

CHAPTER 7

BUILDING

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ARTICLE I. IN GENERAL

SECTION 7-1 TITLE

This Chapter shall be known as the Building Code of the City.

ARTICLE II. BUILDING INSPECTOR

SECTION 7-2 APPOINTMENT AND TERM OF BUILDING INSPECTOR

The Building Inspector shall be appointed by the City Manager, as authorized by Section 2-23.

SECTION 7-3 QUALIFICATIONS OF BUILDING INSPECTOR

The Building Inspector, shall be a person competent to carry out the intent, purposes, and provisions of this Chapter.

SECTION 7-4 DUTIES OF BUILDING INSPECTOR

- (A) Generally.
The Building Inspector shall have the power and it shall be his duty to enforce the provisions of this Chapter and all Ordinances of the City and all laws and lawful orders of the State of Wisconsin relating to buildings.
- (B) Access to Premises
For the above stated purposes he shall have the right at all times to enter buildings and premises provided, however, that no inspection shall be made without a warrant, in the event that the occupant of the premises shall fail to give his consent to such inspection.

SECTION 7-5 OFFICE HOURS OF BUILDING INSPECTOR

He shall have an office in the City Hall, where he shall maintain regular hours, including at least one hour in the forenoon and one hour in the afternoon of each working day.

SECTION 7-6 RECORDS AND REPORTS OF BUILDING INSPECTOR

- (A) Records
The division supervisor shall keep a record of all applications for building permits in a book for such purpose, and regularly number each permit in the order of its issue. He/she shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used and the cost of each building, and the aggregate cost of all buildings of the various classes. He/she shall keep a record of all inspections made, and of all removal and condemnations of buildings, and a record of all fees collected, showing the date of their receipt and delivery to the City Treasurer.
- (B) Reports
He/she shall make a monthly report and an annual report to the City Manager.

SECTION 7-7 INTERFERENCE WITH BUILDING INSPECTOR

No person shall interfere with the Building Inspector while he is in the performance of the duties of his office.

ARTICLE III. BUILDING PERMITS

SECTION 7-8 BUILDING PERMIT REQUIRED

No building or structure or any part thereof shall hereafter be moved, built, enlarged, altered, or demolished within the City (except as hereinafter provided) unless a permit therefor shall first be obtained by the owner, or his agent, from the Building Inspector.

SECTION 7-9 DEFINITIONS

The term "building" as used in this Article shall include any building or structure, and any enlargement, alteration, moving or demolishing of any building or structure, also any new heating plant or any material alteration in the heating plant in an old building.

SECTION 7-10 COMMENCING WORK PRIOR TO GRANT OF PERMIT PROHIBITED

It shall be unlawful to commence work on any building or alteration, including grading, removal of topsoil and excavating, before the building permit has been issued.

- (A) Exemption - Properties with structures which have been previously issued an Occupancy Permit and in which no building alterations are being undertaken may conduct landscaping activities without a permit.

SECTION 7-11 STREET AND SIDEWALK GRADES TO BE OBTAINED PRIOR TO CONSTRUCTION.

- (A) City Engineer to Furnish Grades
No building permit shall be issued for the construction of any new building or excavating work in the City until the applicant shall obtain the sidewalk grades on the street or streets adjoining the proposed improvements from the City Engineer.
- (B) Procedure
Before obtaining such grades where none has already been established, the applicant shall pay to the City Treasurer the sum of Fifteen Dollars (\$15.00); and upon being exhibited the Treasurer's receipt, the City Engineer shall then establish such grades for the applicant.
- (C) Construction Work to Conform With Grades
No person, before or after obtaining such grades, shall construct any building or do any excavating work except in conformity with such grades.

SECTION 7-12 APPLICATION FOR BUILDING PERMIT; CONTENTS.

Application for a building permit shall be made in writing to the Inspection Services Division providing all information necessary to reasonably determine the proposed project complies with all applicable codes. This information shall state the name and address of the owner of the building, the owner of the land upon which it is to be erected, the name and address of the designer, the location of the building, the purpose for which it is to be used, and shall contain such other information as the Building Inspector may require.

SECTION 7-13 BUILDING PLANS TO BE SUBMITTED

- (A) With such application there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. All plans shall be drawn to a scale of not less than one-eighth (1/8) inch per foot on paper in ink, or by some process that will not fade or obliterate. All distances shall be accurately figured. Drawings that do not show all necessary details to enable the Inspection Services Division to intelligently inspect the same, shall be rejected.
- (B) All plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided; the other set shall remain on file in the office of the Inspection Services Division.

The Inspection Services Division shall collect a fee of Seventy-five Dollars (\$75.00) for the examination of plans for new one or two family dwellings.

