

TITLE 15

Building Code

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CHAPTER 1

Building/Historic, Electrical and Plumbing Codes

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ARTICLE A

Ord. 94-08)

Building/Historic Code

SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Chapter shall be known as the "Building, Electrical and Plumbing Codes of the City of Cedarburg" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such building and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.** New buildings erected in, or any building hereafter moved within or into, the City shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part of all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof of any other persons, is a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this Chapter was enacted. **Rehabilitation and/or restoration of any Landmark or historic building or structure within a historic preservation district shall conform to all the requirements of this Chapter and with the terms and conditions of a Certificate of Appropriateness (see Sect. 15-1-18-C).** The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

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

- (a) **Permit Required.**
 - (1) **General Permit Requirement.** In addition to obtaining a Certificate of Appropriateness in the case of restoration and/or rehabilitation of a structure or building within a historic preservation district, no person shall perform or authorize the performance within the City of building, heating, ventilation, air conditioning, plumbing, electrical, or gas installation work, whether initial or new construction or

remodeling, alteration, demolition, additions or replacement, unless the required permit or license therefor is first obtained by the owner or his agent from the Building Inspector, or his representative.

- (2) Alterations and Repairs. The following provisions shall apply to buildings altered and repaired (See also 15-1-14):
- a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, column, bearing, or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction. In any event, if alterations or repairs in excess of fifty percent (50%) of the fair market value of an existing building are made to any existing building within any period of twelve (12) months, the entire building shall be made to conform to the requirements given herein for new buildings.
 - b. Construction of Additions. The Wisconsin Uniform Dwelling Code is the standard and requirements for the construction of any addition on any one (1) or two (2) family dwelling, regardless of the applicability of the Wisconsin Uniform Dwelling Code to the dwelling.
 - c. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs. Minor repairs and changes not covered by this Section may be made with the same materials of which the building is constructed, provided not more than twenty-five percent (25%) of the roof covering of any building shall be replaced in any period of twelve (12) months (see d. below).
 - d. Roofing.
 1. Residential. A permit is required if any structural work on the roof support system is to be done; or if a third layer of shingles are to be applied (engineer's calculations shall also be submitted).
 2. Commercial (including apartments). A permit is needed for any roofing except minor repairs.
 - e. Alterations When Not Permitted. Except for historical structures, when any existing building or structure, which for any reason whatsoever does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized

value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

- f. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
- g. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- h. Maintenance. The requirements contained in this Chapter covering the maintenance of buildings shall apply to all buildings and structures now existing or hereafter erected. All buildings or structures and all parts thereof shall be maintained in a safe condition, and all devices of safeguards which are required by this Chapter at the erection, alteration or repair of any building shall be maintained in good working order.
- i. Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Code have been complied with.

(b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

- (1) **New Construction on a Lot Already Occupied.** A Certificate of Appropriateness is required before erecting an addition to an existing structure in the HPD or before beginning any new construction on any lot already occupied.
- (2) **Vacant Lot.** A Certificate of Appropriateness is required before erecting a new building on a vacant lot in an Historic District. (See guidelines for new construction.)

(c) **Site Plan Approval.**

- (1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings,

landscaping plan and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.

- (2) Administration. The Building Inspector shall make a preliminary review of this application and plans and refer them, along with a report of his findings, to the Plan Commission. The Plan Commission shall review the application and shall make a determination that the proposed landscaping of said building site, or the absence of landscaping as the case may be, will not cause the general exterior appeal, functional plan or setting of such building or accessory structure to be so at variance with or so identical or similar to the exterior landscaping appeal of the landscaping already planted or grown, or in the course of being planted in the immediate neighborhood, as to cause a substantial depreciation in the property value of said neighborhood wherein said building is proposed to be located. Within thirty (30) days of its receipt of the application, the Commission shall authorize the Building Inspector to issue or refuse a building permit.
 - (3) Site Plan. A site plan shall be submitted and reviewed pursuant to the City Zoning Code.
- (d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the City Engineer and/or the Common Council.
- (e) **Utilities Required.**
- (1) Residential Buildings. No building permit shall be issued for the construction of any residential building until suitable sewer, water, electrical, grading and graveling are installed in the streets necessary to service the property for which the permit is required.
 - (2) Non-Residential Building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, electrical, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - (3) Occupancy. No person shall occupy any building until sewer, water, electrical, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (f) **Plans.** With such application, there shall be submitted three (3) complete sets of plans and specifications, including three (3) plot plans showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to City datum), grade of lot and the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage

ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-eighth (1/8) inch to one (1) foot. (Cross sections and construction details shall be drawn to one-half (1/2) inch to one (1) foot. One set of plans shall be returned after approval, as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) of the State-approved plans submitted shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Ch. ILHR 20.09(4), Wis. Adm. Code.

(g) **Waiver of Plans; Minor Repairs.**

- (1) Plan Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.
- (2) Minor Repairs. The Building Inspector may authorize minor repairs for maintenance work on any structure or to electrical, heating, ventilating or air conditioning systems installed therein, valued at less than Five Hundred Dollars (\$500.00) which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(h) **Approval of Plans.** (Ord. 2004-19)

- (1) Permit Issuance. If the Building Inspector determines that the building shall comply in every respect with all ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) Historic Buildings. Prior to the issuance of a building permit, the Building Inspector shall determine that the requirements stated in Section 13-1-70 have been satisfied and necessary paperwork completed.
- (3) Partial Permit. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (4) Grade. No work is to be started unless a proper building pad grade has been reviewed and approved by the Building Inspector and/or City Engineer. Grading of the lot, including the establishment of drainage ways along side and rear lot lines

shall be in accordance with the subdivision master grading plan on file in the office of the City Engineer. The master grading plan identifies lots designed for partial or fully exposed basements, and building plans must comply with the elevations shown, unless modified in writing by the City Engineer. Grades for sidewalks, curb and gutter, driveways, and related infrastructure items are to be set by City Engineer.

(Ord. 2004-19)

- (i) **Specified Inspections and When to be Made.** The Building Inspector, upon notification from the permit holder or his agent, shall make or cause to be made within forty-eight (48) hours of notification, the following inspections of buildings and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the law. The Building Inspector may also inspect the rehabilitation and/or restoration work as it progresses on a building within a historic preservation district to ensure compliance with the provisions of this Section and the Certificate of Appropriateness.

- (1) Footing Inspection. After excavations are made and the necessary forms are erected and when all reinforcing steel is in place, all the materials, separate and mixed, shall be approved by the Building Inspector for the footings.
- (2) Foundation Inspection. After the necessary forms are erected and all reinforcing steel is in place, all materials for the foundations, separate and mixed, shall be approved by the Building Inspector. Final foundation inspection shall be made after the foundation is in place and before backfilling begins and the superstructure is placed thereon.
- (3) Frame Inspection. To be made after the roof, all framing, fireblocking and bracing is in place and all pipes, chimneys and vents are complete. No lath or plaster base of any kind or any insulation between the studs shall be applied to any building until the frame inspection, electrical inspection, plumbing and hearing inspections have been made and the work is approved.
- (4) Basement Floor Inspection. To be made after sump crock, interior drain tile, plastic vapor barrier and necessary stone has been placed and leveled.
- (5) Insulation. To be inspected before being covered.
- (6) Final Inspection. To be made after the building is completed and is ready for occupancy.

If he finds that the work conforms to the provisions of this Chapter, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

- (j) **Permit Lapses.**

- (1) General. Permits issued under this Chapter shall lapse and be void unless construction or work thereunder has commenced within six (6) months from the date of issuance, unless thirty (30) day time extensions have been granted by the Building Inspector. Construction has commenced if the footings or foundation has been excavated to a point where footings or foundation work can begin.
- (2) Reissuance of Permits. In the event any work for which a permit was issued is not

completed within twenty-four (24) months for one- and two-family dwelling units and within one year for other construction or work authorized by a valid permit issued under this Chapter, then said permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the fee prescribed under this Chapter is paid. No permit shall be reissued until all approvals required by this Chapter at the time or reapplication have been given. The fee for reissuance of a permit shall be one-half (1/2) of the required fee at the time of reapplication unless work has proceeded without a permit or under a lapsed permit, in which event full fees shall be paid.

(k) **Revocation of Permits.**

- (1) The Building Inspector may revoke or suspend any building, heating and ventilating, plumbing or electrical permit, certificate of occupancy, certificate of appropriateness 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:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit or certificate refused to conform after written warning has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life, property, or the existence of a historic building or structure.
 - c. Whenever there is a violation of any condition or provisions of the application for permit or certificate.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, certificate of appropriateness, plans, drawing, 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 Building Inspector (or by the Landmarks Commission in regard to a certificate of appropriateness) for the use of all new materials, equipment, methods of construction, devices, or appliances.
- (2) The notice revoking a building, heating and ventilating, plumbing, electrical, certificate of occupancy or certificate of appropriateness shall be in writing and be served upon the permit holder or owner of the premises and his agent, if any, and on the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment, or premises in question by the Building Inspector.
- (4) 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, restoration

and/or rehabilitation operation 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 or certificate of appropriateness as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit or certificate of appropriateness shall be performed, or such work as he shall require for the preservation of life and safety.

- (5) Violations of this ordinance shall be penalized in accord with the general provisions of the Municipal Code, Section 15-1-100. In addition, in any instance where work commences as regulated in this Chapter without the owner or agent having secured a Certificate of Appropriateness and where applicable, Plan Commission approval, the Building Inspector shall promptly issue a stop work order which shall take immediate effect and remain in effect until such Certificate of Appropriateness and if, in the process, provisions of the Building Code shall also have been violated, the penalties for such violation called for in that Building Code shall be applied.
- (l) **Report of Violations.** The Police and other City officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- (n) **Certificate of Occupancy.**
- (1) When Required. It shall be unlawful for any person to use or permit the use of any building or premises, or part thereof, hereafter erected, changed, converted or enlarged, wholly or partially, in use or structure until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate of occupancy shall not be issued until all final inspections under this Chapter have been satisfactorily completed.
- (2) Inspections.
- a. The Building Inspector shall make a final inspection of all new buildings, additions, and alterations. If no violations of this Chapter or any other ordinance are found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used. Action to approve or deny any application for a permit or certificate of occupancy under this Chapter shall be taken promptly and in no case longer than ten (10) days from the date the application is filed with the Building Inspector.
- b. No building, nor part thereof, shall be occupied until a certificate of occupancy has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
- c. If the Building Inspector determines after final inspection that the building,

structure or work has substantially complied with every respect with all ordinances and orders of the City and applicable laws and orders of the State of Wisconsin, he shall officially approve the work and shall issue the certificate of occupancy to the owner.

- d. No person shall alter any plans or specifications in any respect after a permit or certificate of occupancy has been issued therefor, except with the written consent of the Building Inspector or appropriate City authority.
- (3) Use Discontinued. (See City Zoning Code.)
- (4) Hardship. The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the City, prior to issuance of an occupancy certificate, in all such cases of hardship as in his judgment and discretion warrant occupancy before final stage of completion as set forth in this Chapter. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed, such time not to exceed ninety (90) days.
- (5) Change of Use. (See City Zoning Code.)

SEC. 15-1-3 STATE UNIFORM ONE- AND TWO-FAMILY DWELLING CODE ADOPTED

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters ILHR 20-25 of the current Wisconsin Administrative Code 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. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made a part of this Chapter to secure uniform statewide regulation of one- and two-family dwellings in this City. A copy of these administrative code provisions and any future amendments shall be kept on file in the Building Inspector's office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code," shall also apply to buildings and conditions where:
 - (1) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty (50%) percent of the equalized value of the structure, said value to be determined by the City Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2

shall also apply.

(c) **Method of Enforcement.**

- (1) Building Inspector to Enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department, and by the Department of Industry, Labor and Human Relations.
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Common Council
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) Inspection Powers. The Building Inspector 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 Building Inspector or his agent while in performance of his duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose 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. He shall make an annual report to the Common Council.

**SEC. 15-1-4 NON-RESIDENTIAL CONSTRUCTION STANDARDS;
STATE CODE ADOPTED.**

(a) Portions of State Building Code Adopted.

- (1) Code Adopted. Chapters ILHR 50 through ILHR 64 and ILHR 70 (Historic Building Code), Wis. Adm. Code (Wisconsin State 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. Any future amendments, revisions and modifications of said Chs. 50 through 64 and 70 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and 70 and amendments thereto shall be kept on file in the office of the Building Inspector.
- (2) Permit Required. Except as specifically provided in Sec. 15-1-2, no person shall build, add to, alter or repair, or cause to be built, added to, altered or repaired, any public building, structure or place of employment until a building permit therefor has been issued by the Building Inspector under Section 15-1-2.

(b) Approvals Required.

- (1) Requirements. Permits for buildings, structures or work under Subsection (a) above shall be issued by the Building Inspector only for plans which have been approved under Subsection (b)(2), below. Approvals may be obtained in any order provided no permit shall be issued by the Building Inspector until plans stamped or endorsed by all approving authorities are on file in his office. [See Section 15-1-101(a)(16) for fee schedule.] (Ord. 93-01)
- (2) State Approval Required. Except when authority to approve plans has been delegated to the Building Inspector, all plans for commercial, industrial or other classes of buildings or places of employment described in Sec. 101.12, Wis. Stats., shall be approved by the Wisconsin Department of Industry, Labor and Human Relations.

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

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Chapter and not specifically mentioned in or permitted by this Chapter shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.
- (c) All materials, methods of construction and devices designed for use in buildings or structures not covered by the Wisconsin State Building Code shall be approved by the Building Inspector when they are proved to be the equal of those specifically required by the Code.

SEC. 15-1-6 POWERS AND DUTIES OF THE BUILDING INSPECTOR.

- (a) **Power of Police Officer.** The Building Inspector shall enforce all of the provisions of this Chapter and for such purpose shall have police powers and, in this capacity, shall have the right to call for aid of the Police Department.
- (b) **Power to Stop Building Work.** Whenever any building work is being done contrary to the provisions of this Chapter or is being done in an unsafe or dangerous manner, the building Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to recommence and proceed with the work.
- (c) **Power to Order Building to be Evacuated.** Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Inspector 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 of occupancy to be continued, and such persons shall vacate such building or portion thereof within ten (10) days after receipt of such notice or make the building or portion thereof comply with the requirements of this Chapter, provided, in the event of an emergency the following Subsection shall apply.
- (d) **Power to Condemn.** Any building or portion thereof, including buildings or structures in the process of erection, if found to be dangerous to persons or property, or unsafe for the purpose for which it is being used, or in danger from fire due to defects in construction, or dangerous for use because of insufficient means of egress in case of fire, or which violates the provisions of the Chapter due to the removal, decay, deterioration or the falling off of any thing, appliance, device or requirements originally required by this Chapter or which has

become damaged by the elements of fire to an extent of fifty percent (50%) of its value may be condemned by the Building Inspector. The Building Inspector may order portions of the structural frame of a building or structure to be exposed for inspection when, in his opinion, they are in an unsafe condition. In any of the aforesaid cases, the Building Inspector shall serve notice in writing on the owner, reputed owner or person in charge of such a building or premises, setting forth what must be done to make such building safe. The person receiving such notice shall commence within forty-eight (48) hours thereafter to make the changes, repairs or alterations set out in such notice and diligently proceed with such work or demolish the building. The Building Inspector shall also affix a notice of such order in a conspicuous place on the outside wall of the building, and no person shall remove or deface such notice. No such building shall be occupied or used for any purpose after the Building Inspector serves written notice of its unsafe or dangerous condition until the instructions of the Building Inspector have been complied with. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the City in an action against the owner or tenant. The Fire Department shall give all reasonable assistance to the Building Inspector in such work. If the owner or tenant of any such building or structure is dissatisfied with the decision of the Building Inspector as to the unsafe character thereof, the question shall be referred to the Board of Appeals whose decision shall be final.

- (e) **Powers When Orders are Ignored.** If, at the expiration of the time as set forth in the first notice, the instructions, as stated, have not been complied with, a second notice shall be served personally upon the owner, his agent or the person in possession, charge or control of such building or structure or part thereof, stating therein such precautionary measures as may be necessary or advisable to place such building or structure or part thereof in a safe condition. Should the necessary changes not be made within thirty (30) days after the service of such second notice, the Board of Public Works may order the Building Inspector to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Board of Public works which shall cause the same to be paid and levied as a lien against the property. Proper service of either of such notices shall be personal service upon the owner of such record, if he shall be within the City. If he is not located in the City, such service may be made upon any person residing in the City who collects rents on the property in questions, and in the absence of such a person, upon the tenant of the premises. If the premises are vacant and the owner is not in the City, such service will be completed when the notice is sent by registered mail to the last-known address of the owner. Whenever the owner, agent or tenant is a corporation, service may be upon the president, vice president, secretary or treasurer or, in the absence of these, the local representatives of such corporation.
- (f) **Historic Buildings.**
- (1) If an order is issued under this Section to raze or remove a historic building or an application is made for a permit to raze or remove a historic building or if the City intends to raze or remove a municipally-owned historic building, the city shall notify

the State Historical Society and the Landmarks Commission of the order, application or intent. No historic building may be razed for sixty (60) days after notice is given. During the sixty (60) day period, the State Historical Society and Landmark Commission shall have access to the historic building to create or preserve a historic record (refer to 13-1-70(o)(1)c).

- (2) Maintenance of landmarks sites and HPDs shall be such that every person in charge of an improvement on a landmark site or in a HPD shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of the Codes and Ordinances of the City requiring such improvement to be kept in good repair.
- (g) **Coordinated Inspections.** All provisions of the laws and regulations of the municipality and of legally-adopted rules of local fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Code, or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.

