

Article C: Fees

Sec. 15-2-40 Fees.

- (a) **Fees for Erosion Control Plans.** Each applicant desiring to undertake a regulated activity subject to this Chapter shall submit to the Building Inspector a fee required by the following fee schedule:
- (1) ***Simplified Plan Checklists.*** One Hundred Dollars (\$100.00).
 - (2) ***Sites Larger Than Twenty Thousand (20,000) Square Feet in Area and Two (2) Acres or Less in Area.*** One Hundred Fifty Dollars (\$150.00).
 - (3) ***Sites Larger Than Two (2) Acres in Area and Five (5) Acres or Less in Area.*** Two Hundred Fifty Dollars (\$250.00).
 - (4) ***Sites Larger Than Five (5) Acres in Area.*** The applicant shall be responsible for paying a fee equal to the actual cost to the Village for all engineering work and inspections incurred by the Village in connection with review of the erosion control plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay an estimated fee of Five Hundred Dollars (\$500.00). Following review of the plan, the Village Engineer shall estimate the total cost of the Engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the Five Hundred Dollars (\$500.00) deposited with the application, the Building Inspector shall require the applicant to deposit with the Village Clerk-Treasurer, in escrow, the remaining sum required by the Village Engineer's estimate.
- (b) **Fees for Stormwater Management Plans.** Each applicant desiring an activity regulated by Title 15, Chapter 5, Article B, shall submit to the Building Inspector a fee required by the following schedule:
- (1) Stormwater Management Plan without detention plan. Twenty-five Dollars (\$25.00).
 - (2) Stormwater Management Plan with detention plan. Fifty Dollars (\$50.00).
- (c) **Payment; Accountability.** The Village Clerk-Treasurer shall pay bills submitted for engineering and inspection out of the funds escrowed under Section 15-2-40(a)(4). In the event the amount deposited with the Village Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Building Inspector shall require the permittee to replenish the escrow to the original amount required hereunder. Upon final acceptance of implementation of the erosion control plans, the amounts remaining in the escrow shall be refunded to the applicant. An accounting of all fees paid by the Village and the status of the escrow shall be provided to the permittee at least quarterly. In the event the applicant or permittee defaults in establishing or replenishing the escrow, the Village may take enforcement action as contemplated under Section 15-2-9.

Title 15 ► Chapter 3

Historic Preservation

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- 15-3-4** Criteria for Determining Eligibility
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Sec. 15-3-1 Declaration of Public Policy and Property.

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

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

Sec. 15-3-2 Definitions.

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

- (a) **Committee.** The Historic Preservation Committee created hereunder, which for purposes of this Chapter shall be the Plan Commission.
- (b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the Village, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- (c) **Historic District.** An area of the Village which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the Village zoning map.
- (d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Village Board; this includes prehistoric aboriginal sites.
- (e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
- (f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the Village.

Sec. 15-3-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.

- (a) **Composition.**
 - (1) Unless a Historic Preservation Committee is created by the Village Board, the Plan Commission shall serve in that capacity for purposes of this Chapter.
 - (2) In the event the Village Board decides not to have the Plan Commission serve in this capacity, the Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Committee will act in an advisory capacity to the Village Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village.
 - (3) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a. Active interest in the historic preservation of the Village of Shiocton.
 - b. Knowledge of the history of the Village and its environs.
 - c. Expertise and knowledge concerning architecture and archeology.
 - d. Ability to utilize authoritative resources concerning historic preservation.

- (4) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new appointment or reappointment shall be made by the Village Board for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.
 - (5) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (6) The Historic Preservation Committee shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
 - (7) The Village Board and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- (b) Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-3-4 below.
- (c) Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
- (d) Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
- (e) Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof.
- (f) Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of Village designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.

- (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.
- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.
- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

Sec. 15-3-4 Criteria for Determining Eligibility.

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

- (a) Its character, interest or value as a part of the history or cultural heritage of the Village, State or United States.
- (b) Its association with the persons or events which have made a significant contribution to the cultural heritage.
- (c) Its potential to yield information important in history or prehistory.
- (d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- (e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the Village.

Sec. 15-3-5 Register of Historic Sites, Structures, Landmarks and Districts.

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

Sec. 15-3-6 External Alteration of Designated Property.

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

Sec. 15-3-7 Transfer of Historically Designated Property.

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

Sec. 15-3-8 Review of Permits.

- (a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Village Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Village Board concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Village Board within thirty (30) days. The Village Board, will vote to decide if the permit will be issued or denied.
- (c) The Village Board, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Village Board shall consider the following factors:
 - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - (2) Whether the use of the property will 'destroy, disturb or endanger a known or suspected archeological feature.
- (d) The Historic Preservation Committee may also. recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

Sec. 15-3-9 Designation of Repository for Documents.