The Inspection Services Division shall collect a fee of Fifty Dollars (\$50.00) for all one-story additions, or alterations to existing one or two family dwellings, and on site construction of additions to recreational vehicles and mobile homes.

The Inspection Services Division shall collect a fee of Seventy-five Dollars (\$75.00) for all additions or alterations larger than one-story to existing one or two family dwellings.

- (C) In accordance with Wisconsin Statutes 101.12(3) and an agreement executed by and between the City of Oshkosh and the State of Wisconsin Department of Commerce, the Inspection Services Division may examine essential drawings, calculations and specifications for buildings and structures as described in COMM 61.70. The Department of Commerce shall determine and certify the Division staff's competency to examine said drawings, calculations and specifications. The Division of Inspection Services shall collect fees for examination of said plans for deposit in the City Treasury. The fee collected shall be the same as would apply if the examination were made by the Department of Commerce in accordance with the State Fee Schedules adopted by the Wisconsin Administrative Code, Chapter Comm 2 (Fee Schedules.)

- (1) A processing fee of twenty-five dollars (\$25.00) shall be assessed for the return of each application for petroleum product storage tanks systems, its components and removals thereof.
- (2) Where Sec. IND 69.10, Wis. Adm. Code, does not establish a plan examination fee, the Chief Building Inspector shall collect the following fees:

Flammable Liquid Tank System, Combustible Liquid Tank System, or Component Parts of Tank System (under 5,000 gallon capacity)
 \$35.00 for the first tank or component of a tank system plus
 \$10.00 for each additional tank system or component of a tank system.

Liquid Petroleum Gas, Natural Gas or Compressed Natural Gas (under 125 gallon water

capacity tank)
\$43.00 per tank

SECTION 7-14 ALTERATION OF BUILDING PLANS

After being approved, the plans and specifications shall not be altered in any respect which involves any ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the Building Inspector.

SECTION 7-15 WAIVER OF BUILDING PLANS

If, in the opinion of the Building Inspector, the character of the work is sufficiently described in the application, he may waive the filing of plans.

SECTION 7-16 UNUSUAL CONDITIONS

When applications for unusual technical design or magnitude of construction are filed, the Building Inspector may refer such plans and specifications to the State of Wisconsin, Department of Industry, Labor and Human Relations, Safety and Building Division, for analysis and recommendation as to the safety of design in compliance with this code.

SECTION 7-17 OWNER TO PAY PERMIT FEES BEFORE RECEIVING BUILDING PERMIT

Before receiving a Building Permit, the owner or agent, shall pay the following fees:

(A) For new buildings, additions, alterations and signs.

Fee		Valuation	
\$25.00	\$0	to	\$1,000.00
\$32.00	\$1,000.01	to	\$2,000.00
\$39.00	\$2,000.01	to	\$3,000.00
\$46.00	\$3,000.01	to	\$4,000.00
\$53.00	\$4,000.01	to	\$5,000.00
\$60.00	\$5,000.01	to	\$6,000.00
\$67.00	\$6,000.01	to	\$7,000.00
\$74.00	\$7,000.01	to	\$8,000.00
\$81.00	\$8,000.01	to	\$9,000.00
\$88.00	\$9,000.01	to	\$10,000.00

Over \$10,000.00 valuation, the fee shall be Eighty-eight Dollars (\$88.00) plus \$6.00 for each additional thousand dollar valuation or part thereof up to \$20,000 plus \$3.00 for each additional thousand dollar valuation or part thereof over \$20,000.

In addition to the above, a state mandated fee for the Uniform Dwelling Code Seal, plus \$5.00 shall be collected when the Wisconsin Uniform Building Permit is required.

(B) **REPEALED.** (Formerly wrecking buildings)

(C) For Moving Buildings:
Under 500 square feet = \$50.00.
500 square feet or more = \$100.00.

- (D) **REPEALED.** (Formerly Constructing Fences)
- (E) Flammable or Combustible Liquids Storage Tanks, Petroleum Product Storage Tanks; Component Parts:
 - Installation Permit Fee --
 - one tank system or component: \$100.00
 - two or more tanks systems or components of tank systems:
 - \$50.00 for each tank or component of a tank system up to \$1,700.00
 - Removal Permit Fee
 - \$20.00 for each thousand gallons capacity or fraction thereof;
 - Minimum fee -- \$100.00;
 - Maximum fee per tank \$500.00
- (F) Permit to start construction prior to approval of plans and the issuance of the Uniform One and Two-family Dwelling Permit: \$75.00 in addition to Plan Examination/Building Permit fees.
- (G) In the event activity begins or the Building Inspector finds such activity completed before a permit is issued and the appropriate fees are paid, the permit fees specified herein shall be \$100 plus the permit fee amount or double the permit fee, whichever is greater and notification from the Inspector; however, the payment of such fees shall not relieve any person from fully complying with all of the regulations of this Chapter, nor from any other penalties prescribed in this Code.
- (H) The re-inspection fee is \$100.00 per re-inspection.