SEC. 15-1-7 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of construction in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

SEC. 15-1-8 REGULATION AND PERMIT FOR RAZING BUILDINGS. (Ord. 92-18)

- (a) **Permit Required.** No building or structure within the City of Cedarburg shall be razed without the owner of such building or structure ("Owner") or a person who will raze such building or structure ("Contractor") first obtaining a permit from the Building Inspector. Prior to issuing the permit, the Building Inspector must be provided with the following:
- (1) Fee in accordance with Section 15-1-101 of the Code of Ordinances.
 - (2) Copy of the building razing contract between the Owner and Contractor, if the Owner is not the Contractor.
 - (3) Documentation from the appropriate utility providers evidencing that all water, electricity, natural gas and telephone lines have been shut off and capped or sealed.
 - (4) Performance Bond and Certificate of Insurance, as provided in Sec. 15-1-8(b).
 - (5) Such other documents as the Building Inspector may reasonably require.
 - (6) All demolitions of buildings on landmark property or in historic districts must be approved by the Landmark Commission and the State Historical Society.
- (b) **Bonding and Insurance Requirements.**
- (1) Except as provided in subsection (iv), before any permit is issued for razing of a building or structure, the permit applicant shall file with the Building Inspector a Performance Bond and a Certificate of Insurance.
 - (2) The Performance Bond shall be executed by the applicant and a corporate surety authorized to execute bonds in the State of Wisconsin and shall provide that the applicant and surety are firmly bound unto the City in the penal sum of \$5,000 or the amount of the contract for razing, whichever is greater, and shall reimburse the City for all damages to any City property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employees or subcontractors, and for any costs to the City due to the applicant's failure to properly complete the razing.
 - (3) The Certificate of Insurance shall be from an insurance company licensed to do business and in good standing in the State of Wisconsin, evidencing that the Contractor has obtained an occurrence policy of comprehensive general liability insurance against claims for damages due to personal injury, including accidental death, and property damage in the amount prescribed in the City's Schedule of Insurance Requirements, naming the City as an additional insured, which policy shall not be cancelable without thirty (30) days prior written notice to the City, the certificate to be in full force and effect as to any permits issued prior to cancellation and all work done under said permits.
 - (4) The Owner of any premises who wishes to raze a building on those premises may be granted a permit without providing the aforesaid Performance Bond and Certificate of Insurance, provided that the foundation area of such building or structure does not exceed 750 square feet and fifteen (15) feet in height, and there is no sewer or water

service in such building connected to a private or public water or sewer system, and the building is in compliance with all current setback requirements established under Title 13 of the Code of Ordinances, and either the Owner is the Contractor or the contract amount is under \$1,500.

(c) **Time Limits.**

- (1) The permit issued by the Building Inspector pursuant to Subsection (a) shall be valid for three (3) months from the date of issuance only.
- (2) Prior to commencing the razing, the Contractor shall notify the Building Inspector of the start date for the razing operations and unless the permit provides for a later completion date, all work shall be completed within thirty (30) days of the start date. In the event the work is not completed on or before the completion date allowed for by the permit, all work shall cease at the close of business on such date.
- (3) Prior to recommencing any work after the expiration of the originally permitted completion date, the Contractor shall apply to the Building Inspector for an extension of the completion date and shall state the reason for the failure of the timely completion and the new projected date by which the razing operations shall be completed. the Building Inspector, in his sole discretion, may grant the requested extension or may proceed as provided in Sec. 15-1-8(e).

(d) **Work Requirements.** At all times during the razing operations and prior to the commencement of completion thereof, as required, the Contractor shall:

- (1) Keep adequate barricades, fences, and lights in place around the work site to prevent harm or damage to persons and surrounding structures or property.
- (2) Take adequate precautions to prevent structures or soils adjacent to the work site from collapsing into the work site.
- (3) Take such steps as are necessary, including spraying the work site with water, to eliminate the spread of dust outside the work site.
- (4) Take all necessary steps, through the employment of a qualified person in the field of pest control or by other appropriate measures to treat the work site to prevent the spread and migration of rodents and insets therefrom during and after the razing operations.
- (5) Remove all flammable materials from the work site each day so as to a sure that no flammable materials are used to back fill any excavated areas or remain on the work site after the completion of the razing operation.
- (6) Remove and/or fill, as required, all septic, holding tank and other sanitary disposal facilities and cap and seal all private wells.
- (7) Take all necessary steps to assure that no materials are burned on the work site.
- (8) Fill all excavations to one foot above the surrounding grade. The work site shall be raked clean and all excess debris shall be hauled from the work site. All areas of the work site upon which new construction will not be commenced within thirty (30) days shall be seeded in accordance with the requirements of Wisconsin Construction Site Best Management Practices Handbook, Chapter 3.B.4.1.

- (9) Remove all underground storage tanks in accordance with sec. ILHR 10.732, et. seq., Wisconsin Administrative Code, as amended.
 - (10) Remove all excess demolition debris and other material from the work site prior to completion.
 - (11) Remove and dispose of all hazardous and/or regulated materials in accordance with applicable state and federal regulations.
 - (12) Conform with all erosion control and debris tracking ordinances and regulations as promulgated by the City and the State of Wisconsin, and as set forth in the Wisconsin Construction Site Best Management Practice Handbook, as amended from time to time, as published by the Wisconsin Department of Natural Resources.
- (e) **Authority of Building Inspector.** In addition to the powers of the Building Inspector set forth elsewhere in the Code of Ordinances, the Building Inspector is hereby empowered to:
- (1) Notify the Contractor of violations of this or any other section of the Code of Ordinances and order that the Contractor correct such violations within a time period determined by the Building Inspector in his sole discretion.
 - (2) Order the Contractor to immediately cease all razing operations if the Building Inspector determines, in his sole discretion, that an order to correct a violation of this or any other section of the Code of Ordinances is not being carried out in a timely fashion or that a condition dangerous to the public exists.
 - (3) Hire a third-party contractor to complete any razing operations which the original Contractor has commenced but failed to complete or has been ordered to cease, and further to draw upon the Performance Bond for payment to the third-party contractor. In the event that the amount which can be drawn upon from the Performance Bond is not sufficient to cover the costs of completion of the razing operations, including the third-party contractor fees, engineering fees and/or legal fees, the Owner shall pay such excess amounts within five (5) days of notice from the City Clerk. If the Owner fails to pay such excess costs, such costs shall be certified to the City Clerk to be entered on the tax roll as a special assessment against the property encompassing the work site.
- (f) **Statute Adopted.** Except as otherwise provided in this Chapter, Sec. 66.05, Wis. Stats., as amended, is adopted as part of this Article.

SEC. 15-1-9 BASEMENTS; EXCAVATIONS. (Ord. 2004-19)

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Window Wells.** Window wells may not extend beyond the established building setback line and shall not encroach upon any drainage or utility easement. The maximum allowable length of any individual residential window well, measured horizontally along the foundation, shall be 6 feet, and the sum of the lengths of all window wells on any one side of a residential structure shall not exceed 12 feet. The area of the ground surface opening for any individual window well, as measured on the plane of the ground surface, shall not exceed 18 square feet, and the cumulative total area of the ground surface openings for all window wells on a residential structure shall not exceed 72 square feet. The maximum allowable window well depth, as measured from the adjacent ground surface to the bottom of the window well, is 54 inches. Window wells greater than 36 inches in depth shall be constructed with an intermediate step and shall be protected with suitable fencing, grating, transparent covers, or landscaping to minimize the potential for injury and entrapment. Any opening or combination of openings along the foundation which exceed the parameters of this section shall constitute an exposed basement.
- (c) **Exposed Basements.** Exposed basements are allowed on lots specifically identified with a split building grade elevation on the approved subdivision master grading plan on file in the office of the City Engineer. Any modification to the master grading plan must be approved in writing by the City Engineer.
- (d) **Fencing of Excavations.** The owner of any premises on which exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (e) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith, suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building

Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

SEC. 15-1-10 REGULATIONS FOR MOVING BUILDINGS.

(a) General Requirements.

- (1) No person shall move any building or structure upon any of the public ways of the City without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with, and shall limit the time during which said moving operations shall be continued.
- (2) A report shall be made by the Building Inspector with regard to possible damage to trees or the required movement of any public utilities and/or improvements. The estimated cost of trimming, removing and replacement of public trees, or the required movement of any public utilities shall be determined by the Building Inspector and shall be paid to the City prior to issuance of the moving permit.
- (3) Issuance of a moving permit shall further be conditioned on approval of the moving route by the Chief of Police and a representative of the Public Works Department.

(b) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

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

- (d) **Conformance With Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved, and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code, and that when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specification for proposed alterations to such building may be disregarded.
- (e) **Bond.**
- (1) Before a permit is issued to move any building over any public way in the city, the party applying therefor shall give a bond to the City of Cedarburg in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00); said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Building Inspector or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any person or property, and the payment of any judgment together with the costs and expenses incurred by the city in connection therewith, arising out of the removal of the building for which the permit is issued.
 - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector shall require in addition to said bond above indicated, public liability insurance covering injury to one person in the sum prescribed in the City's Schedule of Insurance requirements. The City shall be named as a third-party insured on the policy.

SEC. 15-1-11 BUILDING SECURITY AND LOCKSET REQUIREMENTS.

- (a) **Purpose.** The purpose of this Section is to establish minimum security requirements to better protect persons and property from property crimes by delaying, deterring, and restricting persons attempting unauthorized or illegal entry into buildings or parts of buildings.
- (b) **Applicability.** This Section shall apply to all newly-constructed multiple-family dwellings and to all remodeling of existing multiple-family dwellings requiring the issuance of a building permit which involves entry doors.
- (c) **Definitions.**
 - (1) Dead-Latching Lockset. A latching device and strikeplate which is held in dead position when closed by means of an added integral slide trigger mechanism. The complete lockset shall consist of a knob on both sides and shall be locked/unlocked by key from the exterior and turn-button from the interior.
 - (2) Cylinder Spring Dead Latchset. A latching device and strikeplate which is positively held in dead-latch position when the door is closed by means of an added integral slide trigger mechanism. The complete set shall consist of a key operation from the exterior and a knob, thumbturn, or lever handle from the interior.
 - (3) Single Cylinder Deadbolt. A bolt which has no automatic spring action and which is operated by a pin-tumbler cylinder key from the outside and a thumbturn from the inside and is positively held when in the projected or locked position.
 - (4) Cylinder Guard. A free-turning steel ring surrounding the exposed portion of the lock cylinder on a deadbolt and which is fastened so as to protect the deadbolt from wrenching, prying, cutting or pulling by attack tools.
 - (5) Panic-Free Double Lockset. A high-security lockset featuring a standard latching lockset below with a high-security single-cylinder deadbolt above with a one (1) inch throw deadbolt. Both doorlatch and deadbolt are retracted simultaneously by single action of the interior knob designed for ease during panic escapement.
 - (6) Steel Insert. A hardened steel pin contained in the bolt and located to prevent bolt cutting with common tools.
 - (7) Exterior Doors. Doors which lead from the exterior of the building directly either into a common lobby or directly into an individual apartment.
 - (8) Hinged Interior Entrance/Exit Doors. Doors which lead from a common lobby or connecting garage directly into an individual apartment.
- (d) **Required Hardware Applications.**
 - (1) All exterior doors leading into common lobbies shall have locksets so as to create secured lobbies. Such entrances shall use the deadlatching lockset or across-the-door type self-locking push bar lock/lock release commonly referred to as a "Panic Free Bar" which shall need a key to gain entrance to the lobby but shall not need a key to exit the building.
 - (2) All hinged interior entrance/exit doors leading from a garage or common lobby area

into individual apartments shall be equipped with a deadlatching lockset having a minimum bolt throw of one-half (1/2) inch. this shall be accompanied by a double-cylinder deadbolt if there are glass panels within forty (40) inches from the deadbolt.

The deadbolt shall have a minimum throw of one (1) inch and shall be equipped with a steel insert and a free-turning cylinder guard. The deadbolt and lockset may be activated as an integral unit or as individual locks.

- (3) All hinged interior entrance/exit doors and doors leading from a garage or common lobby area into individual apartments shall be equipped with a deadlatching lockset having a minimum bolt throw of one-half (1/2) inch. If the door does not contain glass within forty (40) inches of the deadbolt, it shall be equipped with a single cylinder deadbolt having a minimum throw of one (1) inch and shall be equipped with a steel insert and a free-turning cylinder guard. The deadbolt and lockset may be activated as an integral unit or as individual locks.
- (4) All hinged exterior doors leading directly from the outside of the building into the individual apartment shall be equipped with a deadlatching lockset having a minimum throw of one-half (1/2) inch. This shall be accompanied by a single-cylinder deadbolt. The deadbolt shall have a minimum throw of one (1) inch and shall be equipped with a steel insert and a free-turning cylinder guard. The deadbolt and lockset may be activated as an integral unit or as individual locks.
- (5) All hinged interior entrance/exit doors on upper apartments being on the second or higher floor having no other emergency escape routes shall be equipped with a panic-free double lockset. This lockset shall be equipped with a deadlatching lockset having a one-half (1/2) inch throw and a single-cylinder deadbolt which in the locked position will retract simultaneously with the doorlatch by single action on the doorlatch. The deadbolt shall have a minimum throw of one (1) inch and shall be equipped with a steel insert and a free-turning cylinder guard.
- (6) Where single or pairs of hinged entrance doors to dwellings are equipped with ornamental pulls, the cylinder spring deadlatch may serve as a substitute for a deadlatching lockset.

SEC. 15-1-12 GARAGES AND ACCESSORY BUILDINGS.

(a) **Definitions.**

- (1) An attached private garage shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace or vestibule, or a private garage so constructed as to form an integral part of the principal building.
- (2) A detached private garage shall mean a private garage entirely separated from the principal building.
- (3) Accessory buildings shall conform to all requirements of this Chapter.

(b) **Locations.** Detached garages shall be governed by the following unless otherwise provided

for in appropriate zoning codes.

- (1) Garages of wood frame construction shall be located no less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the adjacent wall is protected as required for attached garages.
 - (2) Garages of masonry wall construction shall be located no less than five (5) feet from any residence building.
- (c) **Foundations and Footings.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall be not less than four (4) inches in thickness. Detached private garages 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 six by six (6 x 6) inch, or number ten by ten (10 x 10) 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 grade adjacent to the garage. Bolts three-eighths (3/8) inches in diameter with nuts and washers attached, six (6) inches long, shall be embedded three (3) inches in the concrete curb of detached garages, six (6) feet on centers. Wall corners cannot be more than twelve (12) inches from the nearest bolt.
- (d) **Floor Surface.** The floor in all private garages shall be of concrete construction and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.
- (e) **Construction.** Private garages shall be constructed as follows: (See detail (c) for detached garages.)
- (1) Load bearing foundation walls and partitions shall be constructed as herein regulated.
 - (2) Detached private garages of wood frame construction shall be constructed with the following requirements.
 - a. Studs may have a maximum spacing of twenty-four (24) inches on centers.
 - b. Diagonal corner bracing may be applied on the inside surface of studs.
 - c. Corner posts may consist of two (2), two by four (2 x 4) inch studs or a single (1), four by four (4 x 4) inch stud.
 - d. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
 - e. Bottom plates must use decay resisted material.
- (f) **Attached Private Garages.** Private garages may be attached to or made part of residence buildings when in compliance with the following regulations:
- (1) Separation from Dwelling Areas. Attached garages shall be separated from the dwelling unit by at least:
 - a. Two (2) inch brick or stone veneer.
 - b. Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
 - c. Five-eighths (5/8) inch of vermiculite plaster board.
 - c. Five-eighths (5/8) inch fire code gypsum plaster board.
 - (2) An attached private garage may have a door connecting directly into the principal

building, provided that the floor of such garage is at least eight (8) inches below the floor of such principal building. Such door shall be a metal or solid wood door not less than one and three-quarter (1-3/4) inches in thickness. A maximum of one hundred (100) square inches of one-quarter (1/4) inch stationary wire glass window may be permitted in such door.

- (g) **Garage Heating.** All open flame equipment shall be effectively separated by not less than one hour fire-resistive wall, floor or ceiling; however, suspended furnaces or direct fired units that are fired with a liquid fuel or gas may be used with an enclosure. (See U.D.C. 23.04(1)(e) for further information.)

SEC. 15-1-13 DECKS.

(a) **Definitions.**

- (1) Deck. Any structure which serves as a raised horizontal platform or floor constructed of wood or other materials, without enclosing walls or roof.
- (2) Attached Deck. Any deck which is physically connected to the principal building or accessory structure.
- (3) Detached Deck. Any deck which is not physically attached to the principal building or accessory structure.

(b) **Soil and Excavation Requirements for Deck Piers or Foundations.**

- (1) No pier shall be placed on soil with a bearing capacity of less than 2,000 lbs. per square foot unless the pad support is designed through structural analysis.
- (2) All organic material (roots, etc.) shall be cut off at the sidewalls of the borings or trench. All organic and loose material must be removed from the cavity area prior to pouring concrete.

(c) **Deck Piers, Pads and Foundations.**

- (1) General footings, pads or piers shall be of adequate bearing area to safely distribute all live and dead loads to the supporting soil without exceeding the bearing capacity of the soil.
- (2) Type and Size of Concrete Pads and Piers.
 - a. Decks attached to principal buildings.
 1. Concrete Pads - The minimum depth of a pad shall be forty-eight (48) inches below grade. The minimum dimensions of this pad shall be four (4) inches in depth and eight (8) inches in diameter.
 2. Piers - The minimum depth of concrete piers shall be forty-eight (48) inches below grade. The minimum dimension of this pier shall be eight (8) inches in diameter. (The concrete pier(s) shall extend a minimum of six (6) inches above grade unless an approved mounting bracket is secured at the top surface of the pier(s)).
 3. Direct burial wood posts shall be placed on a minimum two (2) inch nominal thickness treated plat or other approved materials at a

uniform depth below grade. Posts shall be treated to the requirements of the American wood Preserver's Association (AWPA) standard C2 and C15, for direct soil contact four (4) inches below grade. Post shall be a minimum of four (4) feet below established grade.