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

Minimum Property Maintenance Standards

154-1	Minimum Property Maintenance Standards
15-4-2	Definitions
15-4-3	Prohibition of Litter, Rubbish or Debris
15-4-4	Housing Appearance
15-4-5	Notice and Remedy
15-4-6	Other Methods Not Excluded
15-4-7	Cost of Abatement

Sec. 15-4-1 Minimum Property Maintenance Standards.

- (a) **Policy.** There exist in the Village of Shiocton, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village.
- (b) **Purpose.** The purpose of this Chapter is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Section does not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. This Chapter is meant to be remedial and this Section be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.

Sec. 15-4-2 Definitions.

For purposes of this Chapter, the following definitions shall be applicable:

- (a) **Abandoned Dwelling.** A dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed

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to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

- (b) **Accessory Structure.** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (c) **Blighted Area.** Any area (including a slum area) in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (d) **Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- (e) **Deterioration.** The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (f) **Dilapidated.** Describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- (g) **Dwelling.** Any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (h) **Nuisance.** Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or the Village of Shiocton Code of Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public or
 - (2) In any other way render the public insecure in life or in the use of property;
- (i) **Occupant.** Any person living, sleeping or having actual possession of a building.
- (j) **Owner.** Any person who, along or jointly or severally with others:
 - (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (k) **Person.** Any natural individual, firm, trust, partnership, association or corporation.

- (l) **Premises.** A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
- (m) **Refuse.** All putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- (n) **Rubbish.** Nonputrescible solid wastes (excluding ashes) consisting or either:
 - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood or
 - (2) Noncombustible wastes such as tin cans, glass or crockery.

Sec. 15-4-3 Prohibition of Litter, Rubbish or Debris.

No owner or occupant shall, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties.

Sec. 15-4-4 Housing Appearance.

- (a) **Minimum Standards.** No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following Subsections.
- (b) **Foundations, Exterior Walls and Roofs.** No person shall be an owner or occupant of any premises which does not comply with the following requirement:
 - (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board of timbers.
 - (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application.
 - (3) All cornices, moldings, lintels, sills, oriel' windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 - (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

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- (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
- (c) Grading and Drainage of Lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (d) Accessory Structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- (e) Abandoned Dwellings.** The owner of any abandoned dwelling shall:
- (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
 - (2) Lock all exterior doors and windows of said dwelling;
 - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with Subsection (b); and
 - (4) Maintain the yard and accessory structures such that they comply with Subsections (c) and (d).
- (f) Nuisances.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

Sec. 15-4-5 Notice and Remedy.

- (a) Upon determination by the Village Building Inspector of a violation of this Chapter, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
- (b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
- (c) The person so notified shall have the right to appeal the decision of the Building Inspector to the Village Board within thirty (30) days of the date of notice.
- (d) If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Village Building Inspector shall file an action in the name of the Village in the Circuit Court for Outagamie County, Wisconsin, in accordance with the provisions of Chapter 823, Wis. Stats., as amended from time to time.

Sec. 15-4-6 Other Methods Not Excluded.

Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Village of Shiocton or its officials in accordance with the laws of the State of Wisconsin or Village ordinances.

Sec. 15-4-7 Cost of Abatement.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Title 15 ► Chapter 5

Commercial Property Exterior Maintenance Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Safe, Sanitary and Attractive Maintenance of Property
15-5-4	Fixing Responsibility of Owners, Operators and Occupants
15-5-5	Enforcement, Service of Notices and Orders and Hearings

Sec. 15-5-1 Title.

This Chapter shall be known as the Village of Shiocton Commercial Property Exterior Maintenance Code.

Sec. 15-5-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 Safe, Sanitary and Attractive Maintenance of Property.

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

- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
- (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
 - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
 - (7) **General Requirements.** Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
 - (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All

door and window hardware shall be installed and maintained in proper working condition.

(9) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.

(10) **Removal of Debris.**

- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
- b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
- c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

Sec. 15-5-4 Fixing Responsibility of Owners, Operators and Occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

Sec. 15-5-5 Enforcement, Service of Notices and Orders and Hearings.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Chapter 4 of this Title.

VILLAGE OF SHIOCTON
ORDINANCE NO. 15-15 I

AN ORDINANCE REGULATING SOLID FUEL-FIRED OUTDOOR HEATING DEVICES, WOOD STOVES, FURNACES AND BOILERS

The Village Board of Trustees of the Village of Shiocton, Outagamie County, Wisconsin, do ordain as follows:

Section 1 Definitions.

- (a) Outdoor Solid Fuel-fired Heating Device. Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for the interior space or water source.
- (b) Stacks or Chimneys. Defined as any vertical structure enclosing a flue or flues that carry off smoke, exhaust or exhaust gases from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

Section 2 Operation of Outdoor Solid Fuel-Fired Heating Devices Prohibited. No person shall build or maintain, or allow to be operated or maintained on a premises controlled by them any outdoor solid fuel-fired device or other similar appliance unless permitted and approved by the Village of Shiocton or their duly authorized representatives.

Section 3 Required Permits.