SECTION 7-18 WRITTEN AGREEMENT CONCERNING PROTECTION OF EXCAVATIONS REQUIRED

- (1) No building permit for any building which includes in its plans the excavation for a basement or subsurface construction of any kind shall be issued by the City Building Inspector unless the owner of the property signs a written agreement that if at any time, for any reason, after excavation work has commenced, such work shall be discontinued or shall be expected to discontinue, for a period of thirty (30) days or more, such owner shall enclose such excavation with a solid barrier or wall or fence. This barrier shall have no opening greater than six (6) square inches and shall not be less than four (4) feet in height. This barrier shall remain in position until work resumes and the Building Inspector is satisfied that the work will continue to completion. As an alternative to constructing the barrier described above, the owner may completely cover the excavation in a manner acceptable to the Building Inspector so as to eliminate the danger of any person falling into such excavation.
- (2) Water Filled Excavations. Any open basement or excavation in which one foot or more of water is permitted to stand shall constitute a nuisance and the owner, contractor or agent shall, within forty-eight (48) hours after written notice by the City, cause the excavations to be pumped dry or shall erect a fence, wall or barrier as required in 7-18(1).

SECTION 7-19 NOTICE TO OWNER TO ENCLOSE DISCONTINUED EXCAVATIONS

The Building Inspector shall give written notice to the owner, contractor or agent of any excavation on which work appears to have been discontinued or abandoned that within forty-eight (48) hours after receipt of the notice a barrier shall be constructed around the excavation in conformance with Section 7-18(1) or construction must resume upon the property. Any failure to construct an appropriate barrier or to properly

cap the excavation in conformance with Section 7-18 shall constitute a violation of this section unless construction work is immediately continued.

SECTION 7-20 CITY MAY ENCLOSE EXCAVATION IN EVENT OF OWNER'S NONCOMPLIANCE

In the event the landowner fails to comply with the terms of such agreement, or after having been notified as herein provided, fails or refuses to comply with the terms of this section, the Building Inspector shall cause such excavation to be filled, fenced and/or capped, at the expense of the City and shall keep a record of the cost thereof and certify same to the City Clerk who shall place such costs on the tax roll as a charge against the real estate affected, and same shall be collected as are other City special charges.

SECTION 7-21 VIOLATIONS

Any person who shall violate any provisions of these Sections shall upon conviction thereof be subject to the penalty hereinafter provided, and each day that such violation exists shall constitute a separate offense.

SECTION 7-22 BARRIERS TO BE LOCATED AROUND EXCAVATIONS NEAR STREET

Whenever any person whether as owner of any premises or his agent or contractor or otherwise shall desire to make an excavation thereon within four (4) feet of any public street or sidewalk he shall place and maintain proper and sufficient barriers around the same until such excavation shall be filled.

SECTION 7-23 EXCAVATION NOTICE TO ADJOINING OWNER

Any person making or causing an excavation which may affect the lateral soil support of adjoining property or buildings shall provide notice to adjoining property owners. The notice and responsibility for underpinning shall be in accordance with Section ILHR 21.13 of the Wisconsin Administrative Code.

SECTION 7-24 SHEATH PILING OF EXCAVATIONS; WHEN REQUIRED

All excavations for buildings shall be properly guarded and protected by the excavator and shall be sheath piled whenever it may be necessary to prevent the adjoining solid from caving in.

SECTION 7-25 BUILDING INSPECTOR TO ISSUE PERMIT UPON FULL COMPLIANCE WITH ALL LAWS

If the Building Inspector finds that the proposed building will comply in every respect with all the ordinances of the City and all laws and lawful orders of the State, he shall officially approve and stamp one set of the plans and return them to the owner, and shall issue a building permit therefore which shall be kept at the site of the proposed building.

SECTION 7-26 ISSUANCE OF PARTIAL PERMIT BY BUILDING INSPECTOR

In case adequate plans are presented the Building Inspector may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building.

SECTION 7-27 POSTING PERMIT ON CONSTRUCTION SITE REQUIRED.

With every permit issued, the Building Inspector shall issue to the applicant a card, properly filled out. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the building is to be constructed, the card shall be unobstructed from public view and shall be located not more than fifteen (15) feet above grade. It shall also be the duty of the applicant to take appropriate measures to prevent the card from being destroyed by the weather.

SECTION 7-28 LAPSE OF BUILDING PERMIT UPON FAILURE TO COMMENCE WORK

Except as may otherwise be provided:

A building permit shall have lapsed and be void unless building operations are commenced within six (6) months from the date thereof.