(d) **Framing.**

(1) General Requirements.

- a. Materials. All wood framing used in deck construction shall be pressure treated against decay or shall be a species of wood that is naturally decay resistant or shall be protected from weather.
- b. Design loading. Decks shall be designed for a minimum of a forty (40) pound per square foot loading.
- c. See fastener schedule table (15-1-18-B).

(2) Column Posts.

- a. Column spacing. Column posts shall be spaced per "Table No. 2."
- b. Column size.
 1. All column posts not exceeding six (6) feet in height shall be a minimum of four by four (4 x 4) inches nominal thickness.
 2. All column posts exceeding six (6) feet in height shall be a minimum of six by six (6 x 6) inches nominal thickness.
- c. Lateral support. Column posts shall be constructed in such a manner or mechanically attached to the deck foundation to resist lateral movement.

(3) Beams.

- a. Beam size. All beams shall be sized per "Table No. 1."
 1. Beams, except as otherwise noted in "Table No. 1," SHALL BE A MINIMUM OF TWO (2), TWO (2) INCH THICK MEMBER OF ONE (1), FOUR (4) INCH THICK MEMBER. (I.E., 2 - 2X8 OR 1 - 4/8).
 2. Beams may be spaced on each side of the post provided that blocking is installed a minimum of twenty-four (24) inches.
- b. Bearing. Beams bearing directly on the posts shall be attached by means of approved metal anchors or other approved methods.
- c. Ledger boards. Ledger boards attached directly to the house or other structure may be used to replace a beam or beams. A single member of equal depth to the required size beam shall be used. The ledger board shall be attached with bolts, lag bolts or nails, spaced no less than sixteen (16) inches on center, secured directly into the building structure. Flashing shall be installed between the ledger and building structure.

(4) Joists.

- (a) Joist Size. All deck joists shall be sized and spaced per "Table No. 2." (Table 15-1-18-A)
- (b) Bearing. Deck joists shall bear a minimum of one and one-half (1-1/2) inches

on the beam or ledger board. Joists fastened to the face of the beam or ledger shall be attached with approved metal hangers.

- (c) Bridging. Bridging shall be provided at intervals not exceeding eight (8) feet.
 - (d) Overhanging of Joists. Joists which are at right angles to the supporting beam shall not be cantilevered more than two (2) feet past the supporting beam, unless designed by structural analysis.
- (5) Decking.
- (a) Material. All decking material shall be a minimum of one and one-quarter (1-1/4) inches thick, nominal thickness. One (1) inch decking may be used provided that the joists are spaced no more than sixteen (16) inches on center.
 - (b) Decking Orientation.
 - 1. Decking shall be installed diagonally or at right angles to the joists.
 - 2. Decking shall be centered over joists with cuts made parallel to joists. Not more than two (2) adjacent boards may break joints on the same joist except at ends and at openings.
- (6) Guardrails and Handrails.
- (a) Guardrails. All decks which are more than twenty-four (24) inches above grade shall be protected with guardrails.
 - (b) Handrails. Every stairway of more than three (3) risers shall be provided with at least one (1) handrail. Handrails shall be provided on the open sides of stairways.
 - (c) Guardrail and Handrail Detail.
 - 1. Height. Handrails shall be located at least thirty (30) inches, but not more than thirty-four (34) inches, above the nosing of the treads. Guardrails shall be located at least thirty-six (36) inches above the surface of the deck.
 - 2. Open railings. Open guardrails or handrails shall be provided with intermediate rails or an ornamental pattern to prevent the passage of a sphere with a diameter greater than six (6) inches.
 - 3. Railing loads. Handrails and guardrails shall be designed and constructed to withstand a 200 pound load applied in any direction.
- (7) Stairway, Treads and Risers.
- (a) Risers. Risers shall not exceed eight (8) inches in height measured from tread to tread.
 - (b) Treads. Treads shall be at least nine (9) inches wide, measured horizontally from nose to nose.
 - (c) Variation. There shall be no variation in uniformity exceeding three-sixteenths (3/16) inch in the width of a tread or in the height of risers.
 - (d) Stair Stringers. Stair stringers shall be supported in accordance to the same manner as used for the deck.

- (8) Alternate Provisions.
 - (a) Wood Decks. Additional information may be found in the Uniform Dwelling Code standard listed below.
 - 1. Excavation requirements of s. ILHR 21.14
 - 2. Footing requirements of s. ILHR 21.15
 - 3. Frost penetration requirements of s. ILHR 21.16
 - 4. Load requirements of s. ILHR 21.02
 - 5. Stair, handrail and guardrail requirements of s. ILHR 21.04
 - 6. Decay protection requirements of s. ILHR 21.10

**SEC. 15-1-14 REQUIREMENTS FOR THE RESTORATION AND/OR
REHABILITATION OF HISTORIC PROPERTIES DESIGNATED BY
THE LANDMARKS COMMISSION** (Ord. 2015-02)

- (a) **Purpose.** The purpose of this Section is to establish requirements to ensure the protection and preservation of historic properties.
- (b) **Applicability.** This Section shall apply to the restoration and/or rehabilitation of historic buildings or structures identified by the City's Landmarks Commission. Such buildings or structures may be located either inside or outside of the Washington Avenue historic Preservation District (WAHPD). This Section shall also apply to the restoration and/or rehabilitation of existing non-contributing buildings in the Washington Avenue Historic Preservation District.
- (c) **General Guidelines for Restoration, Rehabilitation and New Construction.** The Landmarks Commission is available for consultation to assist owners of affected properties to preserve and enhance existing structures and implement these guidelines.
 - (1) General. In considering proposed changes to historic affected properties, the Landmarks Commission shall consider the following:
 - a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the exterior of a building, structure or site and its environment.
 - b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
 - c. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. Changes which may have acquired design or construction significance in their own right shall be recognized and weighed as a factor.
 - d. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure and site must be treated with sensitivity.

- e. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, size and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical and pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.
- f. The surface cleaning of structures shall be undertaken with the gentlest means possible. Chemical or physical treatments that cause damage to historic building materials are not permitted. The Landmarks Commission shall approve any methods before cleaning. Test spot areas are to be done and approved by the Building Inspector or his designee and a Landmarks Commission member before the major work is to begin.
- g. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- h. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, district, neighborhood or environment.
- i. Wherever possible, new additions or alterations to structures shall be accomplished in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(d) **Standards for the Restoration and/or Rehabilitation of Historic Building Exteriors and Additions.**

The standards used for the restoration and/or rehabilitation of historic building exteriors and additions thereto shall be the Secretary of the Interior's "Standards for Restoration" and/or "Standards for Rehabilitation", hereinafter referred to as the current "SOI Standards". See Attachment A for the summary of some key SOI Standards.

- (1) Height. Alterations which create more than a one story difference between a building and those on either side would be subject to review by the Landmarks Commission based on past photos and history of the original building.
- (2) Major Facade.
 - a. Shop fronts.
 - 1. Shop fronts shall be restored relying on historic photographs, original drawings, physical evidence and other documents and shall be rehabilitated in keeping with or sympathetic to the architectural style of the building.

2. Shop fronts shall fit inside the original shop front opening and shall not extend beyond the original opening.
 3. Display windows shall be restored to their original appearance based on photos and any other documentation in keeping with the architectural era. Small paned 18th century windows shall not be used nor shall solid or translucent materials be used in place of window glass.
- b. Windows.
1. All windows shall be restored to their original appearance based on photos and any other documentation or be rehabilitated to fit the original frame.
 2. Round or segmentally-arched windows shall contain window frames and panes which follow the exterior configuration. A less desirable alternative of partial blocking to form a rectangular opening may occur but, if proposed, shall block up the least possible amount of the opening to preserve to the greatest extent possible of the original proportions of the window.
 3. Windows shall not be blocked up.
 4. Shutters may be used if there is evidence that they were in the original building design and shall be proportionate to windows.
 5. Regarding storm windows, mill finish aluminum storm windows shall not be used. Wood is recommended. Storms shall be painted to match window trim.
 6. If a window is deteriorated beyond repair, replacement windows should be sought which will duplicate the detailing of the original windows as closely as possible. Windows of wood construction are preferred. Subject to approval by the Landmarks Commission, aluminum clad exterior windows may be used to replace wood windows beyond repair provided they fully comply with SOI Standards.
- c. Porches, Trim and Ornamentation. Retain porches and steps visible from the public right-of-way which are historically and architecturally appropriate to the building. Avoid altering porches and steps by enclosing open porches or replacing wooden steps with cast concrete steps or by removing original architectural features, such as hand rails, balusters, columns or brackets.
- d. Trim and Decorative Ornamentation. Retain original copings, cornices, cresting, finials, railings, balconies, oriels, pilasters, columns, chimneys, bargeboards or decorative panels which are essential to the maintenance of the building's historic character and appearance.
- e. Roof Shape.

- 1: The roof shape of the front of a building or structure shall not be altered except to restore it to the original documentable appearance or to add a dormer or dormers in a location and shape compatible with the architectural design of the building and similar in location and shape to original dormers on buildings of the same vintage and style within the district. Alterations of the roof shape of the sides or back of a building or structure shall be visually compatible with the architectural design of the existing building.
 - 2: Mansards, pents, gables, gambrels or other exotic roof shapes not characteristic of the architectural area shall not be allowed.
 - 3: Roof material.
 - aa: If the existing roof of a building or structure is tile, slate, or other material that is original to the building or structure and/or contributes to its historic character all repairs thereto shall be made using the same materials. In addition, in all cases any such roof must be repaired rather than replaced, unless the documented cost of repair exceeds the documented cost of reroofing with a substitute material that approximates the appearance of the original roofing material as closely as possible will be approved by the Landmarks Commission.
 - bb: If the existing roofing material is asphalt shingles, sawn wood shingles or a non-historic material, such as fiberglass, all repairs shall match in appearance the existing roof material; however, if any such roof is covered or replaced, reroofing must be done using rectangular sawn wood shingles or rectangular shingles that are similar in width, thickness and apparent length to sawn wood shingles, for example, 3-in-1 tab asphalt shingles and dimensional asphalt/fiberglass are recommended.
 - cc: Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.
- f. Doors.
1. Original exterior doors should be retained whenever possible. If it is deteriorated beyond repair, a new door should be chosen which closely resembles the original.
 2. Storm/Screen Doors. If possible, the original main exterior door should be weatherstripped so a storm door is not needed; however, if a storm door is desired, one should be chosen which reveals as

much as possible of the door behind it. Material of storm/screen door shall be wood and painted to harmonize the main door.

- g. Terminating Element. Most buildings have a terminating element at the roof line such as corbelled masonry, wood coping, and cut stone. This shall not be altered but restored only.
- h: Fences. Construct and/or retain fences in the Historic District which are visible from the public right of ways in a historically and architecturally appropriate manner in relationship to the adjoining buildings. Chain link fences are not allowed along public right of ways. Setbacks from right of ways and height restrictions are per the City Ordinance. A Certificate of Appropriateness is required for any renovation and/or construction of fences in the Washington Avenue Historic Preservation District.

(3) Materials.

- a. Materials used in original construction shall also be used in restoration and rehabilitation; materials shall have the same visual appearance as existing original parts of the building. Generally, in Cedarburg, this is either brick or dressed stone but in some cases clapboard, board and batten, or stucco may be in keeping with original construction. Brick and other materials used in restoration shall be selected to conform to the dimensions of existing, original materials. Brick shall also conform in color, texture and surface treatment to existing, original brick. Other materials shall coordinate in color, texture and surface treatment with nearby buildings.
- b. Exterior Wall Materials and Siding. Exposed aggregate, fieldstone, boulders, split rock, concrete or cinder block, or aggregate panels shall not be permitted. Vertical or horizontal board and batten or shingles shall not be permitted unless they are aesthetically acceptable and compatible with the style of the building and nearby buildings. Repair or replacement of exterior materials and siding shall fully comply with SOI Standards in Attachment A. Where more than one layer of siding exists on the building, all layers except the first must be removed before new siding is applied. If insulation is applied under the new siding, all trim must be built up so that it projects from the new siding to the same extent it did with the original siding.
- c. Mortar Joints. The masonry wall shall appear visually as masonry. In restoration, care should be taken not to damage the brick, thereby creating larger joints than were original to the specific building. No exaggerated, uneven or oddly-colored mortar joints should be used. Mortar joints shall duplicate the original in width and joint profile.
- d. Glazing. Clear glazing material shall be used. No mirror glass shall be permitted. Glass blocks are out of character and inappropriate. Glazing shall be replaced in kind.

- (4) Cleaning and Painting.
 - a. Building shall be cleaned with the gentlest method possible to accomplish the task, therefore sandblasting or other abrasive techniques are not permitted on brick or soft stone surfaces.
 - b. Masonry buildings which have never been painted shall not be painted unless authorized by the Commission.
 - c. Painting can define and accent architectural features and improve the general overall appearance of the building. An appropriate color scheme is one of the most important factors to be aware of when restoring the exterior of a building. Every effort should be made to determine the "original" color. New paint schemes for affected properties within the Washington Avenue Historic Preservation District must receive a Certificate of Appropriateness.

SEC. 15-1-15 REQUIREMENTS FOR NEW CONSTRUCTION AND ADDITIONS IN THE WASHINGTON AVENUE HISTORIC PRESERVATION DISTRICT AND AT DESIGNATED HISTORIC PROPERTIES ELSEWHERE IN THE CITY (Ord. 2015-02)

- (a) **Purpose.** The purpose of this Section is to establish requirements to ensure architectural compatibility and protect and preserve historic buildings in the Washington Avenue Historic Preservation District and elsewhere in the City.
- (b) **Applicability.** This Section shall apply to the construction of new buildings and additions in the Washington Avenue Historic Preservation District and at designated historic properties elsewhere in the City.
- (c) **Specific Guidelines for New Construction and Additions.**
 - (1) General. New buildings shall correspond in height, width, proportion, relationship to street, roof forms, composition, rhythm, proportion of openings, materials and color to the existing buildings in the district. Plans should show building elevations to either side and must show the compatible scale. Additions and exterior alterations that are not visible from any street contiguous to the lot lines upon which the building or structure is located may be approved by the Landmark Commission if their design is compatible with the scale of the existing building and, further, if the materials used are compatible with the existing materials in texture, color, and architectural details. Additions and alterations shall harmonize with the architectural design of the building rather than contrast with it. New additions shall fully comply with SOI Standards.
 - (2) Height. Floor heights on main facades shall appear visually in proportion to those of adjoining buildings. There should be no more than one story difference between a new building and those on either side.

- (3) Width. New buildings shall reflect the characteristic rhythm of facades along the street. If the site is large, the mass of the facade can be broken into a number of smaller bays.
- (4) Proportion. The characteristic proportion (relationship between height and width) of existing facades shall be maintained.
- (5) Relationship to Street. Residential-type buildings shall be built set back from the street with side yards. Business-type buildings should be closer to the lot lines with less setback (see Zoning Code).
- (6) Roof Shapes. See Section 15-1-14(d)(2)e.
- (7) Materials. New construction in the Washington Avenue Historic Preservation District should be composed of materials which complement adjacent and nearby facades. New buildings should not contrast sharply with existing nearby buildings. For illustrative purposes, examples of architectural styles which would tend to have elements which are incompatible with Cedarburg's historic styles (found in nearby facades) include (with no attempt to be inclusive) Spanish Mission, Colonial, Scandinavian Modern, Bavarian and French Provincial.
 - a. In this District, masonry (brick or stone) facing should normally be used. Brick should be of standard size 8" x 2-1/3" x 4") and of even coloration. Exposed aggregate, fieldstone, boulders, split rock, concrete or cinder block, aggregate panels, aluminum, steel or vinyl siding should not be permitted. Vertical or horizontal board or batten, shingles, or clapboards shall be permitted only if aesthetically acceptable.
 - b. Mortar Joints. Masonry walls should appear visually as masonry--not as permitted. Black mortar or other mortar which contrasts with the masonry shall not be used.
 - c. Glazing. Clear or slightly tinted glass or polymeric glazing materials should be used. No mirror glass, deeply-smoked glass or glass blocks shall be permitted.
 - d. Color. Colors chosen for new construction shall correspond to those neighboring buildings within the block or the District.
- (d) **Conflict with Other Codes.** These guidelines shall not conflict with state building codes or energy conservation codes.

SEC. 15-1-16 SEVERABILITY.

Should any section, clause or provision of this Chapter be declared by any court to be unconstitutional or invalid for any reason, such declaration shall not affect the validity of the chapter as a whole or nor any part thereof other than the part so decided to be unconstitutional or invalid. All Chapters or ordinances contravening the provisions of this Chapter are hereby repealed. This Chapter shall take effect and be in force from and after its passage and publication.

