgment the petitioner has submitted good and sufficient reason for such postponement. The Board may reverse, or affirm, or modify the decision or action appealed from. The decision shall be in writing, specifically stating the reasons for the decision, and a copy given to appellant. The Board may also order necessary tests of new or alternate materials or types of construction, at the expense of appellant, before rendering a decision thereon.

**Sec. 103-62.** (a) Any building or structure hereafter erected, 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. Each day of violation may be a new and separate offense. 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 Fire Chief ~~Director of Planning and Development~~ or other City officials constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

(1) If an inspection reveals a noncompliance with this chapter or the Uniform Dwelling Code, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Wis. Admin. Code § SPS 320.21.

(2) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner of 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 Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ after satisfactory evidence has been supplied that the cited violation has been corrected.

(3) Each day each violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this division shall preclude the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter or the Uniform Dwelling Code, including the authority to restrict the issuance of future building, plumbing, heating and electrical permits to the owner, contractor or party in violation.

(b) Any person feeling aggrieved by an order or a determination of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may appeal from such order or determination to the Board of Building and Housing Appeals.

(c) Except as may otherwise be provided by statute or ordinance, no officer, agent or employee of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ 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 Department 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 City until the final determination of the proceedings therein.

**Sec. 103-63.** The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Wis. Admin. Code chs. SPS 320—325 are hereby adopted and by reference made a



part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-64.** (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Chief Inspector ~~Director of Planning and Development~~ shall comply with the requirements of this chapter for new buildings.

**Sec. 103-65.** (a) *Portions of State Building Code adopted.* The provisions of Wis. Admin. Code chs. SPS 361—366, International Existing Building Code and International Building Code are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this Building Code specifically applies. A copy of said provisions shall be kept on file in the office of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-65.** (d) *Conflicts.* If, in the opinion of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, the provisions of the State Building Code adopted by subsection (a) of this section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Department and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this division.

**Sec. 103-66.** (a) *Duties.* The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall administer and enforce all provisions of this chapter and the Wisconsin Uniform Dwelling Code.

(b) *Inspection powers.* The Fire Chief ~~Director of Planning and Development~~ or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Fire Chief ~~Director of Planning and Development~~ while in performance of the Chief's ~~Director's~~ duties.

(c) *Records.* The Fire Chief ~~Director of Planning and Development~~ shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Fire Chief ~~Director of Planning and Development~~ shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept.

**Sec. 103-98.**(a) (14) Any building with full masonry exterior veneer exclusive of windows, doors and decorative trim, and fully protected by a NFPA 13 automatic fire sprinkler system with continuous off-site water flow monitoring, and subject to approval of the Fire Chief ~~and the Director of Planning and Development~~.

**Sec. 103-100.** The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall issue permits for the erection of prefabricated buildings when, in their opinion, such buildings are as suitable, durable and have comparable strength to the buildings erected in compliance with this article. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may require the opening of prefabricated panels and other parts of prefabricated buildings to determine compliance with this article.

**Sec. 103-101.** (a) Every building and structure heretofore or hereafter erected, and the permanent building equipment thereof, shall be kept in good repair and safely and sanitarily maintained, and to that end the Inspection Department may require the repair or removal of any building or structure or part thereof which has become deteriorated, is unsanitary, has been damaged by fire or other means, is improperly or poorly fastened, is left open and unguarded, is deficient in exit facilities, which constitutes a fire hazard, or is required by this Code and now missing; or may issue any orders necessary to maintain the conditions of safety and habitability required by this Code. In the event that any rehabilitate or raze and remove order or raze and remove order are not completed with by the owner, the Engineering Department shall award a demolition contract within 90 days after notification from the Board of Public Works or Fire Department – Division of Fire Prevention and Building Safety ~~the Building and Inspections Department~~.

(b) In case there shall be, in the opinion of Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, actual and immediate danger of failure or collapse of a building or structure or portion thereof, so as to endanger life or property, the building may cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe. The expense thereof may be recovered from the owner.

(c) When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may order the occupants to vacate the same forthwith, and may when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used.

(d) Whenever premises are owned in whole or in part by a person outside the jurisdiction of the municipal court, and such person fails to comply with an order of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ to render the premises more clean or sanitary or to make certain repairs to the premises within a certain time, and it is the opinion of such Department that neighboring premises may be adversely affected, such Department may contract to have such cleaning, sanitizing, or repairing done, and shall certify the cost thereof to the Director of Finance/Treasurer, which shall be added to the tax roll as a special tax on such property.

**Sec. 103-102.** (a) It shall be unlawful to deposit any water or other liquids on public land or to permit such water or liquids to drain over, into or upon the public sidewalks, streets or alleys. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is authorized to require property owners to connect to the storm sewer when such sewer is available, or to other means of disposal acceptable to the Department, when, in the Department's judgment, the roof area of the building, its proximity to public lands, the amount and density of adjacent surfaces, and other circumstances, will necessitate connection to prevent excessive adverse accumulations of water and ice on the public lands. No water shall be drained to the street gutter except with the written permission of the Department of Public Works.

**Sec. 103-103.** (c) The building site of any building hereafter wrecked shall be properly cleared of debris and rubbish and shall at the discretion of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ be properly graded and leveled off to conform with the adjoining grade of the neighborhood; and when so graded and leveled, the said site shall be treated in a manner acceptable to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ so as to prevent the blowing of dust, dirt or sand, or fenced in with a board fence not less than four feet in height. Such fences shall be constructed of good quality materials and in a workmanlike manner and shall be painted or otherwise finished so as not to be aesthetically offensive. Such fences shall be constructed in such a manner and of such materials that they will be rigid and stable. No advertising sign, circular or printed matter of any kind shall be posted or painted on such fences. Fences constructed hereunder may not encroach more than 12 inches onto the public sidewalk. Construction of such fences shall be

commenced as soon as excavations are so exposed as to be dangerous and whether demolition is completed or not. The construction and maintenance of such fences shall be under the supervision of Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Excavations remaining after the demolition of a building shall be filled, graded and leveled off not later than six months after completion of the demolition of the building.

**Sec. 103-103.** (d) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for that purpose, shall inspect each excavation, or part thereof, before filling any excavations and it shall be unlawful to fill any such excavation without inspection and approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Voids in excavations shall not be permitted.

**Sec. 103-104.** When an existing building is damaged by fire or other cause, or if alterations and repairs are made to an extent of 50 percent or more of the physical value of the building before such damage or alteration, the entire building or structure shall be made to comply with the requirements of this article for new buildings. If the cost of such alterations or repairs is less than 50 percent of the physical value of the building, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements of this Code.

**Sec. 103-105.** Whenever the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ determines that construction or repair work may endanger the traveling public, the owner or contractor, at the request of the Department, shall erect roofed passageways extending over public thoroughfares at least six feet, the roof of which shall be not less than a double thickness of two-inch-thick lumber.

**Sec. 103-107.** (d) (7) b. Except as permitted above in subsection (d)(7)~~a~~ of this section, on lands zoned for other than any residential use, a permit may be issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, to allow semi-trailers, shipping containers and other similar conveyances used exclusively for storage to be placed for a maximum aggregate period of 60 days within any one calendar year if determined by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ that such placement is not contrary to the provisions of this Code. A permit from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for the placement of such semi-trailers and similar conveyances shall be required. The permit fee for such semi-trailers and similar conveyances shall be as established by resolution. Applications for a permit shall be submitted on forms provided and shall include such other information as required by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-107.** (d)(8) c. Fire department approval. Such request for special permission or variance shall first be reviewed and approved in writing by the City Fire Department as to proposed location and contents, and shall be submitted on forms provided by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Completed applications shall be submitted to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ which will process and forward them to the City Board of Building and Housing Appeals.

**Sec. 103-107.** (d)(8) e. A permit shall be obtained from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for all existing semi-trailers and similar

conveyances allowed under special permission or variance by the City Board of Building Appeals. Subsequent annual permits may be issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ without further appeals to the City Board of Building Appeals if the size, type, number, location and screening of trailers and other similar conveyances originally approved by the City Board of Building Appeals remain unchanged and in any case such permits shall not exceed the time limitations for ultimate removal. The permit fee shall be as established by resolution and shall be paid on or before January 31 of each year for which the permit is valid.

**Sec. 103-107.** (d)(8)f. A permit required for sites granted special permission or variance. A permit shall be obtained from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for all existing semi-trailers and similar conveyances allowed under special permission or variance by the City Board of Building and Housing Appeals. Subsequent annual permits may be issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ without further appeals to the City Board of Building and Housing Appeals if the size, type, number, location and screening of trailers and other similar conveyances originally approved by the City Board of Building and Housing Appeals remain unchanged and in any case such permits shall not exceed the time limitations for ultimate removal. The permit fee shall be as established by resolution and shall be paid on or before January 31 of each year for which the permit is valid.

**Sec. 103-107.** (d)(9)c. All such semi-trailers and similar conveyances used as substitutes for accessory buildings used exclusively for storage which have not been validated via the special permission or variance process and which have not been allowed via the permit process by December 31, 2002, as required by this subsection or which have not been removed on or before January 2, 2016, as provided herein shall be ordered removed by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ pursuant to [chapter 32](#)

**Sec. 103-109.** (c) (5) All connections to the City water supply or sewer system shall be approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-109.** (c) (6) All outdoor swimming pools and any adjacent pool-associated paved areas shall be completely surrounded by a fence or wall at least 48 inches high of such construction as will make access difficult. Access shall be through self-closing and latching gates at the shallow end of the pool. The latch shall be as high on the gate as possible to prevent the entrance of children. The water enclosing wall of an above ground pool may be considered as the required wall of fence if such wall is the required four feet in height and so designed as to make climbing difficult. Ladders may be used for entry to aboveground pools when adequately safeguarded to prevent unauthorized entry. The wall of building may be accepted as a part of the required fence when found by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ to provide a sufficient degree of protection.