A building permit for residential and non-residential structures shall lapse and be void from and after twelve (12) months from the date of issuance.

If further construction is necessary after one year, the permit holder shall make written application in duplicate to the Chief Building Inspector, stating the reasons for the request for an extension, at least 90 days prior to the expiration of the building permit. Upon receipt of the written application, the Chief Building Inspector shall furnish the duplicate copy to the Director of Community Development for examination; and thereafter recommendations for approval or rejection shall be forwarded by the Chief Building Inspector to the Board of Public Works for action. A renewal permit shall be issued only by action and authority of the Board of Public Works.

The aforementioned renewal process shall be waived if the project is approximately 75 percent complete and the project has maintained steady, significant progress during the last 90 days prior to the expiration of the building permit.

SECTION 7-29 REVOCATION OF BUILDING PERMIT

If the Building Inspector shall find at any time that the ordinance, laws, orders, plans and specifications are not being complied with, he shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked it shall be unlawful to do any further work upon such building until the permit is reissued, excepting such work as the Building Inspector shall order to be done as a condition precedent to the re-issuance of the permit.

SECTION 7-30 MINOR REPAIRS EXCLUDED

All work which affects the occupancy, area, structural strength, fire protection, exits, light, or ventilation of the building, requires a Building Permit. Minor repairs or alterations which are less than One Thousand Dollars (\$1,000.00) in value do not require a permit if they do not affect the occupancy, area, structural strength, fire protection, exits, light, or ventilation of a building.

ARTICLE IV. BUILDING INSPECTION**SECTION 7-31 REQUIRED BUILDING INSPECTIONS**

- (A) The applicant or an authorized representative shall, in writing or orally, request inspections of any building or structure. The following sequence of inspections shall be performed for the purpose of determining if the work complies with this Code:
- (1) Erosion Control. Erosion control measures shall be inspected for compliance prior to or in conjunction with the footing inspection.
 - (2) Footing. The excavation shall be inspected after the placement of forms, shoring, and reinforcement, where required, and prior to the placement of concrete.
 - (3) Completed Foundation Walls. Drain tiles, stone covering drain tiles, water-proofing, exterior insulation if required, prior to backfilling.
 - (4) Interior drain tiles and stone shall be inspected prior to covering.
 - (5) Rough inspection of general construction including framing prior to installing insulation.
Note: Electrical, plumbing and heating rough ins are also required to be inspected prior to closing or installing insulation.
 - (6) Installation of insulation shall be inspected prior to covering.
 - (7) Final Inspection. A final inspection shall be made before occupancy to determine compliance with all requirements of this code and terms of the permit.
- (B) Notice of compliance or non-compliance shall be written on the building permit posted at the site. Upon finding non-compliance, the inspector shall notify the applicant and/or the owner in writing, of the violations to be corrected. No work shall be concealed until approved by the Building Inspector. When compliance with any noted violations has been provided, the owner/applicant/agent shall provide written documentation that the noted violations have been corrected in compliance with the applicable code sections.
- (C) Upon re-inspection of a violation, if the inspector finds that the violations have not been corrected, the owner, contractor or agent responsible for the violations shall pay a re-inspection fee.
- (D) When the building or structure is ready for inspection, the contractor, owner or agent shall make such arrangements as necessary to enable the inspector to inspect all parts of the building or structure.

SECTION 7-32 CERTIFICATE OF OCCUPANCY TO BE ISSUED

(A) Any building, addition or alteration in which the City of Oshkosh Inspection Services Division determines an Occupancy Inspection is required shall not be occupied or utilized until a Final Inspection by all applicable inspectors reveal that no violations of applicable codes exist that could reasonably be expected to affect the health and safety of the occupants and compliance with section 7-31 has been provided for any other noted violations. When this determination is made, the Inspection Division shall issue an Occupancy Permit. The correction of any outstanding violations shall be made a condition of Occupancy Approval. Issuance of the Occupancy Permit shall not prevent or hinder the Inspection Division from securing compliance with such violations. The Certificate of Occupancy shall include:

- (1) A statement of the purpose for which the building is to be used.
- (2) Any conditions of approval or use.