SEC. 15-1-17 DEFINITIONS. (Ord. 2015-02)

- (a) For the purpose of this Chapter, certain terms, phrases and words and their derivatives shall be construed as set out in this Chapter. Words used in the singular include the plural, and the plural, the singular. Words used in the masculine gender include the feminine, and the feminine, the masculine.
- (1) Accessory Object. Objects constructed by man which enhance the cityscape by serving as amenities (i.e., fountains, cemetery monuments, statues and works of art).
 - (2) Addition. New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (3) Alley. Any open public space or thoroughfare less than thirty (30) feet but not less than ten (10) feet in width which has been deeded to the public for public use.
 - (4) Alteration. A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling or in the exterior architectural features of any historic structure or structure within a historic district or on a landmark site.
 - (5) Approved. As to materials and types of construction, refers to approval by the Building Inspector as the result of investigation and tests conducted by the inspector, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.
 - (6) Attachment A. A Publication titled “Wisconsin Preservation Information – Guidelines for Planning Historic Preservation Tax Credit Projects – Wisconsin Supplement to the Secretary of the Interior’s Standards for Rehabilitation.
 - (7) Attic or Attic Story. Any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage or habitation.
 - (8) Basement. That floor of any structure located predominately below the average adjoining lot grade.
 - (9) Bay Window. A rectangular, curved or polygonal window extending beyond the main wall of the building.
 - (10) Bearing Wall. A wall of which any portion supports a load other than its own weight.
 - (11) Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind; and when separated by a fire wall, each portion of such building so separated shall be deemed a separate building.
 - (12) Certificate of Appropriateness. A Certificate issued by the Landmarks Commission approving a proposed change, alteration or demolition of buildings, structures, or accessory objects, and any additions or new buildings to assure compatibility with the historic character of a building and/or its neighborhood.
 - (13) Commission. The Landmarks Commission of the City of Cedarburg (i.e., Historic Preservation Commission).

- (14) Curtain Wall. A nonbearing wall between columns or piers which is more than one (1) story or eighteen (1) times its thickness in height.
- (15) Dead Load in a building includes the weight of the walls, permanent partitions, framing, floors, roofs and all other permanent, stationary construction forming a part of the building.
- (16) Demolition. The substantial deterioration or complete or substantial removal or destruction of any historic building, structure, fence or accessory object which is located within a historic district or on a landmark site.
- (17) Department. The Department of Industry, Labor and Human Relations.
- (18) Dwelling.
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one (1) or two (2) dwelling units; or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (19) Exposed Basement. Any basement where part of the foundation wall is exposed or stepped down, such that a consistent yard grade is not maintained around the foundation perimeter.
- (20) Existing Building is a building already erected or one for which a legal permit has been issued prior to the adoption of this Chapter.
- (21) Exterior Architectural Features. The general architectural arrangement of such portion of the exterior of any building or structure as is designed to be viewed from a public way, including but not limited to the kind, color, and texture of the building material, the type and design of all windows, doors, lights, signs and other fixtures appurtenant to such exterior.
- (22) Exterior Walls. Outer walls or vertical enclosure of a building other than a party wall.
- (23) Family is one (1) person living alone or a group of two (2) or more persons living and cooking together on the premises as a small housekeeping unit.
- (24) Fences. A wooden, masonry or metal structure intended to enclose an open space for purposes of security, confinement, or aesthetic ornamentation.
- (25) Fire Separation Wall. A wall of masonry or reinforced concrete which subdivides a building to restrict the spread of fire, but is not necessarily continuous through all stories or extended through the roof.
- (26) Fire Wall. A wall of masonry or reinforced concrete which subdivides a building to prevent the spread of fire by starting at the foundation and extending continuously through all stories to and above the roof.
- (27) Floor Area is the area inside the exterior or fire walls of a building, exclusive of vent shafts and courts.
- (28) Footing is the spreading course at the base or bottom of a foundation wall, column or pier.

- (29) Foundation is the structure, including masonry walls, piers, footing, piles, grillage and similar construction which is designed to transmit the load of any superimposed structure to natural soil or bedrock.
- (30) Front of Lot means the front boundary line of lot bordering on the street and in the case of a corner lot may be either frontage.
- (31) Grade. The finished yard grade at the building pad as established on the approved subdivision master grading plan on file in the office of the City Engineer. Where no such plan exists, the City Engineer shall set the grade, taking into consideration the elevation of adjacent streets, building structures, utilities, and drainage.
- (32) HPD. "Historic Preservation District." An area designated by the Plan Commission on the recommendation of the Landmarks Commission and after public hearing, that contains improvements which: 1) have a special character or special historical significance or value; 2) represent one or more periods or one or more eras in the history of the City; and 3) cause such area, by reason of such factors, to constitute a distinct section of the City.
- (33) Height of Building is the vertical distance from the "Grade" to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- (34) Historic Properties means any building, structure, object, district, area or site, whether on or beneath the surface of land or water, that is significant in the history, prehistory, architecture, archaeology or culture of this state, its rural and urban communities or the nation.
- (35) Improvement. Any place, structure, building, fixture or object which in whole or in part constitute an exterior betterment, adornment or enhancement of any real property.
- (36) Interior Wall. A wall which is entirely enclosed by the exterior walls of the building.
- (37) Landmark. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state, or nation and which has been designated a landmark pursuant to the provisions of this Chapter. (See also "Site.")
- (38) Lintel is the beam or girder placed over an opening in a wall and which supports the wall construction above.
- (39) Live Loads are all imposed, fixed or transient loads other than "dead loads."
- (40) Lumber Sizes and Grades whenever used in this Chapter shall mean nominal sizes. The actual sizes shall not be less than the size specified by the American Lumber Standards Committee. All grades shall be determined using American Lumber Standards as a base.
- (41) Maintenance. Work intended to repair or replace any part of any improvement, to correct any deterioration or decay of or any damage to such improvement or any

- part thereof and to restore same, as nearly as practicable, to its condition prior to the occurrence of such deterioration, decay or damage.
- (42) Masonry is that form of construction composed of monolithic concrete or of tone, brick, concrete, gypsum, hollow clay tile, concrete blocks or tile, or other similar solid or hollow incombustible building units or materials, or a combination of these materials laid up unit by unit and set in approved mortar.
- (43) Masonry (Built-up). That form of construction composed of stone, brick, gypsum, hollow clay tile, concrete blocks or other similar solid or hollow incombustible building units or materials or a combination of these materials laid up unit by unit and set in approved mortar.
- (44) Masonry (Monolithic). A homogeneous mass of inert materials mixed with a Portland cement and constructed in one (1) continuous operation.
- (45) Masonry (Solid). Masonry without hollow spaces.
- (46) Measured Drawing. An architectural drawing of an existing building or structure measured and drawn to scale.
- (47) Minor Repair. Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family building which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exists, fire protection or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (48) Nonbearing Wall. A wall which supports no load other than its own weight.
- (49) Municipality means the City of Cedarburg.
- (50) One- or Two-Family Dwelling. A building structure which contains one (1) or two (2) separate households intended to be used as a home, residence of sleeping place by an individual or by two (2) or more individuals maintaining a common household, to the exclusion of all others.
- (51) Panel Wall. A nonbearing wall built between columns or piers and wholly supported at each story.
- (52) Parapet Wall. That part of any wall entirely above the roof line.
- (53) Party Wall. A wall used or adapted for joint service between two (2) buildings.
- (54) Person. An individual, partnership, firm or corporation.
- (55) Portland Cement Mortar is approved cement mortar which consists of not less than one (1) part of Portland cement putty to three (3) part of approved sand, or equal, aggregate.
- (56) Portland Cement Putty is Portland cement with a mixture of not more than fifty percent (50%) of approved lime putty.
- (57) Rehabilitation. The process of improving property through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which have significant historic, architectural and cultural value.

- (58) Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The words "repair" or "repairs" shall not apply to any alteration.
- (59) Restoration. The process of bringing a property back to its original or unimpaired state. Authenticity of a restoration would require the removal of incompatible exterior elements and the repair or replacement of damaged or deteriorated elements with exact replicas of the same design, dimensions, and materials.
- (60) Retaining Wall. Any wall used to resist the lateral displacement of any material.
- (61) Shaft. A vertical opening through one (1) or more floors of a building for elevators, dumbwaiter, light, ventilation or similar purposes.
- (62) Shall as used in this Chapter is mandatory.
- (63) Site. Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and which has been designated as a landmark site under this section; or an improvement parcel, or part thereof, on which is situated a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.
- (64) SOI Standards. Secretary of the Interior's Standards for Restoration and/or Standards for Rehabilitation.
- (65) Stairway. By a stairway is meant one (1) or more flights of steps and the necessary platforms connecting them to form a continuous passage from one (1) level to another.
- (66) a. Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A basement shall not be considered a story unless the ceiling thereof is more than five (5) feet above grade.
- b. Second Story. A building shall be considered a two (2) story building when the bearing walls extend more than three (3) feet above the second floor or said wall is more than seventeen (17) feet high measured from the grade up. No two (2) story residence bearing wall shall have a height to exceed twenty-two (22) feet measured from the lower edge of the first floor joists to the top of the wall.
- c. Third Story. A building shall be considered a three (3) story building when it consists of three (3) stories above grade.
- (67) Structure. Any construction erected by man intended for shelter, as well as bridges, flag poles, street clocks, and street signs.
- a. Altered Historic Building. A building which conforms in age, size, height, material and character to others in the area but which has undergone stylistic modification. Restoration or rehabilitation in keeping with or

- sympathetic to the original architectural style shall be permitted. A Certificate of Appropriateness is required for any action.
- b. **Intact Building.** A building which still retains its original appearance. It requires routine maintenance in conformity with the existing design to keep it in a satisfactory state of preservation. A Certificate of Appropriateness is required for any action.
 - c. **Intrusion Building.** A building which does not conform to the general character of the district in architectural style, size, height, texture and material. It should remain until it is no longer useful, and eventually should be remodeled or replaced with a more compatible building. (See guidelines for new construction.) A Certificate of Appropriateness is required for any action.
- (68) **Structure** is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (69) **Uniform Dwelling Code.** Those Administrative Code provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:
Wis. Adm. Code Chapter ILHR 20 -- Administration and Enforcement
Wis. Adm. Code Chapter ILHR 21 -- Construction Standards
Wis. Adm. Code Chapter ILHR 22 -- Energy Conservation Standards
Wis. Adm. Code Chapter ILHR 23 -- Heating, Ventilating and Air Conditioning Standards
Wis. Adm. Code Chapter ILHR 24 -- Electrical Standards
Wis. Adm. Code Chapter ILHR 25 -- Plumbing and Potable Water Standards
- (70) **Veneer** is the outer facing of brick, stone, concrete or tile attached to an enclosing wall for the purpose of providing ornamentation, protection or insulation which cannot be considered as adding to the strength of the walls.
- (71) **Window Well.** A below ground opening immediately adjacent to the basement foundation wall of a structure, for the purpose of providing light, ventilation, or emergency ingress/egress to the basement of the structure.

ATTACHMENT A
SUMMARY OF SOI STANDARDS * USED FOR THE RESTORATION,
REHABILITATION AND MAINTENANCE OF CEDARBURG’S
HISTORIC BUILDINGS AND THEIR ADDITIONS AND OTHER
EXISTING OR NEW BUILDINGS IN THE WASHINGTON AVENUE
HISTORIC PRESERVATION DISTRICT

1	Awnings	Fabric preferred, no vinyl or metal.
2	Gutters & downspouts	Replace with size and style to match original.
3	Mortar joints	See SOI standards for color, width and bag mix.
4	Paint colors	Body and trim per approval by Landmarks Commission.
5	Roofing	If wood, preferred replacement is wood or 3-tab shingles resembling weathered wood. No artificially rustic wood, asphalt or fiberglass that tries to look like wood. Anything else requires approval by the Landmarks Commission.
6	Slate or tile roofing	Repair is preferred or replace with similar appearing 3-tab shingles.
7	Siding	If wood, replace with identical wood siding is preferred. Cement siding is acceptable but should match size and appearance of wood on buildings or additions where some or all siding is being replaced. Aluminum or vinyl not acceptable.
8	Building Fronts	Avoid major changes in appearance and minimal changes in materials and color.
9	Windows	Repair of existing is preferred. Any replacements must duplicate the original windows in appearance, proportions and have true muntins. Wood is preferred. Aluminum clad approvable by Landmarks Commission if an exact match for originals being replaced. No metallic appearance. Clear or low-tint glass required. Vinyl not permitted.
10	Storm Windows	See SOI Standards
11	Window Frames	Wood preferred, can be metal-covered with proper finish.
12	Window Patterns	No change on primary facades. Minor changes on side and rear facades acceptable.
13	Parking Lots and Sitework	See SOI Standards

*** For details, refer to the current Secretary of the Interior’s Standards for Restoration and/or Standards for Rehabilitation as described in “Preservation Briefs” published by the National Park Service and available at their website.**

ARTICLE B

Electrical Code

SEC. 15-1-30 STATE ELECTRICAL CODE ADOPTED.

- (a) Wis. Adm. Code ILHR Ch. 16 is hereby adopted by reference, along with the National Electrical Code (NEC) and made a part of this Chapter and shall apply to the construction and inspection of new one- and two-family dwellings and additions or modifications to existing one- and two-family dwellings.
- (b) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Chapter and shall apply to all buildings, except those covered in Subsection (a) above.

SEC. 15-1-31 ELECTRICAL INSPECTOR.

- (a) **Duties.** It shall be the duty of the Electrical Inspector to enforce the provisions of this Article. Complete records of all permits issued and inspection made and other official work performed under the provisions of this Electrical Code shall be kept so arranged as to afford prompt information concerning electrical installations. The Electrical Inspector shall have the same powers in enforcing the provisions of the City Electrical Code as set forth in Article A of this Chapter for Building Inspectors whenever applicable.
- (b) **Right of Access to Buildings.** The Electrical Inspector or his assistants shall have the right during reasonable hours to enter any public or private buildings or premises in the discharge of his official duties or for the purpose of making any inspection or test of the electrical wires or appliances contained therein. He shall be given prompt access to any premises upon notification to the proper authority.
- (c) **Authority to Discontinue Electrical Operations.** The Electrical Inspector shall have the authority to cause the turning off of all electrical currents to any equipment which he shall find to be in an unsafe condition and cut or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department. No person, firm or corporation shall reconnect any equipment thus cut off until written permission is given by the Electrical Inspector.
- (d) **Periodic Inspection** The Electrical Inspector periodically may make inspection and thorough examinations of all the electrical wires and appliances installed with the City of Cedarburg and when such wires and appliances are found to be in a dangerous or unsafe condition he shall notify the person, firm or corporation owning, using, operating or installing the same to place them in a safe condition. Any person, firm or corporation failing or refusing to make the necessary repairs or changes, and have such completed within fifteen (15) days after the

receipt of such notice shall be subject to a forfeiture as prescribed in this Chapter. The Electrical Inspector is hereby empowered with authority to order the discontinuance of electrical service to such defective wires or equipment until they have been repaired, removed or changed as directed by the Electrical Inspector, subject to the limitations of this Chapter.

SEC. 15-1-32 LICENSES FOR ELECTRICIANS.

- (a) **License Fee.** The fees for electrical licenses shall be as provided in Section 5-1-101.
- (b) **Term of License.** All electrical licenses shall expire on December 31 following the date of issuance unless sooner revoked. There will be no prorating of any license. If a license is permitted to lapse for a period of one (1) year or more, the Inspector shall determine in each instance whether an examination shall be required of the applicant. Any applicant not possessing a valid license from another municipality requiring certification shall be required to be certified by the State of Wisconsin by successfully passing the examination and certification for master electrician in order to be licensed in the City of Cedarburg.
- (c) **When License Required** Without limitation by reason of enumeration, no person other than a person who is performing such work as an employee of and for the holder of a license shall install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any electrical equipment or accept any payments therefor without having first procured a license or a renewal thereof as regulated by this Chapter.
- (d) **Authority of Applicant.** Applicants for a license and renewals thereof shall designate in writing that the person who applies for a license hereunder will be the individual himself, an officer or full-time employee of the applicant's business concern and that such person will have complete and unquestionable authority and supervision over all matters regulated by this Chapter.
- (e) **Revocation or Suspension of License.**
 - (1) The Inspector may suspend or revoke any electrical license upon proof that such license was obtained by fraud or misrepresentation or through gross error, or that the holder thereof is incompetent or has been guilty of any dishonest practice or practices in connection with his work as a licensee, provided that before any license is suspended or revoked, the holder thereof shall be given a written notice enumerating the charges and specifying a date, not less than ten (10) days after the service of such notice, on which the holder shall be given a hearing before the Council. He shall have the right to present testimony by himself and others on such appeal and may be represented by agent or attorney before the Council. The City Attorney shall represent the Council at any such hearing or appeal. The findings of the Council on appeal shall be final, except that any license holder who feels aggrieved thereby shall have the right to further prosecute his case before any court of competent jurisdiction.
 - (2) A license may be suspended for a period not exceeding one (1) year. Whenever a license has been so suspended, the former holder thereof shall have the same status as

a person not previously licensed.

- (f) **Termination of License.** If the full-time services of the supervising electrician are interrupted or terminated, the holder of the license shall immediately notify in writing the Electrical Inspector and such license shall become null and void thirty (30) days after such continuing interruption or termination. At the expiration of such time, the licensee shall cease to do electrical work until a new application is filled as provided hereunder and a new license is issued. In such case, no additional license fee shall be paid within the same license year.
- (g) **Transfer Prohibited.** No license issued in accordance with the provisions of this Chapter shall be assignable or transferable, and no license shall be used by persons other than the licensee.
- (h) **Renewals.** Renewal licenses shall be issued by the Electrical Inspector and shall not require review and approval by the Inspector unless a renewal be denied, in which case the applicant may appeal to the Council within ten (10) days after notice in writing of such denial.

SEC. 15-1-33 PERMITS FOR ELECTRICAL WORK.