**Sec. 103-109.** (d) *Health Department approval.* The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall submit the application to the Health Officer and have the Health Officer's written approval of the plans and specifications before issuing a building permit. The Health Officer shall check such plans and specifications for compliance with those sections of this division which pertain to health and sanitation.

**Sec. 103-110.** (a) *Quality of materials.* Building materials shall be of good quality, conforming to generally accepted standards and shall not be defective in any manner. Whenever there is reason to doubt the quality of a material or method of construction to be used in a building or structure, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may require tests to be made to establish its suitability. Such tests shall be made at the expense of the owner or his agents and shall be made by a competent person or laboratory approved by the Fire Department – Division of Fire Prevention and Building

~~Safety Department of Planning and Development~~. Additional tests may be required from time to time when there is reason to believe that a material no longer conforms to the requirements on which its approval was based.

**Sec. 103-169.** (e)(2) No person shall operate or permit the operation of any heating equipment until inspected and approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-170.** (b) *Approval of burner.* No person shall install any oil heating burner unless the type of burner to be installed has been previously approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall automatically approve any oil heating burner listed by the Underwriters Laboratory or any other nationally recognized inspection board or laboratory, but shall not approve any others until inspected and tested, including arrangement of parts, suitability of material, strength of parts, electrical control, thermostatic arrangement, reliability of automatic features, positiveness of ignition, and safeguards against flooding. If the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ does not feel it is competent to make the above test, it may require that the applicant submit a report from a recognized laboratory. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall give the applicant reasons for any disapproval.

**Sec. 103-170.** (c) *Oil heating equipment; permit for installation.* No person shall install oil heating burners or oil heating equipment until the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall have issued a permit for the specific installation. Application for the permit shall be made in writing and accompanied by a sketch showing the layout of the proposed installation. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall issue such permit or in writing notify the applicant of changes required before a permit will be issued, or the reasons why application is denied. Upon the required changes being made in the application or sketch, a permit shall be issued. No oil heating equipment of a different kind than that specified in the application, and no tanks of a different size, kind or quality shall be installed, nor shall the installation be made in any manner other than as described in such application or shown in the sketch submitted therewith.

**Sec. 103-195.** (a) *Licenses required.* No person shall hereafter engage in the business or install, alter, repair or service gas burners or gas burner equipment as defined herein the City without first securing from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ a license. The requirements herein shall not be construed to limit the gas utility's right to render necessary service.

**Sec. 103-195.** (c)(1) Applicants shall be at least 18 years of age and citizens of the United States or legal aliens. Applications shall be submitted to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ in such form as may be required, and sworn to before a Notary Public.

**Sec. 103-195.** (c)(3) No Class "A" or Class "B" license shall be granted to any person engaged in the business of installing gas burners or gas burner equipment unless such person has an established place of business within the City. The location of such business shall be filed with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Licenses issued to firms and corporations shall be kept posted in the office of said place of business at all times.

**Sec. 103-195.** (e) (2) Said Board shall meet upon call from the Chair who is hereby empowered to call a meeting of the Board whenever deemed necessary. The duties of the Board shall consist of:

- a. Formulating new licensing exams or revising the existing exams, when they deem necessary;
- b. To rule on the competency and fitness of each applicant for license, if that competency or fitness is contested or disputed by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~; and,
- c. To mediate any disputes between the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and any citizen, contractor or installer, regarding the City Gas Code.

**Sec. 103-195.** (e) (3) Except for renewals, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall subject each applicant for a license to a written examination and such other investigation as it may deem necessary to determine whether the applicant has sufficient knowledge, skill, training and experience to enable him properly to engage in the business of, or work at the installation, alteration, service or repair of gas burners or gas burner equipment as provided by this division. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall have the power to prescribe all reasonable requirements as to the experience, training and character of applicants for such licenses to formulate and hold under such rules as it may establish all examinations of such applicants, both written and oral, and to pass upon the competency and fitness of each applicant. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall keep records of all applications, examinations and licenses.

**Sec. 103-197.** No person shall install any gas burner or gas burner equipment until proper application has been made and approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. When required by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, plans and specifications for the proposed installation must be filed with said Department before the permit is granted. Such permits will only be issued to those persons holding Class "A" or Class "B" licenses. To procure permits for such installations the licensed gas burner installer shall make written application signed by himself on forms provided by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, furnishing all information regarding the proposed work as set forth on the application form.

**Sec. 103-198.** (a) No person shall put into operation any gas burner equipment installed or replaced until the installation and replacement has been inspected and approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

(b) The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is hereby authorized to disconnect or to order disconnection of any gas burner equipment which does not conform to the requirements of this division or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such equipment, which shall state that it has been disconnected and the reasons therefor, and such notice shall not be removed nor shall the equipment be reconnected until it shall have been made to conform with the requirements of this division and its reconnection authorized by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-200.** (b)(1) *Certificate of approval of gas burners.*

- a. No person shall install any gas burner until such burner has been approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Applications for approval of gas burners shall be filed with the Fire Department –

Division of Fire Prevention and Building Safety Department of Planning and Development accompanied by a filing fee of in the amount established by resolution, which application and fee may be for approval of each manufacturer's complete line of gas burners. Applications shall be made on forms prescribed by the Fire Department – Division of Fire Prevention and Building Safety Department of Planning and Development.

b. The approval by the Fire Department – Division of Fire Prevention and Building Safety Department of Planning and Development of a gas burner shall be evidenced by a certificate of approval permitting its installation in the City. This certificate of approval shall remain in force until or unless the burner approved is so modified or altered as to no longer conform to the specifications on the basis of which such certificate of approval was originally issued.

c. Whenever a gas burner is modified or altered from the basis upon which the certificate of approval was issued, approval of such modification or alteration shall be secured from the Fire Department – Division of Fire Prevention and Building Safety Department of Planning and Development before any such modified or altered burner is installed.

d. Gas burners for which approval is requested shall conform with the applicable requirements of National Fuel Gas Code, 2009 Edition of ANSI Z223.1-NFPA 54 and any amendments thereto Wis. Admin. Code ch. SPS 365, together with the requirements of this section.

1. The construction of heating elements shall be subject to the approval of the Fire Department – Division of Fire Prevention and Building Safety Department of Planning and Development.

2. Combustion chambers and flue gas passageways shall be readily accessible for inspection and cleaning.

3. The gas supply line to the pilot or pilots shall be connected ahead of the main burner regulator and appliances shut-off valve and shall be provided with a separate cock. Pilot tubes shall be constructed in one piece of substantial material. The safety pilot actuating mechanism shall be so mounted as to preclude the possibility of slippage. The pilot shall be of such design that it will permit the gas valve to open only when a proven source of ignition exists. The flame that lights the burner ports shall light from the flame that heats the safety pilots without use of runner slotted connecting ports on any installation which does not make use of escapement gas, from a diaphragm shut-off valve, as a flare to assist in the lighting of the burner. Appliances having more than one combustion chamber shall be provided with individual safety pilots. The safety pilot actuating mechanism must be substantial and positive in its action. Design shall be such that mechanical or electrical failure will shut off main gas supply.

4. Drilled port or slotted port burners shall have adjustable primary air control. The orifice may be of either the fixed or adjustable type. If of the adjustable type, the reduction of the size of the orifice opening shall not be attained by obstructing the fixed orifice opening.

5. Burners shall be sized according to the BTU rating shown in the regularly published literature of the burner manufacturer and under no conditions shall the burner be altered to exceed the rated maximum BTU input. Before approval, the burner manufacturer shall furnish the Fire Department – Division of Fire Prevention and Building Safety Department of Planning and Development with a certified copy of literature showing capacity of burners with maximum ratings at various pressures together with such other information as the Fire Department – Division of Fire Prevention and Building Safety Department of Planning and Development may require.

**Sec. 103-200.** (b)(4) *Ventilation.* Gas burners and gas burner equipment shall not be installed for operation in a room where the normal facilities for ventilation do not permit proper combustion of the gas, unless special provision is made for supplying sufficient air for complete combustion. Gas burners, gas burner equipment and space heaters will not be permitted in bedrooms, rooms used for sleeping purposes, bathrooms, or any confined space or area unless proper provisions are made for the supply of primary and

secondary air and air for combustion from outside the building. Provisions shall also be made for proper venting to the outside. Method of securing air for combustion and the proper venting of the appliance shall be secured from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ before work is started on any specific installation.

**Sec. 103-200.** (b)(6)*Draft hoods.*

- a. Each gas burning unit shall be equipped with a draft hood or its equivalent designed to ensure the ready escape of the products of combustion in the event of no draft, back draft, or stoppage beyond the appliance; prevent a back draft from entering the appliance; and neutralize the effects of stack action of the flue upon the operation of the appliance.
- b. The draft hood shall be placed in and made a part of the flue pipe from the unit or shall be in the unit itself. Such device shall have a free area equal to or greater than the cross sectional area of the flue pipe connected thereof subject to the approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.
- c. The draft hood shall be located at a point not lower than the top of the highest flue passage in the unit.
- d. Units of the revertible flue type shall have the draft hood at least one foot higher than the top of the highest flue passage. Proper provision shall be made subject to the approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, to prevent the accumulation of gas in any part thereof. Revertible flue type furnace shall have a one-inch bleeder cut through if trapped more than 12 inches.