- (3) The maximum number of persons who may occupy the structure, addition or area of alteration.
 - (4) The building or premise or part thereof and the proposed use thereof are in conformity with the provisions of Chapter 30 of the municipal code as required by section 30-5 (C).
- (B) No building or part thereof shall be occupied until the Occupancy Inspection has been approved, nor shall any building be occupied in any manner which conflicts with the conditions put forth in the Certificate of Occupancy.
- (1) Exception - The Fire Inspector shall not be required to inspect single family and duplex structures.
- (C) A Temporary Certificate of Occupancy may be approved and issued when the Division of Inspection Services has determined a structure is reasonably safe to occupy. A Temporary Certificate of Occupancy is subject to the following requirements:
- (1) The owner or agent shall file an application requesting Temporary Occupancy Approval, pay the required Temporary Occupancy Permit Fees and secure the necessary inspection approvals.
 - (2) Temporary Certificate of Occupancy Fees shall be \$50 per month or fraction thereof with a minimum fee of \$100.
 - (3) A Temporary Certificate of Occupancy shall not extend beyond the expiration date of the Approved Building Plans or the expiration date of the Building Permit in the absence of approved plans, without approval by the Director of Community Development.

SECTION 7-33 APPEALS FROM RULINGS OF BUILDING INSPECTOR

Any person feeling aggrieved by any order or ruling of the Building Inspector may appeal from such order or ruling to the Board of Zoning Appeals as provided in section 30-6(B) of this code. An order or ruling written for one (1) and two (2) family homes built on or after June 1, 1980 is not appealable under this ordinance. An order or ruling written under ILHR 50-64 is not appealable under this ordinance.

ARTICLE V. CONSTRUCTION OF BUILDINGS

SECTION 7-34 STATE BUILDING CODE ADOPTED

- (A) Chapters Comm 20, 21, 22, 23, 24 and 25 and all amendments thereto are adopted and incorporated in this Code by reference.
- (B) The following shall apply to all additions and alterations to one and two family dwellings where initial construction permits were issued before June 1, 1980:
 - (1) COMM Chapter 20, Section 20.07 (Definitions) and Section 20.24 (Adoption of Industry Standards)
 - (2) All of COMM Chapter 21 (Construction Standards) except as noted in subs (a) through (h) below.
 - (a) COMM 21.03(2) shall not apply to alterations in dwellings which do not already conform with this section. In no case shall remodeling or alterations be performed that increases

the non-conformance with the present code. (Refers to number of exits required on the second floor.) The intent of this code section is to allow existing second floor dwelling units with a single exit to continue to exist unless an addition is built to the second floor, then the second exit would have to be provided.

- (b) COMM 21.03(3) shall not apply to alterations in dwellings which do not already conform with this section. (Refers to number of exits required above the second floor.) The intent of this section is to allow existing habitable floor levels above the second floor with a single exit to continue to exist unless an addition is built to the third floor or the area of the habitable floor is expanded, then the required second exit would need to be provided to comply with the present day code.
- (c) COMM 21.03(6) shall not apply to alterations to non-conforming windows existing prior to June 1, 1980. (Specifies minimum egress window size) but shall apply to windows in basement bedrooms. In no case shall remodeling or alterations be performed that increases the non-conformance with the present code. It is the intent of this section to allow second floor windows that do not meet the present egress requirements to be replaced with the same size windows. The practice of installing replacement windows within existing window frames must take this section into account to avoid increasing the non-conformance or converting a compliant window into a non-compliant window. Windows in an addition need to comply with the present day code.
- (d) COMM 21.03(7) shall not apply to alterations/remodeling where the rough opening of non-conforming doors existing prior to June 1, 1980 are not being altered/affected by such alterations/remodeling or where existing ceiling heights do not permit the installation of minimum height doors. (Specifies minimum door sizes.) It is the intent of this section to require doors being reframed or relocated to comply with the present day code.
- (e) COMM 21.03(8) and (9) shall not apply to alterations/remodeling to non-conforming hallways or passageways existing prior to June 1, 1980, where the width is not being altered. (Specifies minimum widths.) It is the intent of this section to require halls and passageways that are being reframed or relocated to comply with the present day code.
- (f) COMM 21.04(3) (Stairway Requirements) shall apply to new and existing stairs which already comply with this code section. Stairways in existence prior to June 1, 1980, serving existing habitable living space and basements may be rebuilt within the same stairwell opening provided compliance with the following is provided:
 - 1. In no case shall the remodeled stair be less compliant than the pre-existing conditions.
 - 2. The dimension of the riser shall not exceed the dimension of the tread.
 - 3. The maximum dimension of a riser shall not exceed 9 inches.
 - 4. A minimum of 6 feet of headroom shall be provided.
 - 5. The minimum width shall not be less than 30 inches.
 - 6. The treads and risers shall not vary in uniformity by more than 3/16 of an inch for the entire length of a stairway.
 - 7. No flight of stairs shall exceed 12 feet in height unless landings are provided.
 - 8. Stairs in qualifying Historic Buildings as defined in the Oshkosh Municipal Code Zoning Ordinance may be repaired/replaced to match the original stairs.
 - 9. It is the intent of this section to establish minimum standards for existing stairs serving habitable areas and basements so they may be remodeled without significant structural alterations. It is not the intent to allow existing steep stairs accessing attics or basements to remain as the required exit when converting an attic or basement into habitable living space.
- (g) COMM 21.06 (specifies minimum ceiling heights) shall not apply to living spaces in existence prior to June 1, 1980 that do not already comply with this section. Homes built prior to June 1, 1980 may create additional living space in basements with ceiling

heights less than 7 feet, but not less than 6 ½ feet if the following conditions are met:

1. Rooms of the same use being created must be provided with 7 foot minimum ceiling height elsewhere in the dwelling.
 2. A smoke detection system compliant with the Building Code at the time the rooms are created shall be provided in the entire dwelling unit. (This condition shall not apply for the creation of bathrooms or other non-habitable spaces.)
- (h) COMM 21.04(3) shall not apply to alterations/repairs to handrails and guardrails existing prior to June 1, 1980. Replacement handrails and guardrails shall meet present day code standards. Where 50 percent or more of a handrail or guardrail on a flight or level is replaced, then this shall be considered a complete replacement. 1&2 Family Structures qualifying as a Historic Building as defined in the Oshkosh Municipal Code Zoning Ordinance may replace handrails and guardrails to meet existing dimensions, however such replacements shall match the original handrails and guardrails.
- (3) All of COMM 23 (Heating and Ventilating), COMM 24 (Electrical Standards) and COMM 25 Plumbing and Potable Water Standards).
- (4) All of COMM 22 (Energy Conservation) shall apply to new additions. Homes built prior to June 1, 1980, shall be insulated and provided with vapor barriers to the fullest extent possible when the walls and/or ceilings are stripped down to the studs and are readily accessible to be insulated.
- (C) Chapter COMM 60-65, Wisconsin Administrative Code, the Wisconsin Commercial Building Code, together with all amendments, additions, deletions or supplements thereto, are adopted and incorporated into this code by reference.
- (D) Unattached garages and sheds, storage buildings, and other structures not included in Section 7-34 (A)(B) and (C) above shall be constructed to standards as required by this code. Structures associated with 1&2 Family Dwellings, such as garages, sheds, antennas, and other accessory structures, shall adhere to section 7-34(A) & (B.) All other structures not specifically addressed by the previous code sections (such as signs, antennas, flag poles, etc.) shall adhere to section 7-34(C).
- (1) Structures with fabric coverings such as tents, screen rooms, greenhouses or similar structures are allowed but shall be considered temporary structures and shall be limited to 150 days of use per calendar year. Such structures shall be limited to 200 square feet maximum size. These structures must meet all setback requirements as required in Chapter 30 of the Oshkosh Municipal Code and are limited to one structure per site. Said structures shall not be required to obtain a Building Permit.
 - (2) Structures with fabric coverings such as tents, screen rooms, greenhouses or similar structures, exceeding 200 square feet in size shall be allowed for a period not to exceed 7 days in a calendar year. Such structures shall meet zoning standards as set forth in Chapter 30 of the Oshkosh Municipal Code. No such structure shall be erected without first obtaining a Building Permit as required in section 7-8.

SECTION 7-35 FOUNDATION REQUIREMENTS

- (A) Walls or Piers and Slabs.
- (1) All dwellings shall have foundation walls as required by Section COMM 21.18 of the Wisconsin Administrative Code.
 - (2) Small storage buildings less than 100 sq. feet in area may be erected without a foundation if

anchored in a manner approved by the Building Inspector.

- (3) Detached garages and storage buildings of frame construction may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Reinforcement shall be a minimum of 6"x6" No. 10x10 wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. Exterior wall curbs shall be provided not less than four (4) inches above the finished ground adjacent to the building or the walls shall be provided with sill plates that are pressure treated with preservatives or shall be naturally durable and decay resistant species. Bolts 3/8 inches in diameter with nuts and washers attached, shall be embedded a minimum of 3 inches below the finished surface of the slab and no closer than 2 inches to the bottom of the thickened edge, spaced in compliance with COMM 21.18. Detached garages and storage buildings built with foundation walls or piers, shall have walls or piers as required by Section COMM 21.18 of the Wisconsin Administrative Code.

SECTION 7-36 PERMISSION REQUIRED FOR USE OF EXISTING WALLS AND SLABS

Existing walls shall not be used for renewal or extension of a building or be increased in height without special permission from the Building Inspector. Existing concrete slabs shall not be used for foundations without special permission from the building Inspector.

SECTION 7-37 (Repealed 1/28/03.)