- (a) **Permits.** The Electrical Inspector shall issue permits for the execution of electrical installations for light, heat or power upon the filing of proper application which shall be made on forms furnished by the Inspector and shall prescribe the nature of the work as well as such other information as may be required for inspection. In no case shall any electrical work be done unless a permit has been obtained and service location approved by the manager of the Light and Water Commission.
- (b) **Exemptions.**
 - (1) Any person manufacturing or requiring electrical apparatus and equipment and employing a competent electrician shall not be required to have a permit for his or its testing equipment.
 - (2) No permit shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses, changing lamp sockets.
 - (3) No permits shall be required for repairs made necessary for the proper maintenance of an existing installation
- (c) **Temporary Work** On applying for permit for temporary work, a specified period of time for which such wiring is to remain in service must be stated. Service shall be put off at the end of this period and shall not again be connected without written permission from the Electrical Inspector. For buildings where conduit wiring is required special permits for temporary work may be granted by the Electrical Inspector for the installation of open work and exposed wiring, lights, power for building operations, display, decorative lighting, etc., for use for a limited period subject to discontinuance and complete removal at expiration and to condemnation and revocation within such period.
- (d) **Emergency Work** In emergency work the person doing or causing such work to be done shall report the same to the Electrical Inspector immediately after beginning work on forms furnished by the Electrical Inspector, and such work shall be done in accordance with this

Code.

- (e) **Fees.** Fees for permits for electrical installation shall be found in Section 5-1-101.
- (f) **Reinspections.** Where additional inspections are made necessary by reason of neglect to make corrections in work found faulty, defective or incomplete at the expiration of the time limit set for the reinspection as specified in notice duly served, the inspection fee shall be as provided in Section 15-1-101 for each reinspection.
- (g) **Fee Exemption.** No permit fee shall be required for a permit issued for overhauling existing installations or replacing work condemned by the Electrical Inspector. However, a permit shall be procured before starting work.
- (h) **Double Fees.** If the licensee fails to obtain a permit before work on the electrical installation has been started, except in emergency cases, the total fees for such permit shall be double the fees required. No further permits are to be issued to any licensee until all arrears in fees have been paid and all lawful orders of the Electrical Inspector shall have been complied with.
- (i) **Municipal Electrical Work.** No permit fee shall be required for a permit issued to a licensee for doing any electrical work on or in any building owned by the City. A permit, however, must be procured before the commencement of any work in such building.

SEC. 15-1-34 CONSTRUCTION REQUIREMENTS.

- (a) **Wisconsin State Electrical Code.** All wiring shall be done according to the Wisconsin State Electrical Code, Volume 2, ILHR Chapter 16.
- (b) **General.** No certificate of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with the provisions of this Chapter and the rules and regulations of the Wisconsin State Electrical Code.
- (c) **Unsafe Equipment.** No firm shall keep or offer for sale, or sell for use within the City, any equipment or fixtures designed or intended to be used for the production, transmission or utilization of electrical current or power, if said apparatus, equipment or fixtures when installed for use would be unsafe or dangerous.
- (d) **Signs.** Electrically illuminated signs shall not be hung or erected until after inspection and approved by the Electrical Inspector unless such sign has otherwise been approved.
- (e) **Service.** (Ord. 94-09)
 - (1) All service locations in the City of Cedarburg and Cedarburg Light & Water Utility Franchised Area shall be approved by a representative of the Cedarburg Light & Water Commission. All calls for locations shall be made to 375-7650 between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday.
 - (2) All splice boxes must be approved by the Utility.
- (f) **Conduit.** (Ord. 94-09)
 - (1) Service entrance conductors for all light, heat or power installation shall be encased in either rigid galvanized conduit, electrical metallic steel tubing, or schedule 80 PVC and shall be continuous from service outlet to service entrance switch or circuit

- breaker.
- (2) Where the conduit is extended above the roof line as a service drop, a minimum of two (2) inch R1010 galvanized conduit shall be used. The weather head shall not extend more than thirty (30) inches above the roof line.
 - (3) All underground service shall be installed according to Cedarburg Light and Water specifications.
 - (4) The riser conduit shall be 2" Rigid Galvanized or Schedule 80 PVC, without couplings or elbow, but with bushing or bell end. Conduit shall be installed a minimum of 18" below the finished grade. As an alternate to above, a 200 Amp Residential Meter Pedestal, Milbank, Catalog No. U1643-O-KK with a 15" extension or equal may be used.
- (g) **Meter.** (Ord. 94-09)
- (1) One family dwelling URD Services shall be a minimum of 100 Amps, but the URD meter base shall be a minimum of 200 Amps.
 - (2) On outdoor overhead and URD Services, the center of the meter shall have a maximum height of five (5) feet and a minimum height of three (3) feet and six (6) inches above the finished grade.
 - (3) Where two or more meter sockets are located adjacent (side by side) at any given location, each meter socket must be clearly marked for identification of the area (unit, apt., flat, etc.) which it serves. Failure to do so will result in the delay of installation of the meter by the Utility.

SEC. 15-1-35 INSPECTION.

Upon the completion of the wiring on any building or before any wiring is to be hidden from view, the person doing the same shall notify the Electrical Inspector who shall inspect the installation within forty-eight (48) hours of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with this Electrical Code and does not constitute a hazard to life or property, the Inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with this Electrical Code, the Inspector shall issue orders to the person installing the same to remove all hazards and make the necessary changes or additions within ten (10) days. Concealment of electrical work before inspection or failure to comply with the order of the Electrical Inspector shall constitute an offense punishable in accordance with the provisions of this Electrical Code.

SEC. 15-1-36 CERTIFICATE OF INSPECTION.

Current shall not be turned on in any electrical installation until a certificate of inspection has been issued by the Electrical Inspector. However, in occupied buildings the Building Inspector may authorized the installation of meters for electric service after wiring has been inspected and

approved.

SEC. 15-1-37 INTERFERENCE WITH RADIO OR TELEVISION RECEPTION.

No one shall maintain, use or operate any apparatus or device, whether electrical, mechanical or of any other sort which causes electrostatic or electromagnetic waves to radiate so as to interfere with radio or television reception within the City, without equipping such apparatus or device so far as it is reasonably possible with filters, condensers, shields and grounds and all such other apparatus as tends to reduce such interference.

SEC. 15-1-38 THROUGH SEC. 15-1-49 RESERVED FOR FUTURE USE.

ARTICLE C

Plumbing Code

SEC. 15-1-50 STATE PLUMBING CODE ADOPTED.

The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. ILHR 81 through 83 and ILHR 84 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City. Any further amendments, revisions and modification of said Wisconsin Statutes and Administrative Code incorporated herein are intended to be made part of this Chapter. Where requirements of the state codes and the provisions of this Chapter conflict, the stricter requirements shall govern.

SEC. 15-1-51 DEFINITIONS.

"Plumbing" for the purpose of the City Plumbing Code shall mean:

- (a) All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage system within a building and to a point from three (3) to five (5) feet outside of the building;
- (b) The construction and connection of any drain or waste pipe carrying domestic sewage, storm water or industrial waste from a point within three (3) feet outside of the foundation walls of any building with the sewer service lateral at the curb or other disposal terminal, including private domestic sewerage treatment and disposal systems and the alteration on or repair of any such systems, drain or water pipe, except minor repairs to faucets, valves, pipes, appliances, and removing of stoppages;
- (c) The water service piping from a point within three (3) to five (5) feet outside of the foundation wall of any building to the main in the street, alley or other terminal and the connecting of domestic hot water storage tanks, water softeners, and water heaters with the water supply system;
- (d) The water supply piping and plumbing appliance including the water pressure system other than municipal systems as provided in the Wisconsin Statutes; or
- (e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement, and to prevent, with a margin of safety, unequal air pressures of such force as might force or blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape to the building.

SEC. 15-1-52 PLUMBING PERMITS.

No plumbing shall be done in the City except in case of repairing leaks or stoppages without a permit being first issued therefor by the Plumbing Inspector and the paying of the proper fees as hereinafter required. The applicant for a plumbing permit shall file with the Plumbing Inspector when necessary

a plan and application showing in detail the work to be done. Before the Inspector shall issue such permit, he shall approve the application so filed with him and issue to the applicant a statement showing the fees to be paid for such permit, which statement shall be filed with the City Treasurer and the fees therein indicated paid to said City Treasurer who shall issue a receipt therefor. Upon presentation to the Plumbing Inspector of all the receipts of the City Treasurer showing the payment of all legal fees, he shall thereupon issue his permit for the work set forth in the application.

SEC. 15-1-53 BOND OR CERTIFICATE OF INSURANCE.

No permit for plumbing shall be granted unless the applicant therefor shall have filed with the City Clerk a bond in the penal sum of One Thousand Dollars (\$1,000.00) or, in lieu of said bond, a certificate of insurance in any insurance company licensed to do business in the State of Wisconsin, the insurance policy to specifically provide for the indemnification of the City pursuant to the provisions of this Chapter and also to provide for a ten (10) day notice to the City Clerk in the event of cancellation, such bond or certificate of insurance to be approved by the Public Works Commission as to sufficiency or sureties, or insurers, and by the City Attorney as to form and execution, conditioned that the applicant will indemnify and save harmless the City and its officers and agents against any and all injuries and damages resulting or arising from the performance of any work for which the permit is issued or from the performance by the applicant or his agents of any work incidental to or connected with such work, and that the applicant shall pay all judgments, costs and charges that may be recovered against the City or any of its officers or agents by reason of the performance of said work or in consequence of any act done by such applicant or his agents pursuant to said permit, and that the applicant will restore any street, alley or public grounds in which he makes any openings or excavations to the condition in which such street, alley or public ground was in immediately prior to such opening or excavation and will keep and maintain the part of such street, alley or public ground so restored in good condition to the satisfaction of the Board of Public Works for a period of six (6) months after such restoration. The bond or certificate of insurance shall cover all work done under any permits during the calendar year in which the bond or certificate of insurance is filed.

SEC. 15-1-54 REPORT OF EXISTING UNSANITARY INSTALLATION.

Whenever it shall be reported to the Health Officer by the Plumbing Inspector that the plumbing in any building is contrary to the ordinances of the City or is of faulty construction and liable to breed disease or sickness or is a menace to health, or when, upon complaint made to the Health Officer by any person that the plumbing in any building is defective as aforesaid, such officer shall direct the Plumbing Inspector to examine all the plumbing in such building and report his findings, in writing, to the Health Officer suggesting such changes as are necessary to put the same in proper sanitary condition. The Health Officer thereupon shall direct such changes to be made as he deems necessary and fix the time for doing the same.

SEC. 15-1-55 AUTHORITY TO ENTER PREMISES.

The Plumbing Inspector may, at all reasonable times, for the proper purpose enter upon the private or public premises and make inspection thereof and may require of any person doing plumbing or drainlaying work the production of the license and permit therefor. No person shall obstruct any lawful exercise of authority by the Plumbing Inspector.

SEC. 15-1-56 NOTICE FOR INSPECTION.

- (a) Whenever any work is ready for inspection, the Plumbing Inspector shall be notified by the plumber in charge or the person receiving the permit. Unless otherwise especially permitted by the Inspector, all work shall be left uncovered for examination until examined and approved by the Inspector.
- (b) The plumber in charge or the owner shall make such arrangements as will enable the Inspector to reach all parts of the building readily and shall have present the proper apparatus and appliances for making the tests and shall furnish all materials and shall perform all labor in making such tests as required by the Plumbing Inspector and the State Plumbing Code.

SEC. 15-1-57 RECORD OF DRAIN JUNCTIONS.

The Plumbing Inspector shall keep a record of all sewer connections and make maps showing locations of the same, position of all house drains, connections, junctions and other data necessary for the efficient services of his department.

SEC. 15-1-58 DEFECTIVE OR INFERIOR PIPE PROHIBITED.

No person shall lay and connect with any public sewer a pipe that is cracked, damaged or of inferior make or quality. Should any property owner or agent thereof furnish a pipe of an inferior make or quality for laying the same to connect with a public sewer, the plumber shall refuse to lay and connect with the same and immediately shall notify the Plumbing Inspector or the Director of Public Works of all the circumstances connected therewith in writing.

SEC. 15-1-59 DRAINS' ENDS AND CONNECTIONS GUARDED.

The ends of all sewer and drain pipes not immediately connected shall be securely closed so as to prevent the introduction of sand or earth. Where the end of the sewer or drain pipe is connected with a temporary catch basin for draining the foundation during the erection of any buildings, or for other purposes, the drainlayer shall guard the same against the introduction therein of sand or earth.

SEC. 15-1-60 CATCH BASINS AND RECEPTACLES.

All sewer and drain pipes that must be left open to drain cellars, area, yards, gardens or other places must be connected with suitable catch basins of brick, vitrified cement pipe, concrete or other suitable substances, the bottom of which must not be less than two and one-half (2-1/2) feet below the bottom of the outlet pipe. Every such catch basin or receptacle must be placed inside the lot line or lots to be drained and be properly trapped.

SEC. 15-1-61 OLD PIPE OR DRAIN.

Whenever necessary to disturb a drain or sewer in actual use, the same shall not be obstructed or disconnected without special permission of the Plumbing Inspector, and it shall be unlawful to make any new connections with or extensions to any old drain without permission of the Plumbing Inspector.

SEC. 15-1-62 DRAIN WHEN CONSTRUCTED.

Where the courses of any sewer or drain are obstructed by water, gas, steam or other pipes or conduits, the question of passing over or under such obstruction or the raising or lowering thereof so as to Permit the construction and installation of the sewer or drain shall be determined by the Director of Public Works or Plumbing Inspector.

SEC. 15-1-63 PERMIT TO CONNECT DURING FREEZING WEATHER.

No openings in the streets for making connection with a main sewer will be permitted when the ground is frozen, except when, in the judgment of the Director of Public Works, such connection is absolutely necessary, and if such permission is granted, the work shall be done as directed by the granting of such permit.

SEC. 15-1-64 PROTECT PIPES AGAINST FROST, INJURY OR SETTLING.

All water, sewer, drain, gas conduits or other piping must be protected from injury, frost or settling to the satisfaction of the Plumbing Inspector.

SEC. 15-1-65 PROTECT SEWERS AND DRAINS.

No person shall permit any earth, sand or other solid material to enter into any main sewer during the progress of any work in laying drains or sewers, making alterations, extensions or repairs to the same, or in connecting such drain or sewers with the main sewers of the City.

SEC. 15-1-66 DRAINS CONVEYING INDUSTRIAL WASTE.

No person shall connect any factory, brewery, distillery, stockyard, slaughterhouse, tannery or other building or establishment by any drain or sewer with the main sewer through which it is intended or designed to discharge any offal, garbage, filth or other solid refuse, or through which substances may be discharged into the main sewer unless such installations are provided with an adequate intercepting appliance.

SEC. 15-1-67 DRAINS DISCHARGING OBNOXIOUS LIQUIDS.

No person shall connect any premises with any drain or sewer entering into any main sewer through which any obnoxious, explosive or odorous or unhealthful liquids or substances may be discharged into the main public sewers. Rain and surface water shall be excluded from the sanitary sewers of the City.

SEC. 15-1-68 INTENTIONALLY, WILLFULLY OR MALICIOUSLY INJURING OR DRAINAGE.

No person shall intentionally, willfully or maliciously injure or obstruct any sewer, house drain, cesspool, catch basin or any plumbing fixtures or apparatus, pipes or other parts of any plumbing in actual use, or any sewer, water or gas pipe or any parts or apparatus connected therewith, laid or constructed in the streets, alleys or other public places or under any sidewalks of the City.

SEC. 15-1-69 DRAINING OF ROOF WATER INTO SANITARY SEWERS.

No person shall permit rain water, surface water, underground water, spring water or other clear water from the roof of any building, from cistern overflows, building foundation drains or other methods to drain into the sanitary sewer systems of the City. All new construction must so waterproof exterior subgrade walls as to prevent infiltration of surface water into the sanitary sewer system.

SEC. 15-1-70 DRAINING OF ROOF WATER INTO STORM SEWERS.

No person shall permit rain water from the roof of any building now under construction or any building to be constructed hereafter in any area within the City where storm sewer laterals are installed except through a rain water conductor or pipe connecting the storm sewer system of said City.

SEC. 15-1-71 THROUGH SEC. 15-1-99 RESERVED FOR FUTURE USE.

ARTICLE D

Penalties and Fees

SEC. 15-1-100 PENALTIES AND VIOLATIONS.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, or any plumbing, heating and ventilating or electrical work regulated by this Chapter, in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The appropriate inspector shall promptly report all such violations to the Common Council and City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the pertinent inspector constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b)
 - (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the pertinent Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. ILHR 20.10(1)(c), Wis. Adm. Code.
 - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of a City Building, Plumbing or Electrical Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the State Statute or this Chapter, no officer, agent or employee of the City charged with the enforcement of this Chapter shall render himself

personally liable for any damage that may accrue to person 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 City, 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. 15-1-101 BUILDING, ELECTRICAL HEATING, VENTILATING,
AIR CONDITIONING, PLUMBING, SIGN AND RELATED FEES.**

- (a) **Building Permit Fees.** (Ord. 90-53) (91-37) (91-41) (92-27) (92-54) (93-01) (93-43) (95-50) (96-42) (98-39) (99-39) (2003-38) (2004-41) (Ord. 2005-39) (Ord. 2008-26) (Ord. 2010-22) (Ord. 2011-28) (Ord. 2014-30) (Ord. 2016-22)

<u>Category</u>	<u>Rate</u>	<u>Fee</u>
(1) Residential		
a. 1 & 2 family (in addition to Wis. Uniform Building Permit Seal)	\$55.00 (minimum)	35¢/gross sq. ft.*
b. Apartments, 3-family & over, row housing multi-family dwellings	\$50.00 (minimum)	35¢/gross sq. ft. *
c. additions, accessory buildings, private garages, breezeways & decks	\$50.00 (minimum)	35¢ gross sq. ft. *
d. Wisconsin Uniform building permit seal		\$55.00 (flat fee)
(2) Business, institutional & office buildings or additions thereto and accessory structures	\$75.00 (minimum)	35¢/gross sq. ft.*
(3) Manufacturing & industrial buildings or additions thereto and accessory structures	\$75.00 (minimum)	35¢/gross sq. ft.*

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(*Gross square footage calculations are based on exterior dimensions, including garage and each floor level. Unfinished basements are included in this calculation.)