- (a) Installation Permit. No person shall have installed after the effective date of this ordinance an outdoor solid fuel-fired heating device without first obtaining an installation permit from the Building Inspector. Such installation shall be subject to the requirements and provisions as set forth in this sub-section and any requirements and provisions of the Village Building Code, County Ordinance, State Statute or Administrative Rule.
- (b) Installation Permit for Existing Outdoor Solid Fuel-Fired Devices. An installation permit will be issued to the owners of existing outdoor solid fuel-fired heating devices installed before the effective date of this ordinance upon satisfactory inspection and certification that the devices meet the requirements herein set forth under Section 4 *Regulations* and Section 5 *Installation Requirements*. Reference the current Village of Shiocton Fee Schedule adopted by separate resolution.
- (c) Failure to comply with the aforementioned requirements shall result in the denial of the permit. Use of an existing outdoor solid fuel-fired heating device without a permit shall be deemed a violation of this ordinance. Reference the Village of Shiocton Code of Ordinances Section 1-1-6 for Penalties for non-compliance.

Section 4 Regulations.

- (a) All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and

- regulations, Best Practices Within the Industry, and all other applicable local, state and federal standards.
- (b) All solid fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.
 - (c) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets all applicable EPA or state emission criteria.
 - (d) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Department of Commerce Boiler Division.
 - (e) All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:
 - 1. Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.
 - 2. The following fuels are prohibited:
 - a. Processed wood products other than natural untreated wood
 - b. Petroleum in any form
 - c. Rubber
 - d. Plastic
 - e. Garbage/refuse
 - f. Painted wood or treated wood
 - g. Recyclable materials
 - h. Any other items not specifically allowed by the manufacturer.
 - (f) All solid fuel-fired outdoor heating devices shall only be operated from September 1st through May 31st.

Section 5 Installation Requirements. A Solid Fuel-Fired Outdoor Heating device may be installed in the Village of Shiocton in accordance with the following provisions:

- (a) The solid fuel-fired outdoor heating device shall be located at least one hundred (100) feet from all exterior property lines.
- (b) No solid fuel-fired outdoor heating device shall be located in a front or corner yard.
- (c) The solid fuel-fired outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within one hundred fifty (150) feet, the chimney shall also extend at least two (2) feet higher above the ground surface than the height of the roofs of all such residences. All chimneys greater than 15 feet above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with the increased chimney height and how the chimney shall be supported.
- (d) All solid fuel-fired outdoor heating devices must be installed by contractors appropriately registered with the State of Wisconsin or by the owner who is capable of installing the device in accordance with all codes and manufacturer's guidelines.

- (e) All solid fuel-fired outdoor heating devices shall be equipped with properly functioning spark arrestors.

Section 6 Right of Entry and Inspection.

- (a) The Shiocton Police Department, Shiocton-Bovina Fire Department or other authorized representatives of the Village of Shiocton who presents credentials may inspect or cause to be inspected any property for the purposes of ascertaining compliance with the provisions of this ordinance.
- (b) Special Exception. Where the Village finds that extraordinary hardship will occur from the enforcement of this local ordinance, upon application to the Village Board, said Village Board may vary the regulations contained herein to afford substantial justice, provided that this special exception will not have the effect of nullifying the intent and purposes of this Section.
- (c) Any special exceptions are not binding on previous or subsequent installations.

Section 7 Nuisance. Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding area so that it substantially interferes with the comfortable enjoyment of life, health, or safety of another person or the public, said device may be declared a nuisance by the Police Department or other duly authorized Village representative. Reference the Village of Shiocton Ordinances for the definition of nuisance. The owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this sub-section. If the nuisance can not be abated then the operation of the device shall be discontinued until a solution to the nuisance can be found.

Section 8 Existing Outdoor solid Fuel-Fired Heating Devices. All existing outdoor solid fuel-fired heating devices shall immediately comply with all manufacturers' specifications, specifications of this ordinance and any other building code requirements within sixty (60) days from the effective date of this ordinance. See Section 3 (b) for additional information on usage permits.

Section 9 Abandonment and Discontinuance. Any outdoor solid fuel-fired device permitted under this ordinance which is abandoned or not used for a period of twelve (12) consecutive months shall not be permitted to be re-established and shall be removed by the property owner from the subject premises.

Section 10 Penalties. Reference the Village of Shiocton Code of Ordinances Section 1-1-6 for non-compliance.

Section 11 Property Owner's Assumptions of All Risks. Any person responsible for lighting fires in the Village of Shiocton shall assume all risks associated with such fire. Compliance with the requirements of this ordinance shall not relieve such person from the ultimate responsibility to ensure that the fire is conducted safely and appropriately with due regard for the health, safety and welfare of all persons and property potentially affected by the fire.

Approved and Adopted the _____ day of _____, 2009.

VILLAGE OF SHIOCTON

By:

J A. S ▶ afel, Village P #sident _____

Attest:


Laurie Bu ell, Village Clerk