SECTION 7-38 CONCRETE STANDARDS

- (A) Concrete shall contain a minimum of five (5) bags of cement per cubic yard of concrete mix, or be designed to produce a minimum compressive strength of 3000 pounds per square inch at 28 days. Concrete exposed to weathering elements shall be air entrained.
- (B) Consistency of mixture. The proportion of water shall be such as to produce a mixture which will work readily into the corner and angles of the form and around reinforcement with the method of placing employed on the work, but without permitting the materials to segregate or excess free water to collect on the surface.
- (C) Slabs shall be laid on a bed of gravel or other approved material at least three (3) inches in thickness well tamped in place.

SECTION 7-39 (Repealed 1/28/03.)

SECTION 7-40 (Repealed 1/28/03.)

SECTION 7-41 (Repealed 1/28/03.)

SECTION 7-42 AWNINGS, CANOPIES, MANSARDS, LICENSE REQUIREMENTS

- (A) Projection License Required: No person shall erect or maintain any sign, marquee, awning, balcony, projection or structure extending over any portion of a street without first having secured a license from the Chief Building Inspector. The Building Inspector may refuse to issue or may revoke a license for a structure which creates a public nuisance affecting peace and safety. Before receiving a license, the owner, or his agent, shall pay the following fees:

- (1) Signs: \$50 each sign.
- (2) Marquees, awnings, balconies, canopies, fire escapes or other structures: \$75 each.
Note: The replacement of a canvas cover of an awning or canopy does not require relicensing if an existing frame is left unaltered.

(B) Compliance: Marquees, awnings, balconies, projections or structures extending over any portion of a street, and lawfully existing at the time of adoption of this ordinance may be continued although clearances, construction, setbacks or yards do not conform with the provisions of this ordinance. They may be maintained, but in no case shall they be enlarged or structurally altered without conforming to the requirements of this code. All existing awnings, canopies, marquees, balconies, projections, or structures extending over any portion of a street shall comply with the terms of this ordinance on or before October 1, 1986.

ARTICLE VI. FURNACE AND HEATING EQUIPMENT

SECTION 7-43 INSTALLATION PERMIT REQUIRED

Before commencing construction, installation, erecting, alteration or remodeling of any heating, ventilating, or air conditioning system, or a part of a system, a permit shall first be secured from the Heating Inspector by the owner or his agent, and it shall be unlawful to commence any such work unless such permit shall have first been obtained, except as otherwise provided herein.

SECTION 7-44 APPLICATION FOR PERMIT; FEES

Application for such permit shall be made in writing by the owner or his authorized agent upon blanks furnished by the Heating Inspector. The fee for such permits shall be in accordance with the following schedule:

Valuation	Fees
\$0 to \$1,000.00	\$25.00
\$1,000.01 to \$10,000.00	\$25.00 first \$1000 plus \$1.50 per \$100 valuation or part thereof;
\$10,000.01 to \$25,000.00	\$160.00 per first \$10,000 plus \$1.00 per \$100 valuation or part thereof;
Over \$25,000.00	\$310.00 plus \$.50 per \$100 valuation or part thereof;

In the event activity begins or the Heating Inspector finds such activity completed before a permit is issued and the appropriate fees are paid, the permit fees specified herein shall be One Hundred Dollars (\$100.00) plus the permit fee amount or double the permit fee, whichever is greater and notification from the Inspector; however, the payment of such fees shall not relieve any person from fully complying with all of the regulations of this Chapter, nor from any other penalties prescribed in this Code. The re-inspection fee is One Hundred Dollars (\$100.00) per re-inspection.

SECTION 7-45 MINOR REPAIRS EXEMPTED

No permit shall be required for minor repairs or alterations to any heating, ventilating or air condition system which does not, in the opinion of the Heating Inspector, involve any changes in the heating or ventilating of the building.

SECTION 7-46 HEATING INSPECTION

- (A) Rough Inspection. All heating, ventilating, and air conditioning work must be inspected before it is concealed.
- (B) A final inspection shall be made after all work is completed.
- (C) When the HVAC system is ready for inspection, the contractor, owner or agent shall make such arrangements as necessary to enable the inspector to inspect all parts of the HVAC system.

Upon re-inspection of a violation, if the inspector finds that the violation has not been corrected, the owner, contractor, or agent responsible for the violation shall pay a re-inspection fee.

SECTION 7-47 LAPSE OF HVAC PERMIT UPON FAILURE TO COMMENCE WORK

Except as may otherwise be provided:

A HVAC permit shall have lapsed and be void unless building operations are commenced within six (6) months from the date hereof.

A HVAC permit for residential and non-residential structures shall lapse and be void from and after twelve (12) months from the date of issuance.

**ARTICLE VII. RAZING, REPAIR AND DEMOTION
OF UNSAFE BUILDINGS**

SECTION 7-48 RAZING OLD BUILDINGS

- (A) State Statute 66.0413 Razing Buildings is adopted and incorporated into this code by reference.
- (B) Violation
A person, firm, or corporation who shall rent, lease or occupy a building which has been condemned under this Section shall be subject to the penalty as hereinafter provided, for each day such violation exists.