(4)	All other buildings, structures, alterations, or repairs	Per \$1,000 valuation \$50.00 min.	\$11.50/\$1,000
(5a)	HVAC Distribution	(\$20 minimum)	\$1.50/100 sq. ft. of conditioned air
(5b)	Heating, including duct work	Per unit, up to and including 150,000 BTU units	\$55.00
		Per each additional 50,000 BTU units or fraction thereof	\$15.00
	Fireplace		\$50.00 unit
	Exhaust Hoods		\$150.00 unit
	Commercial Roof Top Heater		\$100.00 unit
(6)	Air conditioning-central	Per unit-residential Per unit-commercial	\$55.00 \$60.00
(6a)	Minimum permit fee for one permit		\$55.00
(7)	Fuel tanks (Totally fire department regulated)		
(8)	Failure to obtain permit	1st offense 2nd offense	double fee triple fee
(9)	Wrecking & razing. (Bldg. Inspector may waive fee if structure is subject to condemnation order.) See Ord. 92-18, Section 15-1-8(b) of the Code of Ordinances, for Insurance and performance	Buildings under 750 sq. ft. Buildings 750 to 1,200 sq. ft. Buildings 1,201 to 10,000 sq. ft.	No Charge \$100.00 \$300.00

City of Cedarburg
Building Code

	bond requirements	Buildings over 10,000 sq. ft.	\$500.00
(10)	Moving building over public ways	For principal buildings	\$100.00
		For accessory buildings (Minimum \$5,000 performance bond to be submitted)	\$50.00
(11)	Certificate of occupancy		
	a. Residential	1 & 2 family	\$50/bldg.
		Multi-family	\$50.00/each unit
	b. Business/commercial/ industrial/institu- tional	New occupancy of all existing and new buildings:	\$160
(12)	Reinspection fees (payable before issuance of occupancy permit	Per reinspection	\$50.00
(13)	Erosion control permit (In determining fees, fractions of an acre shall be founded to the nearest acre.)		
	a. 1 & 2 family building sites		\$160.00/lot
	Commercial:		
	b. Storm Water Management		
	Permit fee – commercial, industrial, and miscellaneous land disturbing activities:		
	1 acre or less		\$200.00
	Greater than 1 acre		\$200+
			\$50/acre of disturbed area
(14)	Swimming Pools		\$75.00
(15)	Fire Sprinkler System		\$50 plus .30¢ per Sprinkler head
(16)	Plan Examination Fees		
	a. <u>Commercial</u>		
	<u>Area (Sq. Ft.)</u>		<u>Building & HVAC</u>

City of Cedarburg
Building Code

	Less than 2,500	\$320
	2,501-5,000	\$430
	5,001-10,000	\$530
b.	Residential new home	\$200
	Additions	\$60
c.	Commercial	\$225
d.	Decks	\$35
(17)	Permit Fees	
	Siding	\$50 flat fee

(b) **Electrical Permit Fees.** Fees for permits of electrical installation shall be as follows:

(1)	Light, switch and convenience outlets- smoke detectors	70¢
(2)	Lighting fixtures	55¢
(3)	Fluorescent fixtures - per tube/per ballast	55¢
(4)	Range, electric	\$ 6.00
(5)	Garbage grinding and disposal unit	\$ 6.00
(6)	Dishwasher	\$ 7.00
(7)	Clothes Dryer	\$ 6.00
(8)	Water Heaters, electric	\$10.00
(9a)	Furnace, gas or oil burner or stocker – Residential	\$ 9.00
(9b)	Furnace, gas or oil burner or stocker – Commercial	\$18.00
(10a)	Air conditioning, refrigeration, air cooling or similar machine – Residential	\$12.00
(10b)	Air conditioning, refrigeration, air cooling or similar machine – Commercial	\$24.00
(11)	Feeders - No. 4 A.W.G. or larger	\$10.00
(12)	Whirlpool, hot tub, etc.	\$18.00
(13)	Services:	
	a. 0 through 100 amperes	\$40.00
	b. 101 through 200 amperes	\$50.00
	c. 201 through 600 amperes	\$60.00
	d. Thereafter, each additional 100 amperes or fraction thereof	\$10.00
(14)	Motor over ¼ HP 50¢ per hp or fraction thereof	min. \$4.00
(15)	Fuel dispensing pumps	\$10.00

City of Cedarburg
Building Code

(16) Transformers, rectifiers and generators 50¢ per kw up to 200 kw	Min. \$ 5.00
(17) Electric space heating systems, per KW	\$5.00
(18) Heating devices, miscellaneous	\$5.00
(19) Power receptacles - 230 volts or over	
a. Through 30 amperes	\$6.00
b. Over 30 amperes	\$10.00
(20) Wireways, busways, underfloor raceways or auxiliary gutters (per lin. ft.)	50¢
(21) Strip lighting, plug-in strip, or similar system (per lin. ft.)	50¢
(22) Exterior lighting - commercial (per fixture)	\$6.00
(23) X-ray machines, motion picture machines	\$10.00
(24) Fire alarm panel	\$40.00
(25) Signs, electric	\$15.00
(26) Swimming pool wiring	\$50.00
(27) Minimum charge for any one permit	\$50.00
(28) Re-inspection fee	\$40.00
(c) Plumbing Permit Fees. The schedule of fees to be paid shall be as follows:	
(1) Connection to sanitary sewer	\$50.00
(2) Connection to storm sewer	\$50.00
(3) Water service (less than two inches)	\$50.00
(4) Water service (more than two inches)	\$50.00
(5) Each new connection of building interior sanitary sewer to sanitary sewer lateral	\$50.00
(6) Each new connection of building interior storm sewer to storm sewer lateral	\$50.00
(7) Each new sanitary sewer sump/ ejector pump connection	\$50.00
(8) Each new storm sump pump connection	\$30.00
(9) Minimum Permit fee	\$35.00
(10) Replacement of water heater	\$15.00
(11) Catch Basins	\$30.00
(12) For first installation of fixtures each and such fixtures to include without limitations: sinks, garbage grinders and disposals, bathtubs, wash basins, water closets, shower stalls, urinals, laundry tubs, gas water heaters, range boilers, water	

softeners, floor drains, bubblers,
sumps, bar connections, soda fountains,
refrigerators, ice boxes, machine waste connections,
acid tanks, pumps, ejectors, changes and
alterations where inspections are necessary and
house drain, sewer, water and fire protection
installations when no plumbing fixtures are
installed.

\$10.00 per connection

- (13) If the licensee shall fail to obtain a permit before starting construction, the total fees for such permit shall be double the fees as stated.
- (14) The fees for permits provided by this Section shall become the property of the City and shall not be refundable even though the permit issued is not used unless such fees exceed Five Dollars (\$5.00). In such cases, only that portion of the permit fee in excess of Five Dollars (\$5.00) shall be refunded if the permit is not used. Any sums advanced for the prepayment of the cost of merchandise or services to be furnished by the City shall be refunded in full if not used.
- (15) A reinspection fee in the minimum amount of Twenty-five Dollars (\$25.00) shall be payable before an occupancy permit is issued.

d. **Sign Permits Fees.**

- (1) The permit fee for a permanent sign shall be Seventy-five Dollars (\$75.00) per application and location. There shall be no charge for resubmitted applications.
- (2) The permit fee for a temporary sign shall be Twenty Dollars (\$20.00) per application. There shall be no charge for temporary sign permits for over-the-street banners erected by or in support of a civic, educational or nonprofit organization and issued pursuant to section 15-5-14(b).

CHAPTER 2

Construction Site Erosion Control (Ord. 2017-36)

- S. 15-2-01 Authority**
- S. 15-2-02 Findings of Fact**
- S. 15-2-03 Purpose**
- S. 15-2-04 Applicability and Jurisdiction**
 - (1) Applicability
 - (2) Jurisdiction
 - (3) Exclusions
- S. 15-2-05 Definitions**
- S. 15-2-06 Applicability of Maximum Extent Practicable**
- S. 15-2-07 Technical Standards**
- S. 15-2-08 Performance Standards for Construction Sites Under One Acre**
 - (1) Responsible Party
 - (2) Erosion and Sediment Control Practices
 - (3) Location
 - (4) Implementation
- S. 15-2-09 Performance Standards for Construction Sites of One Acre or More**
 - (1) Responsible Party
 - (2) Erosion and Sediment Control Plan
 - (3) Erosion and Other Pollutant Control Requirements
 - (4) Implementation
- S. 15-2-10 Permitting Requirements, Procedures and Fees**
 - (1) Permit Required
 - (2) Permit Application and Fees
 - (3) Permit Application Review and Approval
 - (4) Surety Bond
 - (5) Permit Requirements
 - (6) Permit Conditions
 - (7) Permit Duration
 - (8) Maintenance
- S. 15-2-11 Erosion and Sediment Control Plan, Statement and Amendments**
 - (1) Erosion and Sediment Control Plan Statement
 - (2) Erosion and Sediment Control Plan Requirements
 - (3) Erosion and Sediment Control Plan Amendments
- S. 15-2-12 Fee Schedule**
- S. 15-2-13 Inspection**
- S. 15-2-14 Enforcement**
- S. 15-2-15 Appeals**
 - (1) Department of Engineering and Public Works and Sewerage Commission

- (2) Who May Appeal
- S. 15-2-16 Severability**
- S. 15-2-17 Effective Date**

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

Use of this ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of ch. NR 151, Wis. Adm. Code.

S. 15-2-01 AUTHORITY.

- (1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats, as amended. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., as amended, applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Common Council hereby designates the City Inspector to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

S. 15-2-02 FINDINGS OF FACT.

The Common Council acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in City of Cedarburg.

S. 15-2-03 PURPOSE.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Cedarburg.

S. 15-2-04 APPLICABILITY AND JURISDICTION.

(1) **APPLICABILITY.**

- (a) Except as provided under par. (b), this ordinance applies to any construction site as defined under S. 15-2-05 (8).
- (b) This ordinance does not apply to the following:
 - 1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
 - 2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 - 3. Nonpoint discharges from agricultural facilities and practices.
 - 4. Nonpoint discharges from silviculture activities.
 - 5. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the City Inspector, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(2) **JURISDICTION.**

This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the City of Cedarburg, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to s. 236.45 (2) and (3), Wis. Stats..

(3) **EXCLUSIONS.**

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

S. 15-2-05 DEFINITIONS.

- (1) “Administering authority” means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.
- (2) “Agricultural facilities and practices” has the meaning in s. 281.16 (1), Wis. Stats, as amended.
- (3) "Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (4) “Business day” means a day the office of the City Inspector is routinely and customarily open

for business.

- (5) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the City Inspector.
- (6) “City Inspector” means the City Engineer, City Inspector, or their designees.
- (7) “Common Council” means the City of Cedarburg Common Council.
- (8) “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (9) “Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (10) “Division of land” means the creation from one parcel of 4 or more parcels or building sites of one and one-half (1.5) or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- (11) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (12) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (13) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (14) “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- (15) “Governing body” means City of Cedarburg Common Council.
- (16) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (17) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
- (18) “Maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with S. 15-2-06 of this ordinance.
- (19) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

- (20) “Permit” means a written authorization made by the City Inspector to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (21) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.
- (22) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.
- (23) “Responsible party” means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
- (24) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (25) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (26) "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (27) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (28) “Stop work order” means an order issued by the City Inspector which requires that all construction activity on the site be stopped.
- (29) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (30) “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats, as amended. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 101.1206, Wis. Stats, as amended.
- (31) “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

S. 15-2-06 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Inspector’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

S. 15-2-07 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (3) Technical standards and methods approved by the City Inspector.

S. 15-2-08 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

- (1) **RESPONSIBLE PARTY.** The responsible party shall comply with this section.
- (2) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (a) The deposition of soil from being tracked onto streets by vehicles.
 - (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
 - (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (d) The discharge of sediment from drainage ways that flow off the site.
 - (e) The discharge of sediment by dewatering activities.
 - (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (3) **LOCATION.** The BMPs shall be located so that treatment occurs before runoff enters waters of the state.
- (4) **IMPLEMENTATION.** The BMPs used to comply with this section shall be implemented as follows:
 - (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

S. 15-2-09 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

- (1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with S. 15-2-11.
- (2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with S. 15-2-11 of this ordinance and implemented for each construction site.
- (3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (2) shall include the following:
 - (a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - 1. The deposition of soil from being tracked onto streets by vehicles.
 - 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - 4. The discharge of sediment from drainage ways that flow off the site.
 - 5. The discharge of sediment by dewatering activities.
 - 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
 - (b) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:
 - 1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable.

Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

- (c) PREVENTIVE MEASURES. The erosion and sediment control plan shall incorporate all of the following:
 - 1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - 2. Minimization of soil compaction and preservation of topsoil.
 - 3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 - 4. Development of spill prevention and response procedures.
- (d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
 - (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in S. 15-2-09 (2).
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

S. 15-2-10 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the City Inspector.
- (2) PERMIT APPLICATION AND FEES. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of S. 15-2-11, and shall pay an application fee to the City Inspector in the amount specified in S. 15-2-12.

- By submitting an application, the applicant is authorizing the City Inspector to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) **PERMIT APPLICATION REVIEW AND APPROVAL.** The City Inspector shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
- (a) Within 30 business days of the receipt of a complete permit application, as required by sub. (2), the City Inspector shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and erosion and sediment control plan are approved, the City Inspector shall issue the permit.
 - (c) If the permit application or erosion and sediment control plan is disapproved, the City Inspector shall state in writing the reasons for disapproval.
 - (d) The City Inspector may request additional information from the applicant. If additional information is submitted, the City Inspector shall have 30 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
 - (e) Failure by the City Inspector to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) **SURETY BOND.** As a condition of approval and issuance of the permit, the City Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
- (a) Notify the City Inspector within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the City Inspector of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the City Inspector prior to any modification pursuant to S. 15-2-11 (3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of

the person conducting the inspection, and a description of the present phase of the construction at the site.

- (h) Allow the City Inspector to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by City Inspector in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in S. 15-2-08 or S. 15-2-09.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The City Inspector may grant one or more extensions not to exceed 180 days cumulatively. The City Inspector may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

S. 15-2-11 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

- (1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. An erosion and sediment control plan statement shall be prepared as required under S. 15-2-04(1) and S. 15-2-05(8). This statement shall be submitted to the City Inspector. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.
- (2) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.
 - (a) An erosion and sediment control plan shall be prepared and submitted to the City Inspector.
 - (b) The erosion and sediment control plan shall be designed to meet the performance standards in S. 15-2-08, S. 15-2-09 and other requirements of this ordinance.
 - (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - 1. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - 2. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land

disturbance on a United States Geological Service 7.5 minute series topographic map.

3. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 4. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 5. Calculations to show the compliance with the performance standard in S. 15-2-09 (3)(b)1.
 6. Existing data describing the surface soil as well as subsoils.
 7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 2. Boundaries of the construction site.
 3. Drainage patterns and approximate slopes anticipated after major grading activities.
 4. Areas of soil disturbance.
 5. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 6. Location of areas where stabilization BMPs will be employed.
 7. Areas which will be vegetated following land disturbing construction activities.
 8. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 9. Areas(s) used for infiltration of post-construction storm water runoff.
 10. An alphanumeric or equivalent grid overlying the entire construction site map.

- (e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
 - 1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - 2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City Inspector, structural measures shall be installed on upland soils.
 - 3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - 5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 - 6. Protection of downslope drainage inlets where they occur.
 - 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 - 8. Clean up of off-site sediment deposits.
 - 9. Proper disposal of building and waste material.
 - 10. Stabilization of drainage ways.
 - 11. Installation of permanent stabilization practices as soon as possible after final grading.
 - 12. Minimization of dust to the maximum extent practicable.
 - (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (3) **EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS.** The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
 - (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

- (c) The City Inspector notifies the applicant in writing of changes needed in the erosion and sediment control plan.

S. 15-2-12 FEE SCHEDULE.

A schedule of the permit fees established by the City Inspector shall be available for review in City Hall. The permit fees may be modified by resolution of the Common Council for the City of Cedarburg.

S. 15-2-13 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this ordinance, the City Inspector may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.

S. 15-2-14 ENFORCEMENT.

- (1) The City Inspector may post a stop work order if any of the following occurs:
 - (a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
 - (b) The erosion and sediment control plan is not being timely implemented or implemented pursuant to its terms.
 - (c) The conditions of the permit are not being met.
 - (d) The City Inspector has notified the applicant in writing of a change to the erosion and sediment control plan, pursuant to section 15-2-11(3)(c), herein, and the applicant has not timely implemented the changes to the plan.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the City Inspector may revoke the permit.
- (3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the City Inspector, or if a responsible party violates a stop work order posted under sub. (1), the City Inspector may request the City of Cedarburg Attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The City Inspector or the Department of Public Works and Sewerage Commission may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) After posting a stop work order under sub. (1), the City Inspector may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The City Inspector or its designee may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the City Inspector, plus interest at the rate of twelve percent (12%) per annum shall be billed to the responsible party. In the event a responsible party fails to timely pay the amount due, the City Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

S. 15-2-15 APPEALS.

- (1) **PUBLIC WORKS AND SEWERAGE COMMISSION.** The Public Works and Sewerage Commission created pursuant to the City's zoning ordinance pursuant to s. 62.23 (7)(e), Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Inspector in administering this ordinance except for cease and desist orders obtained under S. 15-2-14 (3).
 - (b) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Appeals to the Public Works and Sewerage Commission may be taken by the Responsible party, any aggrieved person, or by any office, department, board, or bureau of the City of Cedarburg affected by any decision of the City Inspector.