**Sec. 103-200.** (b)(7)*Flue pipes.*

- a. The internal cross section area of the flue pipe between the appliance and the chimney liner shall be such as to provide not less than one square inch of flue area per 7500 hourly BTU input. In no case shall this flue pipe be larger than the next integral inch diameter above the size given in the following table:

94,50	12.6	4
147,00	19.6	5
212,00	28.3	6
288,75	38.5	7
377,25	50.3	8
477,00	63.6	9
Based on one square inch flue area per 7500 BTU per hour input		
<b>Minimum Permissible Flue Sizes For Gas Burner Installations</b>		
Input Rating BTU Per Hour	Area of Flue Outlet	Diameter of Flue Pipe (Inches)

Note: If flue pipe exceeds ten feet in length or contains more than two elbows, use next size larger pipe and draft hood. In cases where the outlet from the unit is larger than the above indicated size, an orifice plate may be inserted, or a section of the flue pipe restricted to the size indicated. In special cases with high chimneys or flues, the above schedule of areas may be modified subject to specific approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-200.** (b)(11)*Main shut-off valve or cock.* A Manually operated approved shut-off valve or cock shall be installed at each unit to shut off the entire gas supply to the unit, except the pilot, in cases of



emergency. Such valve or cock shall be so located that it is readily accessible and shall clearly indicate the "on" and "off" positions, or directions of rotation to open or close. Where a clock is provided the operating handle shall be securely attached to the plug in such manner that it may not be readily removed. Shut-off cock shall be approximately five feet above floor and shall be outside the jacket, except room heaters. A combination safety shut-off, operating, regulating and pilot control which incorporates programmed safe lighting features may be used subject to the approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-200.** (b)(14)*Gas pressure regulators.* A gas pressure regulator approved by A.G.A. and by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall be installed on all gas burner installations. The gas pressure regulator vent shall be piped into the combustion chamber except when using a regulator that has a restricted orifice type vent and said regulator is located inside the casing of the heating unit.

**Sec. 103-200.** (b)(15)*Limiting devices.* The boiler or furnace shall be equipped with safety devices arranged to limit high steam pressures or water temperatures, as well as high air temperatures in warm air furnaces, and all such devices shall be subject to the approval of Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Each gas fired steam boiler shall be equipped with a low-water cut-off, approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Safety devices operated electrically shall not depend upon the closing of a circuit to shut off the main gas supply. This requirement shall not be construed as prohibiting the use of electrical regulating devices, provided the required safety devices are also installed. Controls shall be so connected that maximum inherent safety provided by such controls will be attained.

**Sec. 103-200.** (b)(17) g. Alternate materials and methods of installation may be approved by Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ upon submittal of plans, materials and inspection schedule prior to commencing with the installation. Alternate installation must conform to National Fuel Gas Code, NFPA 54, 2009 and Wis. Admin. Code ch. SPS 365.

**Sec. 103-200.** (b)(22) e. Upon completion of the test of any newly installed gas burning equipment as hereinabove provided, the installer shall file with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ in duplicate, complete records of such test.

**Sec. 103-200.** (b)(23) c. A metallic plate, suitably etched or stamped, setting forth detailed instructions for the safe lighting and shutting off of the unit, shall be permanently attached to the unit in a prominent position near the lighting apertures. The size of the type used shall be not smaller than ten point and the working container thereon shall be subject to the approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. This plate shall also state make and model numbers of the burner and show the rate hourly gas BTU input.

**Sec. 103-201.** (b)(1) a. Before approval for installation is granted for initial installation, plans and specifications and/or official literature and data, including piping arrangements, type and model of controls, capacities of equipment, and wiring diagram shall be submitted to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for preliminary approval.

**Sec. 103-201.** (b)(1)b. Upon receiving preliminary approval, the installation shall then be made accordingly, and final approval shall not be granted until the equipment has been tested in the presence of an inspector of the Department of Building and Inspections. Such tests shall consist of Orsat testing, within acceptable limits where applicable, pressure regulation, stack temperature, control operation, pilot turn

down, flame lockout and such other tests as may be deemed necessary by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-201.** (b)(2) g. Under no condition shall the equipment be fired at a capacity greater or less than that shown in the official data supplied by the manufacturer, or at greater or less gas pressure than the maximum or minimum pressures, as listed by the manufacturer or as approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-201.** (b)(2) h. All equipment is to be installed in the basic manner in which the original approval was obtained, and wiring and piping diagrams shall accompany each permit application when the input is 1,000,000 BTU per hour or more and when different from the original approval or requested by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-201.** (b) (7) b. Where vertical or upshot type of burner consisting of a multiplicity of heads is used, a minimum of one plain gas pilot for each eight heads must be used. In arriving at the number of pilots, the safety pilot will be counted as one plain gas pilot above eight heads; below eight heads there must be at least one plain gas pilot and a safety pilot unless the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ approves a lesser number.

**Sec. 103-201.** (b) (12) *Inspection and tests.* All installations shall be carefully tested for the proper operation of all controls and electrical circuits. Upon completion of fire testing and adjusting, a complete test report shall be filed with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ in accordance with forms supplied by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Piping shall be carefully tested for leaks.

**Sec. 103-201.** (b) (13) *Industrial applications.* On certain industrial and process applications, where certain parts of these regulations cannot be met as required, individual approval must be obtained from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, before a permit will be issued, or installation can be made.

**Sec. 103-268.** (b) *Compliance inspection* means an inspection performed in conjunction with a lawful order of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for the purpose of certifying the fulfillment of an official requirement listed in the order.

**Sec. 103-269.** (a)(1) Any license or permit issued pursuant to this division or pursuant to [chapter 20](#) may be suspended by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or revoked by the Board of Public Works or Common Council, after giving the permittee or licensee a hearing on notice.

**Sec. 103-272.** No person shall prevent, resist or interfere with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or any employee thereof in the entering of any premises or the carrying out of their duties under this article.

**Sec. 103-273.** The failure of an owner or operator to comply with an order three times within any consecutive three-year period for substantially the same housing or zoning regulation shall subject the dwelling to which the order pertains to mandatory inspections by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ two times per year for three years and the owner or operator

shall pay an inspection fee in the amount established by resolution. If, during this three-year period of mandatory inspections, the owner or operator fails to comply with any order as provided in this section, the City of La Crosse may request a court of competent jurisdiction to issue an order/injunction prohibiting the owner or operator from using the dwelling for human habitation until such time as the owner or operator can demonstrate to the court that the dwelling is now in compliance with orders under this section.

**Sec. 103-295.** (a) Any dwelling or dwelling unit 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 Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~:

**Sec. 103-295.** (a) (4) Exemptions: This section does not apply to a dwelling or dwelling unit where the owner has obtained all the proper permits for an interior remodel or alteration, the water has been shut off by the owner/owners agent to winterize the dwelling/dwelling unit for any purpose with a letter to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ stating such purpose or is registered under article VII of this chapter prior to condemnation.

**Sec. 103-295.** (b) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, shall be vacated within a reasonable time, as specified by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-295.** (c) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The Chief Inspector ~~Director of Planning and Development~~ shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

**Sec. 103-295.** (e) Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request, and shall be granted a hearing in the matter before the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-295.** (f) Whenever the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this division or any rule or regulation adopted pursuant thereto, he shall give or cause to be given, notice of such violation or alleged violation to the person or persons responsible therefor, such notice shall be in writing including a description of the real estate involved, including a statement of the violations and corrective actions required and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require, and may be served by ordinary mail or in the manner provided by the Wisconsin Statutes for the service of summons. Such notice may contain an outline of remedial action which if taken, will effect compliance with the provisions of this division and with rules and regulations adopted pursuant thereto.

**Sec. 103-295.** (h) Whenever premises are owned in whole or in part by a person outside the jurisdiction of the City Municipal Court and such person fails to comply with an order of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ to render the premises more clean or sanitary or to make certain repairs to the premises within a certain time, and it is the opinion of such Department that neighboring premises may be adversely affected, such Department may contract to

have such cleaning, sanitizing, or repair done, and shall certify the costs thereof to the Director of Finance/Treasurer, which shall be added to the tax roll as a special tax on such property.

**Sec. 103-328.** (b)(3)Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-328.** (b)(4)Every dwelling unit shall contain a nonhabitable room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-328.** (b)(5)Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-328.** (b)(6)Every toilet and bathroom shall have at least 14 square feet of floor space. This minimum figure may be adjusted upward by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ if additional or above-standard size fixtures are to be installed.

**Sec. 103-328.** (b) (8)Every dwelling unit shall be supplied with adequate refuse storage facilities, the type and location of which are approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and comply with [section 36-69](#)

**Sec. 103-328.** (b) (9)Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and comply with [section 36-69](#)

**Sec. 103-329.** (1)Every living, sleeping, or bathroom shall have available natural light and ventilation complying with Wis. Admin. Code SPS 321.05 as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with State standards may remain in use with the approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-329.** (4)Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The net openable window or exterior door area in every habitable room shall be at least 3.5 percent of the net floor area of the habitable room, except where there is supplied some other device affording adequate ventilation and approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-329.** (5)Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsection (1) of this section, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system in working condition which is approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-332.** (b)(7)No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this division to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual

repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-336.** (e)(4) f. Graffiti is prohibited. Graffiti shall be removed by the property owner or by the City at the property owner's expense. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may order graffiti removed within 48 hours of notification to a property owner. Notification to the property owner may include a door hanger or order to correct. If a property owner fails to remove graffiti within the time specified in the order to correct, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may cause the graffiti to be removed.

**Sec. 103-337.** (c)*Plumbing facilities.* At least one flush water closet, one lavatory basin, and one bathtub or shower, properly connected to a water or sewer system, approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and in good working condition, shall be supplied for each six persons or fraction thereof residing within the roominghouse, including members of the operator's family whenever they share the use of said facilities. All plumbing facilities shall be reasonably accessible from a common hall or passageway. Each lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. No required plumbing facilities shall be located in a basement except by written approval of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ after inspection.