A person, firm or corporation who shall fail to comply with any such order within the time prescribed shall be subject to the penalty as hereinafter provided, for each day such violation exists.

SECTION 7-49 REPAIR OF UNSAFE BUILDINGS

- (A) Whenever in the judgment of the Board of Public Works or Building Inspector, any building or part thereof standing near a public street or sidewalk shall be in imminent danger of falling so as to endanger the safety of persons passing upon such street or sidewalk, or whenever any building open to the public shall be in imminent danger of falling or in any manner giving way so as to endanger the safety of persons resorting to the same, it shall be the duty of the Board of Public Works forthwith to notify and require the owner of such building or his agent and the occupants thereof to place the same in safe and secure condition and, if necessary forthwith, to exclude the public therefrom, and if such building shall endanger persons traveling on the street or sidewalk in front of the same, to place warning signs and signals or proper barricades upon or around such building for the protection of the public.
- (B) City May Barricade and Repair

- (1) In case of the neglect or refusal of such owners or occupants or their agent or agents to exclude the public from such building or to warn and protect the public traveling upon the streets or sidewalks, the Board of Public Works shall have authority to give public notice of the dangerous conditions thereof, to order and require the inmates and occupants of such building or part thereof to vacate the same forthwith and to exclude the public therefrom, and to temporarily close the streets and sidewalks adjacent to any such building and prohibit the same from being used. The Chief of Police or any policeman, when required by the Board of Public Works to do so, shall enforce such orders and requirements.
- (2) In case of the refusal of the owner or occupant of such building to make the same safe, the Board of Public Works shall have authority to cause the necessary work to be done to render such building or part thereof temporarily safe for persons traveling upon the streets and sidewalks in front of the same.

SECTION 7-50 ASSESSMENT OF COSTS

The cost of razing, removing, repair and barricading, when performed by the City, shall be charged against the property upon which such building is located, and shall be a lien upon such property and shall be assessed and collected as a special tax.

Such costs shall include the costs of title reports, cost of service of notices, cost of placing notices in the newspaper, actual cost of razing and removing the structure(s) and any other costs incurred in enforcing the Raze Order.

SECTION 7-51 DEMOLITION OF BUILDINGS

- (A) **Safety Measures**
When any person whether as owner, contractor or otherwise shall desire to demolish any building standing within ten (10) feet of any public street, alley or sidewalk, he shall carefully and completely remove story after story, commencing with the top story thereof. No materials or parts of such building shall be thrown or allowed to fall upon such street, alley, or sidewalk or so near the same as to endanger persons or property thereon, but shall be carefully lowered to the ground upon displacement. The material to be removed shall be properly wet down to lay the dust incident to its removal.
- (B) **Notice to Board of Public Works**
Before commencing such work of demolition every such person shall first give at least twenty-four (24) hours notice in writing to the Board of Public Works of such intended demolition, stating the time of commencement of the work and the location thereof.
- (C) **Grading of Lots**
Any lot in which a building or structure has been demolished and removed from the site shall be graded so as to be flush with the sidewalks, or street curb if there is not a sidewalk, and properly drained to prevent ponding of water. The site shall also be graded so as to properly drain and not cause a drainage problem for surrounding properties.
- (D) **Seeding of Lots**
All lots in which a building or structure has been removed shall be seeded with common horticulturally accepted cool weather perennial grasses consisting of Kentucky blue grass, perennial rye grass and fescues. Measures shall be taken to prevent erosion until the grass has taken root and will prevent erosion.

ARTICLE VIII. BUILDINGS REQUIRING SPECIAL CONSTRUCTION

SECTION 7-52 (Repealed 1/28/03.)
SECTION 7-53 (Repealed 1/28/03.)
SECTION 7-54 (Repealed 1/28/03.)
SECTION 7-55 (Repealed 1/28/03.)

ARTICLE IX. RESERVED

ARTICLE X. PENALTIES

SECTION 7-63 PENALTIES

- (A) Any violation of any of the provisions of this Chapter shall subject the violator to a fine of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00) nor more than Five Hundred Dollars (\$500.00); together with the cost of prosecution, and in default of payment thereof, to imprisonment in the County Jail until such fine and costs are paid, not exceeding sixty (60) days. Each day a violation continues, unless otherwise specified in this Chapter, shall constitute a separate offense. Where the violator has been issued a permit or is a licensee under the provisions of this Chapter, such permit or license shall be subject to revocation in the discretion of the court.

- (B) In an action for any violation, 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 any inspector constitute a defense.