S. 15-2-16 SEVERABILITY.

If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

S. 15-2-17 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication.

CHAPTER 3

Fair Housing

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

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

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

State Law Reference: Section 66.432, Wis. Stats.

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

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) **Family.** One or more individuals, corporations, partnerships, associations, labor legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing, Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (h) **Real Estate Broker/Real Estate Salesman** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing

accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

- (i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

SEC. 15-3-3 UNLAWFUL PRACTICES.

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

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed,

circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination.

- (g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or
- (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
 - (1) The lowering of property values in the area;
 - (2) An increase in criminal or antisocial behavior in the area; or
 - (3) A decline in the quality of schools serving the area.
- (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
- (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
- (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or
- (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or
- (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or
- (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a

dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or

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

SEC. 15-3-4 EXEMPTIONS.

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:
 - (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

- (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
- (3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

SEC. 15-3-5 ENFORCEMENT.

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

CHAPTER 4

Grievances Regarding Access to Public Buildings by Handicapped Persons

15-4-1 Grievance Procedures Regarding Access to Public Buildings
by Handicapped Persons

SEC. 15-4-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.

- (a) **Statement of Purpose.** The City of Cedarburg is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal financial assistance. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) regulations (31 C.F.R. 51.55[d][2]) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . ."
- (b) **Complaint Procedure.**
- (1) Complaints should be filed with the City Administrator, who has been designated to coordinate Section 504 Compliance.
 - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
 - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the City Administrator who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
 - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
 - (6) The Section 504 coordinator shall maintain the files and records of the City relating to the complaints filed.
- (c) **Appeals.**
- (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the City Clerk.

- (2) The grievance shall be heard by the Common Council within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the City Hall at a convenient time fixed by the Common Council. The City Clerk shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.
 - (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.
 - (4) The decision of the Common Council on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Council shall be rendered within three (3) working days of the close of the hearing and the Common Council shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the City Clerk.
- (d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an organization.
- (e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City complies with Section 504 and the ORS regulations.

CHAPTER 5

Regulation of Signs (Ord. 2002-06) (Ord. 2015-03)

15-5-1	Purpose of Chapter
15-5-2	Administration of Chapter
15-5-3	Sign Permit Application
15-5-4	Indemnification of Sign Installation and Maintenance
15-5-5	Insurance
15-5-6	Liability
15-5-7	General Physical Requirements
15-5-8	Construction Specifications
15-5-9	Installation and Maintenance
15-5-10	Abandoned Signs
15-5-11	Prohibited Signs
15-5-12	Signs Not Requiring a Permit (Unrestricted Signs)
15-5-13	Signs Requiring a Temporary Permit
15-5-14	Signs Requiring a Permanent Permit
15-5-15	Legal Non-Conforming Signs
15-5-16	Procedure and Penalties for Enforcement of Sign Codes
15-5-17	Definitions

SEC. 15-5-1 PURPOSE OF CHAPTER.

- (a) The purpose of this Sign Regulation Chapter is to provide the legal framework and minimum standards to safeguard life, property, public welfare and City aesthetics by regulating and controlling the design, number, size, quality of materials, construction, location, electrification, installation and maintenance of all signs as compatible with zoning regulations.
- (b) This Chapter recognizes the need for well-maintained and attractive sign displays within the community and the need for adequate business identification advertising and communication. Because of the unique qualities of the City of Cedarburg which need to be protected and enhanced, a high degree of control over the aesthetic nature of signs is deemed to be an important public purpose. It is recognized that while personal preference may be expressed in selecting the size, shape, colors, type, style, placement, method of mounting and other components in the design of signs, the Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District, is responsible for assuring that only aesthetically pleasing and functionally purposeful signs are displayed in the City of Cedarburg. Therefore, although a proposed sign may meet the basic requirements of this Chapter, the ultimate decision concerning its final appearance shall rest with the Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District [subject to the appeals procedure set forth in Section 15-5-3(f)].

- (c) This Chapter authorizes the use of signs visible from the public right-of-way, provided the signs are:
 - (1) Compatible with the zoning district regulations.
 - (2) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
 - (3) Legible, readable, visible and well-designed for the circumstances in which they are used.
 - (4) Respectful of the reasonable rights of other advertisers.
 - (5) Not covering any major architectural detail.

SEC. 15-5-2 ADMINISTRATION OF CHAPTER.

- (a) **Landmarks Commission.** The Landmarks Commission shall examine all applications for the erection of signs located within the Historic Preservation District, recommend permits, denials or continued use of signs which conform with requirements of this Chapter to the Building Inspector or his authorized agent. The Landmarks Commission shall meet no less than twice a month, unless there are no sign applications pending.
- (b) **Building Inspector.** The City Building Inspector or his authorized agent shall examine all applications for the erection of signs located outside the Historic Preservation District and shall approve, deny or permit the continued use of signs which conform with the requirements of this Chapter. The Building Inspector or his authorized agent shall record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the City of Cedarburg and make such reports as the City may require.
- (c) **Sign Inspection.**
 - (1) The Building Inspector or his authorized agent and/or Electrical Inspector may inspect every sign.
 - (2) If any such sign is found to be unsafe or in any way not in compliance with the terms of this Chapter, the Building Inspector or his authorized agent shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened.
 - (3) If the sign is not made to comply within thirty (30) days after such notice, it may be removed or altered to comply at the expense of the holder of the permit by the Building Inspector or his authorized agent and/or Electrical Inspector. The Building Inspector or his authorized agent and/or Electrical Inspector may cause a sign to be removed summarily and without notice whenever public safety requires this to be done immediately.
 - (4) The fee for such an inspection is set forth in Section 15-1-101(d). If the fee is not paid within thirty (30) days of the inspection, such fee shall be doubled and a second invoice shall be sent to the owner of the sign by certified mail. If such invoice is not paid within thirty (30) days, appropriate action shall be initiated by the Building Inspector to cause the removal of the sign in question.

SEC. 15-5-3 SIGN PERMIT APPLICATION.

- (a) **Application.**
- (1) If the sign is located in the Historic Preservation District a sign permit application shall be filed with the Building Inspection Department at least eight (8) working days prior to a scheduled meeting of the Landmarks Commission. *The Building Inspector, or Landmarks Commission* if the sign is located in the Historic Preservation District shall review the physical site and message requirements of the sign application and shall approve or deny the application in writing at that time. Upon approval of the Landmarks Commission if the sign is located in the Historic Preservation District, the Building Inspector or his authorized agent shall issue the permit. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance. Only the person who has submitted the sign application and paid the necessary fee is authorized to erect the sign; such permit may be taken out on behalf of the owner by an insured sign installer.
 - (2) Permits are not required for normal maintenance and repair of the sign and sign structure as long as it is maintained as originally approved.
- (b) **Required Information.** The sign permit application shall require and contain the following information. Failure to provide this information to the Building Inspector and/or the Landmarks Commission could result in the application being tabled until the next scheduled meeting date.
- (1) Name, address and telephone number of the applicant and location of the building, structure, lot or property to which or upon which the sign is to be attached or erected.
 - (2) Name of person, firm, corporation or association constructing and erecting the sign.
 - (3) Written consent of the owner or lessee, if different from the applicant, of the building, structure or land to which or upon which the sign is to be affixed or erected.
 - (4) A scale drawing of such sign indicating the dimensions, the materials to be used, lettering, colors and type of illumination, if any, and the method of construction and attachment.
 - (5) Submission of one (1) set of color chips which will remain with the Building Inspection Department.
 - (6) A scale site drawing indicating the location and position of lot lines, existing buildings, existing signs, location of the proposed sign, photographs of the building and/or site of the proposed sign including adjoining properties.
 - (7) Information (or type of information, message and/or images) to be displayed on the face(s) of the sign.
 - (8) Calculations or evidence showing the structure and design meet the requirements of this Chapter. (See Sections 15-5-8 and 15-5-9.)
 - (9) Evidence of insurance or bond as required herein.
 - (10) Payment of fee(s) as set forth in this Section.
- (c) **Temporary Sign Permit.** A temporary sign permit for an on premise sign may be issued by the Building Inspector provided the sign conforms to the conditions set forth in this Chapter.

- (d) **Permit Fees.**
- (1) The permit fee for a permanent sign shall be per Section 15-1-101(d). There shall be no charge for resubmitted applications if within ninety (90) days of first application.
 - (2) The permit fee for a temporary sign shall be per Section 15-1-101(d) per application. There shall be no charge for temporary sign permits for over-the-street banners erected by or in support of a civic, educational or nonprofit organizations and issued pursuant to Section 15-5-13(c)(2).
 - (3) The permit fee for a temporary sign shall be per Section 15-1-101(d).
 - (4) The safety inspection fee for electrical and projecting signs shall be per Section 15-1-101 per inspection as applicable.
 - (5) Double fees shall be charged to any applicant who erects or installs a sign prior to issuance of a permit. [See Sec. 15-5-3(h)].
 - (6) Mirrored image signage on fascia's, etc. shall be counted as one sign and charged one sign permit fee.
- (e) **Permit Issuance and Denial.** The Building Inspector or his authorized agent shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign within the City when the permit application has been approved by the Building Inspector himself, or Landmarks Commission if the sign is located in the Historic Preservation District or, in the case of a temporary sign, if it conforms to the requirements set forth in Section 15-5-13. If the Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District, denies a sign permit application, the applicant shall be given written notice of the reasons for denial. The Building Inspector or his authorized agent may deny an application for a sign permit if the application fails to satisfy the requirements of this Chapter. Only applications, which satisfy the basic requirements of this Chapter, will be reviewed by the Building Inspector or forwarded to the Landmarks Commission.
- (f) **Appeals.** Appeals of the decisions of the Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District under this Chapter shall be made to the City Plan Commission. Further appeal of the ruling of any such decision by the City Plan Commission shall be to the Common Council.
- (g) **Revision without permit.** Any changes or alterations to a sign previously approved by the Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District in regards to colors, type-style, shape and/or size must have approval from the Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District before proceeding with the change. Any violations of this shall be governed by Section 15-5-16.
- (h) Any owner and/or sign contractor erecting a sign without obtaining a City sign permit and prior approval from the Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District shall remove the sign within three (3) working days at their expense upon written notification by the Building Inspector. Any owner who fails to comply with this Section shall be subject to the following: The Building Inspector may cause the illegal sign to be removed and the cost of such removal shall become a lien as provided in Sec. 66.60(15), Wis. Stats., and shall automatically be extended upon the current or next tax

roll as a delinquent tax against the property. All proceedings related to the collection, return and sale of property for delinquent real estate shall apply.

SEC. 15-5-4 INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE.

Any person who installs or maintains a sign(s) which involves, in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work shall agree to hold harmless and indemnify the City of Cedarburg, its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation or maintenance of this sign or any other sign work insofar as this Chapter has not specifically directed the placement of the sign.

SEC. 15-5-5 INSURANCE

Every sign contractor shall file with the Building Inspector or his authorized agent a certificate of insurance as prescribed by the City's Schedule of Insurance Requirements. Such insurance shall not be canceled or reduced without the insured first giving a thirty (30) day notice to the City of Cedarburg of such cancellation or reduction.

SEC. 15-5-6 LIABILITY.

The acceptance of fees as provided herein shall not be deemed as assumption of liability by the City. The owner of any building or structure upon which a sign is erected shall be liable for any damages and injuries that may be caused to persons or property thereby.

SEC. 15-5-7 GENERAL PHYSICAL REQUIREMENTS.

All business signs shall be considered to be pylon signs, wall signs, awning/canopy signs, projecting signs, or freestanding/ground signs which are located on or attached to a structure on the premises being served or on established easements of record and are subject to the conditions set forth in this Chapter.

- (a) **Pylon Signs.** Pylon signs shall not exceed twenty (20) feet in height including any type of base. For determining permissible sign height, pylon signs shall be set back one (1) foot from the property line for each one (1) foot of the sign's height, and located entirely on private property.
- (b) **Wall Signs.** Wall signs shall be limited to one (1) (thirty-two (32) square foot maximum) per building side and shall be allowed only when the property line on said side of the building is contiguous to and faces a public street or alley right-of-way.
- (c) **Projecting Signs.** Projecting signs shall be limited to the requirements of the applicable zoning district, as prescribed in Section 15-5-14. Projecting signs shall in no case be closer than five (5) feet to a curb or have less than eight (8) feet clearance, measured from grade level to the bottom of the sign. Projecting signs providing less than eight (8) feet from grade level to the bottom of the sign may be permitted at the discretion of the Building Inspector, or

Landmarks Commission if the sign is located in the Historic Preservation District. Signs must be mounted firmly, and no component may swing, rotate, or move freely.

- (d) **Freestanding/Ground Signs.** Freestanding signs shall be less than eight (8) feet in total height.
- (e) **Awning/Canopy Signs.** Awning/canopy signs shall provide no less than eight (8) feet vertical clearance between the bottom of the sign and the ground (finished surface) directly beneath the awning/canopy. Canopies installed over a public right-of-way must also be approved by the Plan Commission. Landmarks Commission approval is also required if located in a historic district.
- (f) **Signs Above Roofs.** No sign shall be located on nor extend above the roof, wall, mansard or parapet of the building or structure to which it is attached.
- (g) **Signs by Intersection.** Any ground sign or projecting sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection within a right-of-way, shall either maintain a minimum clearance of eight (8) feet between the bottom of the sign and the elevation of the top of curb nearest the sign, or shall be not more than three (3) feet in height above the finished ground level.
- (h) **Intersection Vision Setback.** Vision setback lines at the intersections of public streets, or of a street with a railroad, where the grade therefore is not separated, shall be established as defined in Section 13-1-80 (a) of the City Zoning Code and all zoning districts.
- (i) **No Right-of-Way Location.** No sign may extend closer than five (5) feet from the vertical plane of the street curb or, if no curb exists, not more than six (6) feet beyond the vertical plane of the property line. No private sign structure may be located in the right-of-way, except as otherwise provided.
- (j) **Gross Surface Area.**
 - (1) For all signs, the surface area shall include the area within a single continuous perimeter enclosing the extreme outer limits of its display area.
 - (2) The total gross surface area shall include each sign face or display area used for advertising or identification purposes. The maximum allowed gross surface area is described under the restrictions listed in Section 15-5-14 according to each zoning district.
- (k) **Illuminated Signs.**
 - (1) Externally illuminated signs, including flood lighting and internally illuminated signs, shall illuminate only the immediate area of the sign, concentrating light upon the sign without radiating light upon adjacent public or private property.
 - (2) The Building Inspector or his authorized agent shall have the power to alter or readjust the illumination intensity of any sign lighting after installation.
 - (3) Where signs face a residential zone, the illumination should cease at 11:00 p.m. or after business closing, whichever comes first.
 - (4) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited. All sign lighting shall be so

designed located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties or into the sky.

- (5) Neon window signs or other exterior neon displays may be permitted in cases where they are custom designed to be compatible with the building's architectural character and where their color has been selected to harmonize with the building's exterior colors. Such lighting shall be subject to review and approval of the Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District.
- (l) **Directional Signs.** Directional signs for use of nonprofit organizations shall be twelve (12) inches wide and eighteen (18) inches high, with white Goudy Old Style lettering on a gray background, and may be posted at no more than two (2) intersections upon approval of the Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District. Multiple directional signs at an intersection shall be made to conform to one another.
- (m) **Customer Parking Signs.** Customer parking signs, which identify privately owned off-street parking lots, shall conform to the City's master design and may be mounted to utility poles as designed by the Building Inspector or his authorized agent, if authorized also by the Cedarburg Light and Water Commission.
- (n) **Directional and Instructional Non-Electric Signs.** Directional and non-electric signs which provide instruction or direction do not exceed (8) square feet in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, entrances and exits, and parking areas [except as may be identified by "Customer Parking" signs as more fully described and regulated in Sections 15-5-7(m) and (n)].
- (o) **Design and Placement.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to and egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (p) **Landscaping Standards.**
 - (1) In the case of any pole or ground mounted freestanding signs, a landscape area shall extend a minimum of five (5) feet from the base of the sign in all directions.
 - (2) Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e. floodlight), landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view. Landscape plantings shall be of the type as will ensure effective year-long screening.

SEC. 15-5-8 CONSTRUCTION SPECIFICATIONS.

- (a) **Wind Pressure and Dead Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than forty (40)

pounds per square foot of area and shall be constructed to receive dead loads as required in the City of Cedarburg Building Code or other ordinances.

- (b) **Supporting Members or Braces.** Supporting members or braces of all projecting or wall signs shall be constructed of galvanized iron, properly treated steel, copper, brass or other noncorrosive, noncombustible material. All projecting signs, if placed at right or other angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable or other metal attachments as shall insure permanent and safe construction and shall be maintained from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the Building Inspector or his authorized agent determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates to the inside of the walls or to bearings on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Building Inspector or his authorized agent.
- (c) **Improper Braces.** No signs or any part thereof or sign anchors, braces or guide rods shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe and no such sign or any part of any such sign or any anchor, brace or guide rod shall be erected, put up or maintained so as to hinder or prevent ingress or egress through such door, doorway or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the City of Cedarburg.
- (d) **Plans.** At the time of permit application, plans shall be filed with the Building Inspector for footings for signs eight (8) feet to twenty (20) feet in height, methods of attachment of projecting signs, and engineering specifications and calculations as required by the Building Inspector.

SEC. 15-5-9 INSTALLATION AND MAINTENANCE.