**Sec. 103-337.** (g)*Communal cooking.* Communal cooking and dining facilities in a roominghouse are prohibited, except as approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ in writing. Communal cooking facilities when allowed shall be provided with the following:

**Sec. 103-337.** (k)*Certain restrictions apply.* In addition to the zoning requirements of this Code, roominghouses with communal or common cooking and dining facilities shall only be permitted in that portion of the City bounded by East Avenue and La Crosse Street to Lang Drive to La Crosse River Marsh to Monitor and Caledonia Streets, to Car Street to Sumner Street to Monitor Street to La Crosse River Marsh to 7th Street to State Street to East/West Alley between 9th Street and 10th Street to Cass Street to 11th Street to Main Street to 19th Street to State Street to 16th Street east to Pine Street to East Avenue as shown on the map in the City Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 103-365. - Penalty.**(a)(1)Any license or permit issued pursuant to this article may be suspended by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or revoked by the Board of Public Works or Common Council, after giving the permittee or licensee a hearing on notice.

**Sec. 103-366.** No person shall prevent, resist or interfere with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or any employee thereof in the entering of any premises or the carrying out of their duties under this article.

**Sec. 103-367.** The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ will be charged with the administration of the VBRP and may contract appropriate repairs or demolition through a public bidding process. The demolition process shall begin within 30 days of notice by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and the City Engineer's Office shall award a demolition contract within 90 days of notice.

**Sec. 103-368.** (1)The term "unfit building" means any building or dwelling unit 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 Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~:

**Sec. 103-370.** (1)File a registration form provided by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ within 30 days of the building becoming unfit for human habitation, abandoned, or vacant. The form may be signed by an agent for an Owner provided the agent's written authorization from the owner is also provided. If the owner or the owner's agent fails to register the property, the City shall register the property for them and update the form as new information is provided. The owner will be required to provide access to the interior of the building. If access is not obtained, for whatever reason, an inspection warrant for entry will be ordered.

**Sec. 103-370.** (2)Owner information and availability requirement. The property owner shall provide to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ such information as is required on forms provided by the Department. The information shall include the address of the property, the name and current address of the owner of the property, the owner's local agent or manager, and a current physical address where all correspondence is to be mailed. The information shall also contain a listing of current telephone numbers at which the owner and the owner's agent and manager can be reached and a response received within 48 hours. The owners or their representative of a property shall be available via telephone and shall designate an authorized local agent residing within 25 miles of the City of La Crosse corporate City limits with the authority to take whatever actions are necessary with respect to the property and the VBRP.

**Sec. 103-399.** *Department* means the Fire Department – Division of Fire Prevention and Building Safety ~~City of La Crosse Division of Building and Inspections of the Planning and Development Department~~.

**Sec. 103-438.** (a)*Authority.* The Fire Department – Division of Fire Prevention and Building Safety ~~Planning and Development Department, Division of Building and Inspections~~ is hereby authorized to enforce or cause the enforcement of all of the provisions of this article.

**Sec. 105-19.** *Plan* means an erosion and sedimentation control plan. Said plan shall consist of a written or graphic description or condensation of written and graphic description approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Engineer of methods for controlling sediment pollution from accelerated erosion on a development area and/or from erosion caused by accelerated runoff from a land disturbing activity.

**Sec. 105-19.** *Stop work order* means a means of giving notice to the permittee that the Chief Inspector ~~Director of Planning and Development~~ believes that the permittee has violated one or more provisions of this article. Notice is given both by posting upon the lands where the disturbing activity occurs and one or more copies of a poster by certified mail to the permittee at the address shown on the permit.

**Sec. 105-20.** (c)*Performance of work by the City.* When the Chief Inspector ~~Director of Planning and Development~~ determines that the holder of a permit issued pursuant to this article has failed to make any improvements or follow practices as approved in the plan, or has failed to comply with the time schedule as included in the plan, the Chief Inspector ~~Director of Planning and Development~~ or a party designated by him may, after giving three working days' written notice to the permittee if noncompliance causes or could reasonably be expected to cause soil or sediment to be deposited on a public roadway, enter a stormwater drainage system, or be deposited on public or private property not owned by the permittee, enter upon the land and cause to be performed the work or other operations necessary to bring the condition of said lands into

conformity with the requirements of the approved plan. The ~~Chief Inspector~~ Director of Planning and Development shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses of performing this work shall be entered on the tax roll as a special assessment against the property and collected with any other taxes levied thereon for the year in which the work is completed, pursuant to Wis. Stat. § 66.0703.

**Sec. 105-20.** (d)(2)The ~~Fire Chief~~ Director of Planning and Development.

**Sec. 105-25.** (a)*Delegation of authority.* The Council herewith designates the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and the City Engineer to administer and enforce the provisions of this article under the direction of the Board of Public Works. The ~~Fire Chief~~ Director of Planning and Development may appoint assistants to aid in the performance of the Director's duties and may seek technical advice as needed from the La Crosse County Land Conservation Department as to the adequacy of any proposed plan and permit application submitted to the Director.

**Sec. 105-25.** (b)*Administrative duties.* In the administration and enforcement of this article, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall perform the following duties:

- (1)Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions and make a periodic permit activity report to the Board of Public Works.
- (2)Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee and issue the permits required by [section 105-28](#)(a) in accordance with the procedure as set forth in this article, but only when the erosion and sedimentation will be controlled to meet the standards of [section 105-30](#)(e).
- (3)Investigate all complaints made to the application of this article.
- (4)Revoke any permit granted under this article if it is found that the holder of the permit has misrepresented any material fact in the permit application or plan; has failed to comply with the plan as originally approved or as modified in writing subsequently by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~; or has violated any of the other conditions of the permit as issued to the applicant.
- (5)Make periodic inspections of sites to verify implementation of approved erosion control plans and to enforce permit conditions.
- (6)Issue stop work orders for violations of approved erosion control plans not corrected within 24 hours of notification.

(c)*Other duties.* In the administration and enforcement of this article, the City Engineer shall perform the following duties:

- (1)The City Engineer shall perform all aspects of this article where the erosion control plan is prepared for all plats, subdivisions or certified survey maps, except the permit applications shall be reviewed by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

(d)*Inspection authority.* The ~~Chief Inspector~~ Director of Planning and Development is authorized to enter upon any public or private lands affected by this article to inspect the land prior to permit issuance for the purpose of determining whether to approve the plan, and after permit issuance to determine compliance with this article. If permission cannot be received from the land occupier or user, entry by the ~~Chief Inspector~~ Director of Planning and Development shall be in accordance with Wis. Stat. § 66.0119.

(e)*Enforcement authority.* The ~~Chief Inspector~~ Director of Planning and Development is authorized to post a stop work order upon land which has had a permit revoked or to post a stop work order upon land which is currently undergoing any land disturbing activity in violation of this article. The ~~Chief Inspector~~ Director of Planning and Development shall supply a copy of each stop work order to the City Attorney. The order shall specify that the activity must be ceased or brought into compliance with this article within 24 hours. Any

stop work order shall remain in effect until the land disturbing activity is brought into compliance with this article. The Chief Inspector ~~Director of Planning and Development~~ is authorized to refer any violation of this article or of a stop work order issued pursuant to this article to the City Attorney for the commencement of further legal proceedings.

**Sec. 105-26.** (a)(1)Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Chief Inspector ~~Director of Planning and Development~~ in administering this article.

**Sec. 105-26.** (b)*Who may appeal.* Appeals may be made by any person aggrieved or by any officer, department or board of the City affected by the order, or requirement, decision or determination made by the Chief Inspector ~~Director of Planning and Development~~. Such appeals shall be filed with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ within 30 days after the date of the written notice of the decision or order of the Chief Inspector ~~Director of Planning and Development~~.

**Sec. 105-28.** (a)*Land disturbance permit required.* Unless specifically excluded by this article, no land occupier or land user may undertake a land disturbing activity subject to this article without receiving a permit from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ prior to commencing the proposed activity. Each land occupier or land user desiring to undertake a regulated activity subject to this article shall submit to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ an application for a permit together with a fee. Exceptions to this requirement are as follows:

(b)*No permits to violators.* Applicants having outstanding orders, notices or unpaid fees relative to this article or other ordinances enforced by the City shall not be issued any additional permits, prior to such orders, notices or fees being corrected and/or paid to the Fire Department – Division of Fire Prevention and Building Safety ~~Planning and Development~~'s satisfaction.

Exception: The Chief Inspector ~~Director of Planning and Development~~ may issue permits to applicants with outstanding orders, notices or unpaid fees when the permit is required to comply with an outstanding order or notice.

(c)*Erosion control plan required.* Unless specifically exempted by this article, every applicant for a permit required by this article shall develop and submit a plan to control erosion and sedimentation which would result from the proposed activity. If the proposed land-disturbing activity involves less than one-half acre of land, the permit applicant may submit a simplified erosion control checklist plan on forms available from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. An approved erosion control checklist plan, specifying those control devices and practices necessary to control erosion and signed by the permit applicant and the Chief Inspector ~~Director of Planning and Development~~, shall constitute the approved control plan.

(d)*Contents of the erosion control plan.* The control plan shall contain any such information which the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Engineer may need to determine soil erosion and sedimentation potential and control. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Engineer may require the following, as well as any other information which, in his judgment, is needed to evaluate the control plan:

(e)*Review of Application.* The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall receive all permit applications which are accompanied by either an erosion control plan, or an erosion control checklist plan, together with the appropriate fee. The City Engineer shall review all erosion control plans for plats, subdivisions, or certified survey maps. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall review all other erosion control plans. The Chief Inspector ~~Director of Planning and~~



~~Development~~ and City Engineer shall determine if measures included in the plan to control erosion, and sedimentation during and after the land disturbing activities are adequate to meet all the applicable standards as set out in [section 105-30\(e\)](#). The ~~Chief Inspector~~ ~~Director of Planning and Development~~ and City Engineer shall inform the applicant in writing within ten days of receipt of said plan whether they approve, approve conditionally with modifications, or disapprove the erosion control plan. If the ~~Chief Inspector~~ ~~Director of Planning and Development~~ and City Engineer approve the control plan, the ~~Fire Department – Division of Fire Prevention and Building Safety~~ ~~Department of Planning and Development~~ shall issue the permit. If additional information or modifications are required, the ~~Chief Inspector~~ ~~Director of Planning and Development~~ shall so notify the applicant. In the event that the plan is disapproved, the applicant may resubmit a new control plan or may appeal the ~~Chief Inspector~~ ~~Director of Planning and Development~~'s and City Engineer's decision as provided in [section 105-26](#). If the ~~Chief Inspector~~ ~~Director of Planning and Development~~ and City Engineer require modification of the erosion control plan, the applicant must modify the permit application and control plan accordingly and reapply for the permit; however, no additional permit fee is required, or the applicant may appeal the decision as provided in [section 105-26](#)

(f) *Permit conditions.* All permits issued under this article shall be issued subject to the following conditions and requirements, and any permittee who begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions:

- (1) That all land disturbances, construction and development will be done pursuant to the erosion control plan as approved by the ~~Fire Department – Division of Fire Prevention and Building Safety~~ ~~Department of Planning and Development~~ and City Engineer.
- (2) That all erosion control measures as approved in the plan shall be installed prior to site disturbing activities or approved phased schedules. After all erosion control measures have been installed the permittee shall give at least two working days written notice to the ~~Fire Department – Division of Fire Prevention and Building Safety~~ ~~Department of Planning and Development~~. The measures must be inspected by the ~~Fire Department – Division of Fire Prevention and Building Safety~~ ~~Department of Planning and Development~~ prior to the start of any land disturbing activity.
- (3) That the permittee shall file written notice of completion of all land disturbing activities and/or the completion of installation of all on-site sedimentation facilities within ten days after completion.
- (4) That approval in writing must be obtained from the ~~Chief Inspector~~ ~~Director of Planning and Development~~ of designee prior to any modifications to the approved erosion control plan.
- (5) That the permittee will be responsible for maintaining all public rights-of-way, streets, runoff and drainage systems and drainageways as specified in the approved erosion control plan until they are accepted and become the responsibility of the City.
- (6) That the permittee will be responsible for repairing any damage at his expense to all adjoining streets, waterways and properties caused by excessive sedimentation resulting from activities which are not in compliance with the approved erosion control plan.
- (7) That the permittee must provide and install at his expense all drainage and erosion control improvements required by this article and the approved erosion control plan.
- (8) That no work will be done on the site during periods of high wind velocity unless provision has been made to eliminate dust and blowing dirt.
- (9) That no portion of the land which undergoes the land disturbing activity will be allowed to remain uncovered for greater than one week after notice is given to the ~~Fire Department – Division of Fire Prevention and Building Safety~~ ~~Department of Planning and Development~~ that the land disturbing activity is completed.
- (10) That the permittee agrees to permit the Chief Inspector to enter onto the land regulated under this article for the purpose of inspecting for compliance with the approved control plan and permit. Site inspections shall be conducted by ~~Fire Department – Division of Fire Prevention and Building Safety~~ ~~Department of Planning and Development~~ at least weekly and within 24 hours after the occurrence of a one-half inch rain fall.

(11) That the permittee authorizes the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan or plan as modified by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Engineer and further consents to the City placing the total of the costs and expenses of such work and operations upon the tax roll as a special assessment against the property.

(12) The recipient of a permit agrees to indemnify and hold harmless the City of La Crosse, its employees, agents or officers from any cost, suit, liability or award which might come or be brought or assessed because of any adverse effect upon any person or property attributed to a partially or entirely completed project of the applicant.

(g) *Permit duration.* Permits issued under this article shall be valid for a period of one year from issuance, and all work must be completed prior to the expiration date of the permit. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is authorized to extend the expiration date of the permit up to an additional one year if such an extension will not cause an increase in erosion, sedimentation or runoff. In no case shall any permit be issued for more than a two-year period. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is further authorized to approve modification of the plans, if necessary, to prevent any increase in sedimentation, erosion or runoff resulting from any extension.

(h) *Surety bond.* As a condition for approval and issuance of any permit required by this article, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall, on construction sites equal to or greater than 20 percent, require the permittee to provide adequate security, an irrevocable letter of credit or permit bond in an amount specified in [section 2-3](#) to guarantee the faithful execution of the approved control plan and permit conditions.

**Sec. 105-30.** (b) *Standard for erosion and sediment control for land disturbing activities.* The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Engineer shall not approve plans nor shall the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ issue permits required by this article for land disturbing activities unless said plans are in accordance with established specifications, including, but not limited to the Wisconsin Construction Site Best Management Practice Handbook.

**Sec. 105-30.** (d) *Design criteria, engineering standards and general principles.* All control measures required to comply with this article shall meet the most recent design criteria, standards and specifications contained within the Wisconsin Construction Site Best Management Practice Handbook. The applicant for a permit may employ other control measures if they will accomplish the objectives of this article and are approved by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Engineer. The following general principles shall be used by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Engineer when evaluating erosion control plans and granting permits under this article:

**Sec. 105-30.** (d)(2) No large scale excavation with the exception of water and sewer lines, shall be made where the excavation shall leave the site devoid of cover vegetation after November 15. All disturbed area not seeded by September 15 of each year shall be sodded, or controlled by the use of erosion matting or other approved method. Dormant seeding may not be used on slopes greater than six percent or adjacent to streams, lakes or channels. Dormant seeding requires additional seeding in the spring. All restoration of topsoil and/or revegetation must be completed by September 15 in order that the seeding is effective before winter. The City Engineer and the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall have the authority to waive revegetation requirements in no set circumstances in which they determine that revegetation is not necessary to meet the purposes of this article. If it is determined that delays have occurred due to an act of God and topsoil spreading and revegetation is impossible, then the contractor/developer is required to take appropriate action to eliminate erosion while the site remains uncovered.

**Sec. 105-30.** (d)(9)g. Sediment shall be contained on-site through the use of filter fabric fences, straw bale fences, sediment basins, or other methods approved by acceptance of the erosion control plan by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 107-2.** (c)(2) The Fire Chief ~~Director of Planning and Development~~.

**Sec. 109-16. - Generally.** The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is hereby appointed to administer the provisions of this chapter. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall exercise the following duties and powers:

**Sec. 109-17.** (a) *When required.* Unless another section of this chapter specifically exempts certain types of development from this requirement, a land use and/or building permit shall be obtained from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ before any new development, as defined in [section 109-2](#), or any change in the use of an existing building or structure is initiated.

(b) *Application.* Any application for a land use and/or building permit shall be made to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ upon forms furnished by the City and shall include, for the purpose of proper enforcement of these regulations, the following information:

**Sec. 109-17.** (d) *Recording.* Where a land use and/or building permit is approved, an appropriate record shall be made by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ of the land use and structures permitted.

**Sec. 109-18.** (a) Except where no zoning/land use and/or building permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this chapter.

(2) Application for such certificates shall be concurrent with the application for a land use and/or building permit.

(3) The certificate of compliance shall be issued within ten days after the completion of the work specified in the land use and/or building permit, providing the building or premises or proposed use thereof conforms with all the provisions of this chapter.

(b) The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established therefore, by the Common Council.

(c) Upon written request from the owner, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall issue a certificate of compliance for any building or premises existing at the time of the adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

**Sec. 109-32.** The following maps are hereby adopted and made a part of this chapter for the purpose of determining shoreland-wetland boundaries and are on file in the office of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~:

**Sec. 109-33.** (b) Determinations of navigability and ordinary high-water mark shall initially be made by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. When questions arise, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

**Sec. 109-33.** (c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland zoning maps and the actual field conditions at the time the maps were adopted, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If the Department staff concur with Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ that a particular area was incorrectly mapped as a wetland, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

**Sec. 111-1.** *Abandoned sign.* A sign is abandoned or discontinued if for a period of three months or longer for off-premises advertising signs and 12 months or longer for on-premises signs it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair, provided that any period of involuntary discontinuance that occurs at the location adjacent to and during the period a highway is closed shall not be considered. A sign is considered abandoned if the name of the owner does not appear thereon and if the name and address of the current owner are not readily ascertainable from records on file with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The term "substantial repair" means repair greater than 50 percent of its value as determined by the City Assessor.

**Sec. 111-2.** (c) *Additional remedies.* For temporary signs, portable signs or banners erected in violation of this chapter, including "open house" and real estate signs, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall be authorized to use other enforcement procedures of this Code when applicable or, where it is possible to do so without disturbing the peace, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may physically remove any banner, temporary sign or portable sign placed in violation of this chapter.

**Sec. 111-2.** (d)(2) The Fire Chief ~~Director of Planning and Development~~.

**Sec. 111-11.** (c)(2) Sign supports and other objects of narrow width, which do not exceed ten inches in diameter, which do not impair corner vision, may, at the discretion of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, be permitted in the vision clearance area.

**Sec. 111-12.** (14) Signs within public rights-of-way or on public property, except athletic event scoreboard structures not to exceed 1,440 in area square feet, with a width of no more than 36 feet and a height of 50 feet, and other signage placed on public land, when approved by the owners of the public land and the Common Council or as otherwise expressly permitted by the Board of Public Works and the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The sign shall conform in all other respects with this chapter and for the zoning district in which the sign is being used. Provided, however, no commercial or private advertising shall be permitted on the backside of any athletic event scoreboard which is visible from state or federal designated highways.

**Sec. 111-13.** (a)(2) Electric signs shall comply with applicable provisions of the National Electrical Code. Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be energized until an electrical permit has been obtained from the Fire Department – Division of Fire Prevention and Building Safety ~~Director of Planning and Development~~

**Sec. 111-13.** (b)(1) If the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ finds that any sign, awning, banner, billboard, flag, pennant, streamer, or any part of any such sign or derivative thereof is unsafe, insecure, dilapidated, out of repair or abandoned, or is in such poor condition that it is dangerous or a blighting influence upon the neighboring properties, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall issue written notice to the owner of the property upon which the sign exists to cause the sign to be repaired or removed in its entirety.

**Sec. 111-13.** (b)(1) c. In the event that the owner of the property upon which the sign exists does not comply with such written notice, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall cause such sign or any part of such sign to be removed, the cost of which may be charged against the real estate upon which the sign is located as described in subsection (b)(1)d of this section.

**Sec. 111-13.** (b)(1) d. In the event that such sign or any part of such sign is so unsafe, insecure and dilapidated that it constitutes a clear and present danger, public nuisance and menace, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall, with the help and cooperation of other City Departments or by arrangement with other private contractors or firms, cause such clear and present danger, public nuisance and menace to be abated as soon as physically possible, the cost of which may be charged in full or in part against the real estate upon which the sign is located and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special tax.

**Sec. 111-14.** (a)(2) Electric signs shall comply with applicable provisions of the National Electrical Code. Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be energized until an electrical permit has been obtained from the Fire Department – Division of Fire Prevention and Building Safety ~~Director of Planning and Development~~.

**Sec. 111-14.** (b)(1) If the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ finds that any sign, awning, banner, billboard, flag, pennant, streamer, or any part of any such sign or derivative thereof is unsafe, insecure, dilapidated, out of repair or abandoned, or is in such poor condition that it is dangerous or a blighting influence upon the neighboring properties, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall issue written notice to the owner of the property upon which the sign exists to cause the sign to be repaired or removed in its entirety.

**Sec. 111-14.** (b)(1) c. In the event that the owner of the property upon which the sign exists does not comply with such written notice, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall cause such sign or any part of such sign to be removed, the cost of which may be charged against the real estate upon which the sign is located as described in subsection (b)(1)d of this section.

**Sec. 111-14.** (b)(1) d. In the event that such sign or any part of such sign is so unsafe, insecure and dilapidated that it constitutes a clear and present danger, public nuisance and menace, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall, with the

help and cooperation of other City Departments or by arrangement with other private contractors or firms, cause such clear and present danger, public nuisance and menace to be abated as soon as physically possible, the cost of which may be charged in full or in part against the real estate upon which the sign is located and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special tax.

**Sec. 111-35.(d)Review.** The Uniform Sign Plan shall be subject to approval by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. An expedited review process provides for Uniform Sign Plan approval within seven calendar days excluding holidays and the permit fees will be 50 percent the cost of the normal sign permit fee.

**Sec. 111-35. (e)Approval criteria.** A Uniform Sign Plan shall not be approved until the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ finds that:

**Sec. 111-35. (f)Amendments.** A Uniform Sign Plan may be amended by filing a new Uniform Sign Plan with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 111-36. (c)(2)**An application for a sign permit shall be filed with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ on a form prescribed by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, along with the required fee for such permit as prescribed by the Common Council. Roof signs, signs in excess of 96 square feet in area or signs over 15 feet in height shall require drawings and calculations.

**Sec. 111-36. (c)(3)**Each application for a sign permit shall contain the information required on the application form, and such other information regarding the proposed sign as the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may deem necessary in order to determine whether the proposed sign complies with the applicable requirements of this chapter and other applicable regulations of the City.

**Sec. 111-36. (d)Approval procedures.** Signs identified in this chapter as requiring a permit shall be erected, installed, or created only in accordance with a valid, approved sign permit from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Within ten days of submission of a complete application for a sign permit, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall either:

In case of a rejection, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall identify those sections of this chapter with which the sign is inconsistent.

**Sec. 111-36. (e) (2)**The applicant shall request that the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ inspect the sign at or before the end of the six month period following issuance of the sign permit. If, upon inspection, the construction is found to be substantially complete but not in full compliance with this chapter, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall give the property owner or tenant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the sign permit shall lapse and the sign shall be removed immediately. The failure to remove signs for which permits have lapsed shall be unlawful.

**Sec. 111-36.** (e) (3) A sign permit shall lapse and be of no further effect if the business is discontinued for a period of at least 90 days. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall order the sign removed within 30 days.

**Sec. 111-37.** Any person aggrieved by any license revocation or permit denials, decision of the Fire Department – Division of Fire Prevention and Building Safety ~~Director of Planning and Development~~ relative to the provisions of this chapter, or the City of La Crosse, may appeal the decision in accordance with the provisions of [chapter 115](#), article II, division 2. Any person with an ownership interest in a sign may seek an area or dimensional variance from this chapter upon application to the Board of Appeals. The Board of Appeals, however, shall not have any authority to grant a use variance pertaining to this chapter. Any area or dimensional variance granted shall be for no longer than ten years, whereupon the owner may reapply for the variance.

**Sec. 111-89.** (c) *Permits required.* The owner of any off-premises advertising sign shall obtain a sign structure permit from the City of La Crosse Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The sign structure permit application shall be filed on a form prescribed by the City. The City may establish a processing cycle for sign structure permit applications. Once issued, a sign structure permit shall entitle a sign owner to maintain the subject off-premises sign for a period of one year from the date the permit was issued. The permit fee shall be as adopted by Common Council.

**Sec. 111-95.** (c)(4) d. The Chief Inspector ~~Director of Planning and Development~~ may prohibit or establish restrictions on the illumination of messages to a degree of brightness that is greater than necessary for adequate visibility. Every electronic message unit sign shall be equipped with a light sensor.

**Sec. 111-96.** (2) Said signs may be erected during the election campaign period, which is defined as the first day of circulation of the nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and shall be removed within seven days following said election. If the signs are not removed within the seven day period, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall cause said signs to be removed without the necessity of giving notice and the cost of such removal shall be chargeable to the owner of the property in which said sign is located.

**Sec. 113-2.** (a) Except as otherwise provided in this chapter, violations of this chapter are a Class C offense as provided in [section 1-7](#). In addition to such penalty, the City Attorney is authorized to bring an action to enjoin any violation and the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ is authorized to refuse to issue a building permit for construction on any premises contrary to this chapter. The Council may further order an assessor's plat to be made under Wis. Stat. § 70.27 at the expense of the subdivider or subdivider's agent when a subdivision is created in violation of this chapter. Surveyors laying out a subdivision as defined in this chapter without preparing the recordable plat shall be subject to the penalties provided above.

**Sec. 115-2.** (b) *Enforcement.* The enforcement of this chapter shall not be exclusively under the jurisdiction of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. Any person otherwise qualified commence an action before the Municipal Judge shall be qualified to institute an action for the enforcement of this chapter.

**Sec. 115-27. - ~~Department of Planning and Development~~ Responsibilities.** The Department of Planning and Development, and the Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety is hereby appointed to administer the provisions of this chapter. The Department of Planning and Development, Fire

Department-Division of Fire ~~Protection~~ Prevention and Building Safety or Engineering Department shall exercise the following duties and powers:

- (1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.
- (2) Issue permits and inspect properties for compliance with this chapter and issue certificates of compliance when appropriate.
- (3) Keep records of all water surface profiles, floodplain zoning maps, floodplain zoning ordinances, nonconforming uses and changes thereto, permit applications, permits, appeals, variances and amendments related to floodplain zoning ordinance.
- (4) Submit copies of any required data, variances, amendments, case-by-case analyses, annual reports, and any other required information to the Department of Natural Resources. An annual summary showing only the number and types of zoning actions taken by the County, City or village shall be submitted to that Department by the Department of Planning and Development, Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety or Engineering Department.
- (5) Investigate, prepare reports and report violations of the floodplain zoning ordinance to the City Attorney with copies to the appropriate district office of the Department of Natural Resources.
- (6) Submit copies of text amendments and annual reports to the Federal Insurance Administration (FIA) office of FEMA.
- (7) Maintain on file a list of all documentations of certified elevations.
- (8) Notify adjacent communities, the Department of Natural Resources and the Federal Insurance Administration (FIA) office of Federal Emergency Management Agency (FEMA) prior to any alteration or relocation of a watercourse.

**Sec. 115-28. - Land use permit.** A land use permit shall be obtained from the Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety Department of Planning and Development before any new land use, change in use or development as defined in section 115-1, subject to the provisions of this article, may be initiated. An application for a land use permit shall be made to the Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety Department of Planning and Development upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

**Sec. 115-29. - Certificate of compliance.** No development as defined in this chapter shall take place, no vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until the applicant obtains a certificate of compliance from the Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety Department of Planning and Development. The fee to be paid to the City for a certificate of compliance shall be as established by resolution. For land in the floodplain, the Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety Department of Planning and Development shall require that the applicant submit a certification by a registered professional engineer or architect that the finished fill and building flood elevations and other floodplain regulatory factors were accomplished in compliance with appropriate floodplain zoning provisions and other floodplain regulations; the applicant shall submit such certification for all new construction and substantial improvements. In the event a variance has been granted relative to the elevation of the lowest habitable floor (including basement), or floodproofing measures for any new or substantially improved structures, the applicant must submit to the Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety Department of Planning and Development the elevation (in relation to mean sea level) certified by a registered Wisconsin professional engineer or architect of the lowest habitable floor (including basement) and/or the elevation (in relation to mean sea level) to which the structure was floodproofed. Upon written request from the owner, the Fire Department-Division of Fire ~~Protection~~ Prevention and Building Safety Department of Planning and Development shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this article certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions for this article.



**Sec. 115-32. - Proof of zoning letters.** A proof of zoning letter shall be provided by the ~~Department of Planning and Development~~ Fire Department-Division of Fire Protection Prevention and Building Safety upon request after payment of a fee in the amount established by resolution.

**Sec. 115-58.** The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter and Wis. Stat. § 62.23(7). Meetings shall be held at the call of the Chair and at such other times as the Board may determine and shall be open to the public. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of facts. The records shall be immediately filed in the office of the Secretary and shall be a public record. A copy of any decision granting a variance from floodplain regulations within any floodplain area shall be mailed to the Department of Natural Resources. A representative from the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall attend all meetings for the purpose of providing technical assistance to the Board.

**Sec. 115-59.** (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~

**Sec. 115-60.** (a) *Appeals procedure.* Appeals from the decision of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ concerning the literal enforcement of this chapter may be made by any office, department, board or bureau of the City. Every appeal shall be filed with the secretary with a complete copy to Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ on forms provided by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and the City Clerk's Office, within the time limit provided by rules of the Board. The Secretary of the Board shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. Such appeals shall include the following:

- (1) Name and address of the appellant or applicant and all owners of property in the City of La Crosse within 100 feet of the property which is the subject of the appeal.
- (2) Map showing the location, boundaries, dimensions, uses and size of the following: subject site, existing and proposed structures, existing and proposed easements; streets and other public ways, off-street parking areas, and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the map shall show the location and use of any abutting land and their structures within 20 feet of the subject site. Additional information may be required as specified in the forms provided by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Clerk's Office.
- (3) If the appeal seeks a variance or determination to place a structure, except a fence, within four feet or less of a property line, then the applicant shall submit with its application or appeal an affidavit in recordable form that is signed by the adjacent property owner agreeing to the location of the joint lot line. A copy of the affidavit shall be presented to the Chief Inspector ~~Director of Planning and Development~~.
- (4) Additional information required by the Board of Appeals Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.
- (5) Fee receipt from the Director of Finance/Treasurer in the amount established by resolution.

(b) *Hearings.* The Board of Appeals shall fix a reasonable time and place for the hearing of the appeal, give public notice as required by State statute, and shall give due notice to the parties in interest including the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and~~

~~Development~~ and Department of Natural Resources if such appeal involves floodway or floodplain zoning provisions. At the hearing, the appellant may appear in person, by agent or by attorney.

**Sec. 115-83.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk on completed forms provided by the City Clerk by not later than 5:00 p.m. on the Friday preceding the regularly scheduled Council meeting and in any event no later than noon on Wednesday preceding the regularly scheduled Council Meeting. All applications which miss the Friday deadline must have approval from the Council Member representing that District or the Mayor to file prior to Wednesday deadline. The form shall be correctly answered in its entirety. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may require the following data be provided with any petitions to change any flood district boundary or floodplain regulation. Any petitioner who misses the Friday deadline must complete a notarized form which states that the petitioner has contracted the Council Member of the District, or has obtained a written waiver by the Mayor, and will personally contact those property owners required to be provided notice of the rezoning no later than the first publication date, which date shall be included in the form. The City Clerk shall provide said petitioner who misses the deadline a list of those property owners being required to receive such notice and the date of the first required publication. The City Clerk shall notify the Council Member of the affected district of such late filing.

**Sec. 115-89.** The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall not issue any building permit for lands that are in the process of being considered for rezoning by the Council after 5:00 p.m. on the Friday preceding the introduction at a Council Meeting of an amendment to this chapter. Persons desiring to obtain a building permit during the pendency of a rezoning may request of the Judiciary and Administration Committee of the Common Council a hearing. At least ten days' notice of the hearing shall be given to applicant and other interested parties. At said hearing, the Judiciary and Administration Committee may authorize the issuance of a building permit. This provision shall not apply to comprehensive rezonings unless the Council otherwise directs.

**Sec. 115-212.** (b)(4)For amendments in areas with no water surface profiles, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or Board of Appeals shall consider data submitted by the DNR, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ visual on-site inspections and other available information. (See [section 115-255](#)).

**Sec. 115-214.** This division regulates all areas that would be covered by the regional flood or base flood. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Areas covered by the regional flood are identified as A-Zones on the Flood Insurance Rate Map (FIRM), which can be found in the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, City Engineer's Office, at the La Crosse Public Library, at [www.cityoflacrosse.org](http://www.cityoflacrosse.org) and at [www.fema.gov](http://www.fema.gov).

**Sec. 115-221.** The La Crosse County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the City for all annexed areas until the City adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116 and the National Flood Insurance Program (NFIP). These annexed lands are described on the City's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway. Definite district boundaries and regulations for such annexed territory shall be adopted by the Council within 90 days from the date of annexation to the City. No building permits shall be issued during the period of time when temporary zoning is provided with the annexation in accordance with Wis. Stat. § 66.0217(8), unless such temporary zoning is the same as that provided at the time of filing the petition.

**Sec. 115-223.** (a)(1)The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and the office of the City Engineer are authorized to administer this division and shall have the following duties and powers:

**Sec. 115-223.** (a)(1) f. Investigate, prepare reports, and report violations of this division to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Attorney's office for prosecution. Copies of the reports shall also be sent to the DNR regional office.

**Sec. 115-223.** (a) (2)Land use permit. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall include:

**Sec. 115-223.** (a)(3)Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, except where no permit is required, subject to the following provisions:

**Sec. 115-223.** (b)(1)The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall:

a.Oversee the functions of the office of the Zoning Administrator; and

b.Review and advise the City on all proposed amendments to this division, maps and text.

(2)The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall not:

**Sec. 115-223.** (d)*To review appeals of permit denials.*

(1)The Fire Department – Division of Fire Prevention and Building Safety ~~Inspections Department or Board~~ shall review all data related to the appeal. This may include:

a.Permit application data listed in subsection (a)(1) of this section.

b.Floodway/floodfringe determination in [section 115-282\(1\)d](#).

c.Data listed in [section 115-280\(3\)a.2](#) where the applicant has not submitted this information to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

d.Other data submitted with the application, or submitted to the Board with the appeal.

e.Fee receipt from the Director of Finance/Treasurer in the amount of established by resolution).

(2)For appeals of all denied permits, the Board shall:

a.Follow the procedures set forth in subsection (c) of this section;

b.Consider the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ recommendations; and

**Sec. 115-212.** (b)(4)For amendments in areas with no water surface profiles, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ or Board of Appeals shall consider data submitted by the DNR, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ visual on-site inspections and other available information. (See [section 115-255](#)).

**Sec. 115-214.** This division regulates all areas that would be covered by the regional flood or base flood. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Areas covered by the regional flood are identified as A-Zones on the Flood Insurance Rate Map (FIRM), which can be found in the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, City Engineer's Office, at the La Crosse Public Library, at [www.cityoflacrosse.org](http://www.cityoflacrosse.org) and at [www.fema.gov](http://www.fema.gov).

**Sec. 115-221.** The La Crosse County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the City for all annexed areas until the City adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116 and the National Flood Insurance Program (NFIP). These annexed lands are described on the City's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway. Definite district boundaries and regulations for such annexed territory shall be adopted by the Council within 90 days from the date of annexation to the City. No building permits shall be issued during the period of time when temporary zoning is provided with the annexation in accordance with Wis. Stat. § 66.0217(8), unless such temporary zoning is the same as that provided at the time of filing the petition.

**Sec. 115-223.** (a)(1)The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and the office of the City Engineer are authorized to administer this division and shall have the following duties and powers:

**Sec. 115-223.** (a)(1) f. Investigate, prepare reports, and report violations of this division to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Attorney's office for prosecution. Copies of the reports shall also be sent to the DNR regional office.

**Sec. 115-223.** (a) (2) Land use permit. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall include:

**Sec. 115-223.** (a) (3) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, except where no permit is required, subject to the following provisions:

**Sec. 115-223.** (b)(1)The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall:

- a. Oversee the functions of the office of the Zoning Administrator; and
- b. Review and advise the City on all proposed amendments to this division, maps and text.

(2)The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall not:

**Sec. 115-223.** (d)(1)The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ Inspections Department or Board shall review all data related to the appeal. This may include:

- a. Permit application data listed in subsection (a)(1) of this section.
  - b. Floodway/floodfringe determination in section 115-282(1)d.
  - c. Data listed in section 115-280(3)a.2 where the applicant has not submitted this information to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.
  - d. Other data submitted with the application, or submitted to the Board with the appeal.
  - e. Fee receipt from the Director of Finance/Treasurer in the amount of established by resolution).
- (2) For appeals of all denied permits, the Board shall:
- a. Follow the procedures set forth in subsection (c) of this section;
  - b. Consider Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ recommendations; and
  - c. Either uphold the denial or grant the appeal.

**Sec. 115-253.** (a) The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it becomes effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, City Engineer's Office, at the La Crosse Public Library, at <http://www.cityoflacrosse.org> and at <http://www.fema.gov>. If more than one map or revision is referenced, the most restrictive information shall apply.

**Sec. 115-255.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsections (1) or (2) of this section. If a significant difference exists, the map shall be amended according to section 115-212. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and/or City Engineer's Office shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and an applicant over the district boundary line shall be settled according to the following criteria:

**Sec. 115-276.** (b) The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall deny permits if it is determined that the proposed development will obstruct flow or increase regional flood heights 0.01 feet or more, based on the officially adopted FIRM, or other adopted map, unless the provisions of subsection (c) of this section are met.

**Sec. 115-277.** No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the DNR and FEMA regional offices, and required the applicant to secure all necessary State and Federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall notify FEMA of the changes by submitting

appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

**Sec. 115-279.** (2) A land use permit for the campground is issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~

**Sec. 115-280.** (3) a.3. Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 feet or more, based on the data submitted for subsection (3)a.2. of this section.

**Sec. 115-316. - Interim control.** No building permit shall be issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for alteration, construction, demolition, or removal of any property or structure within a proposed Historic District from the date of the first notice of public hearing by the Heritage Preservation Commission until final disposition by the Heritage Preservation Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 120 days.

**Sec. 115-317. - Conformance with regulations.** (a) Every owner of a historic structure, historic site or contributing building in a Historic District shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this division. The City Council may appoint the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ to enforce this division. The duties of inspection shall include periodic inspection of designated historic structures, historic sites and Historic Districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of any contributing buildings. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the Inspection Officer may obtain a warrant of entry pursuant to Wis. Stat. § 66.0119 and take any other reasonable measures to further enforcement of this article.

**Sec. 115-318. - Emergency conditions.** In any case where the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a contributing building in a Historic District, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ may order the remedying of these conditions without the approval of the Commission. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall promptly notify the Commission of the action being taken. When the emergency conditions do not require demolition, the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall make every effort to carry out the intent of this division and to use any guidelines of the Commission when remedying the emergency conditions.

**Sec. 115-319.** (d)(1) No owner or person in charge of a structure within the district shall renovate, rehabilitate, alter, move any building or demolish all or any part of the exterior of such property or construct any improvement unless a certificate of appropriateness or certificate of appropriateness for demolition has been granted. The Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall not issue a permit for any such work unless a certificate of appropriateness or certificate for appropriateness for demolition has been granted. If work begins prior to obtaining the necessary permits, a stop work order may be issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 115-356.** (c) A conditional use permit is not required for the demolition of structures for the City's Replacement Housing Program or dilapidated and blighted properties and replace them with higher taxable value structures and improve neighborhoods and not green space. A conditional use permit is not required for the demolition of structures on City-owned property that is already tax exempt and the property has been identified by the Common Council for tax base development or the property is already tax exempt such as a park is already used for municipal public purposes including green space. The issuance of a building permit by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ shall be required prior to any such demolition or wrecking permit being issued. Any such replacement structure shall be completed within two years of the issuance of any demolition or moving permit. The application for such conditional use permit shall state the location, current use of the property, whether the structure(s) are proposed for demolition or moving, the proposed use of the vacant land, landscaping or fencing plan, any mitigation plan to offset loss of either tax base or housing opportunities, conformance with any area plan, neighborhood plan, Comprehensive Plan or master plan, and any other such information as may be required by the Common Council. In determining whether to grant such conditional use permit, the Council shall consider any decrease in neighborhood values by permitting such use, and landscaping or site plans of the proposed green space and the characteristics of the surrounding neighborhood. An opaque privacy fence of a minimum of five feet and no more than eight feet in height may be required in residential zoned districts if requested by an abutting residential property owner. Such fence shall be placed on the property line and shall run from the front setback line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the City Clerk's office.

**Sec. 115-390.** (2)e. Encroachments into required yards. The purpose of this subsection is to regulate the placement of projections and emergency rescue platforms including the design of emergency rescue platforms. The fee to be paid to the City for review of a rescue platform by the Heritage Preservation Commission shall be as established by resolution. Open uncovered handicap access ramps shall be exempt from the yard requirements contained in this subsection, provided a building permit has been issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and provided further, this exception shall apply only to retrofitting existing residential uses and not for newly constructed residential or commercial structures or uses.

**Sec. 115-390.** (2) e 4. Notwithstanding the provisions of [section 103-328](#), a window capable for egress onto an adjacent roofline with a cut/pitch of six-twelve or less is a satisfactory substitute for an emergency rescue platform, provided the roofline is four feet or more and the drip edge is not in excess of 15 feet above the grade level. A window leading out to such adjacent roof line and intended to be an emergency egress may be no more than an average of 30 inches from the bottom of the egress window of the subject roof and must have a window sticker denoting the emergency egress window with a Maltese Cross available from the Fire Department and the ~~Department of Planning and Development~~ at no charge. Egress windows shall also be sufficient egress and acceptable as a second exit onto a landing or rescue platform or staircase, if said landing or rescue platform has guardrails at least 36 inches in height.

**Sec. 115-390.** (3)c. Sign supports and other objects of narrow width which do not exceed ten inches in diameter and which do not impair corner vision may, at the discretion of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, be permitted in the vision clearance area.

**Sec. 115-394.** On all premises on which there will be constructed, after the effective date of the ordinance from which this chapter is derived, a new building which will house six or more dwelling units or any existing building converted to six or more dwelling units after such date, or any roominghouse, fraternity or sorority house having six or more occupants, there shall be provided a sufficient area as determined by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ for rubbish collection containers. Such areas shall not be located in the front or street side yard and shall be

accessible by motorized vehicles or other motorized equipment. Such areas shall not be a required off-street parking area and shall be shown on the plot plan submitted at the time of application for a building permit.

**Sec. 115-395.** (b) For parcels located along a State, Federal, or four-lane arterial street where no alley access is present, an area no larger than 48 inches wide and 18 feet long and located parallel, adjacent and contiguous to the main existing driveway, but not to include the egress and public right-of-way (boulevard), may be installed. All proposed additional vehicle parking areas must be reviewed by the Heritage Preservation Commission before a permit is issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. To maintain the aesthetics of the front yard, and mitigate additional stormwater runoff, the surface of the additional parking area shall be constructed with permeable materials or techniques that allow grass growth. Brick pavers that do not allow grass growth, but allow stormwater infiltration, may also be used. Permeable paving includes a base course that allows for the movement of water and air around the paving materials for precipitation and stormwater to infiltrate through to the soil below. A City of La Crosse building permit is required as defined in [section 103-34](#) which shall be set at the same rate as a flat permit fee in [section 103-34](#)

**Sec. 115-397.** (7) The installation of an earth satellite station dish antenna shall require a building permit. The property owner, lessor, or installer of any earth satellite station dish antenna shall submit, to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, plans which indicate the appearance, proposed location and installation method of the dish antenna. A fee in the amount established by resolution shall accompany all applications for a permit. Earth satellite station dish antennas shall be located to minimize their visual impact on surrounding properties. If a property owner in a single family residence, residence or multiple dwelling zoning district proposes a building-mounted antenna location in which the antenna would be visible from the front lot line, that property owner must demonstrate that reception would not be possible from a less conspicuous location.

**Sec. 115-398.** (c) (4) In the case of a proposed fence installation within three feet of a lot line where no record of a fence existed, a survey prepared by a registered land surveyor or professional engineer is required to obtain a building permit. No survey is required if a recordable affidavit signed by all affected property owners establishes an agreed upon lot line. No permit shall be issued for a fence three feet or closer to a lot line until the adjacent property owners have been notified in writing by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and 15 days have passed. If a recordable affidavit is provided, the 15 day period can be waived.

**Sec. 115-398.** (e)(1) j. 2. Objects of narrow width, which do not exceed ten inches in diameter, which do not impair corner vision, may, at the discretion of the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, be permitted in the vision clearance area.

**Sec. 115-398.** (e)(1) j. 4. Public nuisance. Obstruction to visual clearance, as regulated by this section, shall be deemed to be a public nuisance and the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ and City Attorney are authorized to abate said nuisance.

**Sec. 115-398.** (e) (2) b. The Fire Department and the ~~Department of Planning and Development~~ may approve a fence adjacent to a required ingress/egress opening of a dwelling between four feet and six feet if the fence has one of the following features:

**Sec. 115-440.** (2) d. An applicant intending to share use of an existing tower or structure, including conforming and legal nonconforming towers, or locate an antenna and supporting electrical and mechanical equipment on a pre-existing building or structure shall be required to submit to the Fire Department – Division



of ~~Fire Prevention and Building Safety Department of Planning and Development~~ the following information for review and approval prior to issuance of a wireless communication facility permit:

**Sec. 115-440.** (4) b. All new monopole facilities shall be restricted to a maximum height of 75 feet. The applicant shall design the proposed new communications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other communications providers in the future. This letter shall be filed with the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Building and Inspections~~ ~~Department of Planning and Development~~ prior to the issuance of a conditional use permit and/or wireless communication facility permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the approval for siting the new tower. The letter shall commit the tower owner and owner's interest to:

**Sec. 115-471.** (a) *Wireless communication facility permit and/or conditional use permit required.* No person shall construct, operate, or continue to operate a wireless communication facility within the City without a wireless communication facility permit and/or conditional use permit (when required) issued under this chapter, unless exempted from such permit requirement by the provisions of this chapter. Application for the permit shall be to the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ on forms required by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~. The permit shall be issued by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 115-471.** (b)(2) d. A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:

**Sec. 115-473.** All application approvals and denials shall be provided in written form by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.

**Sec. 115-478.** (d) In the case of permit revocation, the Board of Zoning Appeals may authorize the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ to remove the wireless communications facilities and/or accessory facilities pursuant to those procedures found in [section 115-474](#)

**Sec. 115-555.** (c)(6)Section 29.12(2)(c); "Release of any required financial assurance" is modified to read "Release of Occupancy Permit by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~ " .

**Sec. 115-555.** (c)(6)Section 29.12(2)(c); "Release of any required financial assurance" is modified to read "Release of Occupancy Permit by the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~".

**Sec. 115-592. - Definitions. (Small Energy Wind Systems) remove**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the Fire Department – Division of Fire Prevention and Building Safety ~~Department of Planning and Development~~.