- (a) **Safety.** All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This Chapter recognizes that one of the greatest perils to the public safety is improper performance of sign contractors in the use of adequate equipment. As such, the Building Inspector or his authorized agent may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Building Inspector or his authorized agent may also cite the sign contractor for a violation of this Chapter if he fails to use proper equipment in the maintenance of signs.
- (b) **Electrical Signs.** This Chapter recognizes that electric signs are controlled under the special equipment provisions of the City of Cedarburg Electrical Code. An electrical permit shall first be obtained before an electrical sign is installed. Electrical signs shall comply with City, State and N.E.C. electrical codes. It also recognizes that electric sign contractors have developed a specialized trade in high voltage discharge electric sign installation and maintenance to properly install and service high-voltage electric signs. Electric sign contractors and their employees are hereby authorized to perform the following tasks:

- (1) Install exterior electric signs, ballasts or high-voltage transformers to sockets or outline lighting tubes, and may connect said signs to primary branch circuit, if said circuit already exists outside the building.
 - (2) Install interior electric signs, but may not connect said signs to primary branch circuit.
 - (3) Maintain and replace any electric component within the sign, on its surface or between the sign and building for exterior signs only. This Chapter prohibits the electric sign contractor or its employees from performing work on electric signs in contradiction to the Electrical Code of the City of Cedarburg.
 - (4) Electric service to all signs shall be concealed.
- (c) **Maintenance and Repair.** Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, burned out lighting elements, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign. In addition, the premises on which the sign is erected shall be kept in a clean, sanitary and inoffensive condition, free and clear of all noxious substances. The Building Inspector or his authorized agent requires compliance with all standards of this Chapter. If the sign is not modified to comply with safety standards outlined in this Chapter, the Building Inspector or his authorized agent, shall require its removal in accordance with this Section or the sign shall be removed under the authority of the Building Inspector or his authorized agent, and costs incurred shall be paid by the owner of the premise on which such sign is located. Signs removed for maintenance and repair for over thirty (30) days shall be required to reapply for a sign permit before re-erecting the sign, unless the Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District has first granted an extension of time.
- (d) **Protection of the Public.** The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided the space occupied is roped off, fenced off or otherwise isolated.

SEC. 15-5-10 ABANDONED SIGNS.

All signs or sign messages and all associated electrical and related structural components and apparatuses shall be removed by the owner or lessee to the premises upon which a sign is located when the business it advertises is no longer conducted. If the owner or lessee fails to remove the sign, the Building Inspector or his authorized agent shall give the owner a thirty (30) day written notice by certified mail to remove said sign. Upon failure to comply with the first notice, the Building Inspector shall, by certified mail, send a second notice giving the owner an additional forty-eight (48) hours to remove the sign. Upon failure to comply with the second notice, the City of Cedarburg shall cause removal to be executed, the expenses of which shall become a lien against the property as provided in Sec. 66.60(15), Wis. Stats., on the property on which said sign is located as of the date of the removal of the sign and shall automatically be extended upon the current or next

tax roll as a delinquent tax against the property. All proceedings related to the collection, return and sale of property for delinquent real estate taxes shall apply.

SEC. 15-5-11 PROHIBITED SIGNS.

The following signs shall be prohibited within all zoning districts in the City of Cedarburg:

- (a) **Abandoned Signs.** See Section 15-5-10.
- (b) **Flashing, Alternating, Rotating or Swinging Signs.** Flashing, alternating, rotating or swinging signs or devices, whether illuminated or not, visible from the public right-of-way.
- (c) **Changeable Copy and Electronic Message Signs.** Changeable copy and electronic message signs, fixed or moveable, except for schools, churches, public service, gas stations and theater.
- (d) **Floodlighted Signs.** Floodlighted signs or reflection-illuminated signs whose light source is positioned so that its light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from adjoining property and signs which violate Section 15-5-7(k).
- (e) **Unclassified Signs.**
 - (1) Which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
 - (2) Which is a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.
 - (3) Which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.
- (f) **Off-Premise and Inflatable Advertising Devices or Signs.** Off-premise sign which advertises goods, products, facilities or services not located on the premises where the sign is installed and maintained.
- (g) **Billboards.** Signs larger than one hundred (100) square feet per face.
- (h) **Painted Wall Signs.** Painted wall signs which are painted directly on the surface of the building.
- (i) **Business Signs.** Signs, which display telephone numbers or Web addresses except for real estate developments (temporarily until development lots are sold), residential rental properties, and storage rental properties (only when units are available for rent).
- (j) **Advertising Vehicles.** Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- (k) **Illegal Placement.** Signs, which are attached or otherwise affixed to rocks, trees or other living vegetation.
- (l) **Strobes and Lasers.** Strobes and lasers are not allowed.
- (m) **Flags.** Flags that advertise any product are not allowed.

- (n) **Searchlights or Balloons.** Searchlights or balloons (exceeding a diameter of two (2) feet) may not be used on a permanent basis. A permit for such an advertising device may be issued for up to three (3) days and may not exceed a total of fifteen (15) days or five (5) permits per year.
- ~~(o) **Permanent Subdivision Signs.** Permanent subdivision identification signs are not allowed. (See Section 15-5-13 for temporary signage.) (Ord. 2017-31)~~

SEC. 15-5-12 SIGNS NOT REQUIRING A PERMIT (UNRESTRICTED SIGNS).

The following signs are permitted in all zoning districts of the City of Cedarburg without a sign permit provided they comply with the restrictions and specifications set forth in this Section and in this Chapter:

- (a) **Governmental Signs.** Signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.
- (b) **House Numbers and Nameplates.** House numbers and nameplates indicating the occupant name and/or address not exceeding two (2) square feet in area for each residential, commercial or industrial building.
- (c) **Interior Signs.** Interior signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (d) **Memorial Signs and Plaques.** Memorial signs and tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
- (e) **No Trespassing and No Dumping Signs.** No trespassing and no dumping signs shall be a standard eighteen (18) inches by twenty-four (24) inches.
- (f) **Public Notices.** Official notices posted by public officers or employees in the performance of their duties.
- (g) **Public Signs.** Signs required as specifically authorized for public purpose by any law, statute or ordinance.
- (h) **Political and Campaign Signs.** Political signs on behalf of candidates for public office or issues on election ballots provided that said signs are subject to the following regulations:
 - (1) Permission shall be obtained from the owners or tenants in possession of the property upon which an election campaign sign is erected. No sign shall be located on public property.
 - (2) Said signs may be erected during the election campaign period and shall be removed within seven (7) days following said election. If the signs are not removed within the seven (7) day period, the Building Inspector or his authorized agent 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 on which said sign is located.

- (3) a. In areas zoned other than residential, each sign shall not exceed sixteen (16) square feet in area. In residential areas, no political or campaign signs may be constructed, erected or placed so as to adversely affect traffic or pedestrian safety (maximum four (4) square feet).
- b. Signs shall have no electrical, mechanical or audio auxiliary.
- (i) **Real Estate Signs.**
 - (1) One (1) real estate sales sign is allowed on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not illuminated. Real estate signs may also be placed on private properties where the realtor has specific permission. These signs are allowed only during the open house event. Signs are prohibited on public property or public right of ways.
 - (2) In residential and commercial districts, such signs shall not exceed eight (8) square feet in area and shall be removed within thirty (30) days after sale, rental or lease has been accomplished.
 - (3) Signs larger than eight (8) square feet advertising For Sale, Rental or Lease require a sign permit.
- (j) **Bulletins.** Temporary signs not exceeding four (4) square feet in area pertaining to events of civic, philanthropic, educational and religious organizations, provided such signs are posted no more than fifteen (15) days before said event and removed within fifteen (15) days after the event.
- (k) **Awnings.** Decorative awnings without lettering or imagery are not considered signs within the definition of this Chapter.
- (l) **Professional and Business Name Plate Signs.** Professional and business name plate signs shall be located on the premises being served and shall be limited to one (1) such sign per business. One (1) professional name plate sign shall not exceed two (2) square feet.
- (m) **Rummage Sale Signs.** Rummage sale signs used for the purpose of advertising the sale of merchandise at a private residence by at least one (1) occupant of said residence, subject to the following regulations:
 - (1) Such signs shall be posted only on the day(s) of the sale.
 - (2) Rummage sale signs shall be placed only on the property hosting the sale or on other private properties where specific permission is granted. Signs shall not be attached to or displayed on traffic or regulatory signs, light poles, parkway/terrace trees or in public right-of-way.
- (n) **Governmental Entity Flags.** Governmental entity flags which are the official flags of the United States, State of Wisconsin or City of Cedarburg and which are properly displayed.
- (o) **Gasoline Price Signs.** Gasoline price signs, as required by law, not larger than twenty (20) square feet total surface area, one or two sided.
- (p) **Patriotic Buntings.** Red, white and blue patriotic buntings shall be allowed to be tastefully displayed without time limitation but subject to maintenance provisions as per Sections 15-5-8 and 15-5-9.
- (q) **Contractor Signs.** Less than eight (8) square feet and posted no longer than one (1) week after completion. [See Sec 15-5-13 (7)]

SEC. 15-5-13 SIGNS REQUIRING A TEMPORARY PERMIT.

- (a) **Standards.** There are certain types of signs which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular zoning district or districts, without consideration, in each case, of the impact of those signs upon neighboring land or public facilities. Such signs, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, size and design. Such signs are classified as temporary uses. Such signs may only be erected following the issuance of a temporary use sign permit. Prior to the granting of any temporary use sign permit, the Building Inspector may stipulate such conditions and restrictions upon the establishment, location, size, construction, color, maintenance and operation of the sign as deemed necessary to promote the public health, safety and general welfare of the community. In granting the temporary sign permit the Building Inspector shall consider the following factors:
- (1) That the establishment, maintenance or operation of the sign will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the sign, and the proposed sign is compatible with the use of adjacent land.
 - (3) That the establishment of the sign will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.
- (b) **Temporary Use Sign Permit Required.** The following signs may be allowed with a temporary permit, as provided in Sections 15-5-3(d) and (e), subject to the following conditions:
- (1) **Large Temporary Business Signs.** Large temporary business signs which exceed thirty-three percent (33%) of the total window area in which the sign is placed. Such signs may not exceed seventy-five percent (75%) of the total window area in which the sign is placed and may not be displayed more than fifteen (15) days. Notwithstanding the foregoing, going-out-of-business signs may be displayed for up to forty-five (45) days.
 - (2) **Temporary Wall Signs.** Temporary wall signs may not exceed the lesser of eighteen (18) square feet or twenty percent (20%) of the area of the wall on which the sign is placed. These may be displayed up to thirty (30) days and no more than three (3) permits per location may be issued per year.
 - (3) **Electric Directional, Instructional and Neon Signs.** Electric directional and instructional signs whose purpose is the same as those of Section 15-5-13(a) and which have passed inspection by the Building Inspector or his authorized agent and comply with the Electrical Code of the City of Cedarburg.

- (4) **Advertising Vehicles.** Advertising vehicles may not be parked on any public right-of-way. A permit may be issued for an on-premise advertising vehicle for a period of time not to exceed five (5) days and no more than three (3) permits per location may be issued per year.
- (5) **Subdivision Development Signs.** Signage, banners and flags erected by the developer for the purpose of marketing a new subdivision are permitted with the follow restrictions:
 - a. Such permits may be issued for a period of two (2) years and may be annually renewed after two (2) years.
 - b. Signs as used in this Section refer to all types of signs except those prohibited by this Chapter.
 - c. The sign must be located on the property being developed, not on the public right-of-way, and must comply with all applicable building setback requirements.
 - d. The sign may not exceed thirty-two (32) square feet for properties less than five (5) acres. More than five (5) acres are a maximum ninety-six (96) square feet, with setback and size to be determined by the Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District. [One (1) sign is allowed for each major street adjacent to the subdivision.]
- (6) **Sale/Lease/Rent Signs.** Larger than eight (8) square feet.
- (7) **Contractor Signs.** Any sign used for identifying and naming the contractors engaged in construction on the property where the sign is located, provided the sign is larger than eight (8) square feet.
 - a. **Number.** There shall not be more than one (1) temporary construction sign for each project or development, except that where a project or development abuts two (2) or more streets, one (1) sign may be allowed for each abutting street frontage.
 - b. **Nonresidential Areas.** In all nonresidential areas, temporary construction signs shall not exceed fifty (50) square feet in gross surface area.
 - c. **Location.** Temporary construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall be setback/offset a minimum of eight (8) feet from any abutting property line, road right-of-way or driveway.
 - d. **Height.** Temporary construction signs shall not project higher than seven (7) feet, as measured from preconstruction grade at the base of the sign.
 - e. **Special Conditions.** Temporary construction signs shall be permitted only as accessory to an approved building permit for the purpose of identifying a proposed construction project and the names of contractors, engineers, architects, and financial institutions involved in the project development. Temporary construction signs may be erected and maintained for a period not to exceed (30) days prior to the commencement of

construction and shall be removed within thirty (30) days of the termination of construction of the project or development.

- f. **Phone Numbers.** Phone numbers are permitted, but are not to exceed 6" in height.

- (c) The following signs are allowable with a temporary sign permit issued by the Building Inspector or his authorized agent without prior approval of the Landmarks Commission if the sign is located in the Historic Preservation District. A temporary sign permit fee is required per Section 15-5-3:

- (1) **Over-the-Street Banner.** Unlighted special event non-partisan banners not exceeding one hundred fifty (150) square feet in area. A permit may be issued for twenty (20) days. An extension may be applicable.
- (2) **Banners and Pennants.** Banners and pennants (devices of paper, fabric, plastic or other flexible materials) for the purpose of advertising items other than community events shall not exceed the lesser of eighteen (18) square feet or twenty percent (20%) of the area of the wall on which they are placed. There shall be no more than two (2) banners displayed at any time, with each banner requiring a thirty (30) day permit. A business may not have any more than three (3) permits each year. Banners and pennants for the purpose of promoting a community event may be displayed up to sixty (60) days.
- (3) Temporary signs are prohibited on all public right-of-way except:
 - a. Official street signs, signs used during construction to warn motorists and pedestrians of potential hazards or traffic directions.

SEC. 15-5-14 SIGNS REQUIRING A PERMANENT PERMIT.

- (a) **General Requirements.** All signs or devices used to attract attention for advertising or identification purposes, whether defined in this Chapter or not, require a permit. Signs for single tenant/use buildings are regulated according to the applicable zoning district and corresponding restrictions listed in this Section. Signs for multi-tenant/use buildings are regulated by Subsection (c) below.
- (b) **Total Gross Signage.** The total allowable gross signage per building shall be equal to the summation of the street-side building width (feet) and average building setback (feet) times 0.3 sq. feet. This does not apply to the B-3 Business District.
- (c) **Multi-tenant/Use Buildings.**
 - (1) **Identification/Advertising Sign.** The property, building or businesses located within a building shall be allowed only one of the following types of signs for common identification or advertising purposes: projecting, pylon, ground/freestanding or wall sign.
 - (2) **Business Identification Signs.** Buildings with common entrances shall be allowed one directory-type sign at each entrance facing a public right-of-way or parking area. The maximum size shall be twenty-four (24) square feet per sign. Buildings with individual entrances facing a public right-of-way or parking area shall be allowed one

sign at each entrance. The maximum size of each sign shall be determined by dividing the total gross signage for the building by the number of businesses.

- (3) **Awning Signs.** Awnings with lettering or imagery are considered signs. The lettering or imagery shall not exceed one-fourth (1/4) of the total surface area of the awning and shall be included as part of the total gross signage.
- (4) **Temporary Signs.** Temporary and unrestricted signs, are permitted subject to the requirements of the applicable zoning district or type of sign.

(d) **Zoning District Requirements.**

(1) Residential Districts (RS-1, 2, 3, 4, 5, 6, 7, 8; Rd-1; and RM-1, 2, 3).

- a. All general restrictions for signs provided within this Chapter apply to Residential Districts. All permanent signs require permits.
- b. House Numbers and Nameplates. House numbers and nameplates indicating the occupant name and/or address not exceeding two (2) square feet in area for each residential building (no permit).
- c. Signs which face residential districts shall not be illuminated after 11:00 p.m. or after the business closing time, whichever comes first.
- d. No changeable copy, professional or business name signs or plates are allowed in these districts.

(2) Neighborhood Business and Professional Business District (B-1 and B-4). All general restrictions for signs provided within this Code apply to these districts. All permanent signs require permits. Multi-tenant/Use Buildings in this district must comply with Section 15-5-15.

- a. Total square footage of all signs per building to be determined pursuant to Section 15-5-14(b). Multi-tenant/Use Buildings Section 15-5-14(c) shall apply.
- b. Projecting signs shall not exceed thirty-two (32) square feet per surface. The minimum height above grade shall be eight (8) feet.
- c. Pylon signs shall not exceed more than thirty-two (32) square feet per surface area and shall be no higher than twenty (20) feet, set back one (1) foot for each foot of height.
- d. Signs which face a residential district shall not be illuminated after 11:00 p.m. or after the business closing time, whichever comes first.
- e. Wall signs shall not exceed thirty-two (32) square feet in area.
- f. Permanent window signs shall not exceed twenty-five percent (25%) of the total window area in which the sign(s) is placed.
- g. Ground/freestanding signs less than eight (8) feet high shall not exceed thirty-two (32) square feet.
- h. Changeable copy and electronic message signs are not allowed in this district.
- i. Awnings with imagery or lettering shall be considered as signs. The area of the imagery or lettering shall not exceed one-fourth (1/4) of the total surface area of the awning.
- j. Illumination shall be external.

- k. Directory signs shall be a maximum of ten (10) square feet limited to one (1) per building side facing a public right-of-way with a maximum of two (2) per building.
 - l. Signs can be displayed only in windows in which the business operates. Signs are not allowed in apartment, attic or basement windows.
- (3) Business District (B-3).
- a. The Landmarks Commission expects that signs which are allowable under these guidelines and are visible from both the street and the sidewalk will satisfy the legitimate needs of commerce without visual clutter and without obstructing the view of buildings and signs.
 - 1. **Permanent Signs.** All permanent signs require a permit. Total square footage of all signs to be determined by the Landmarks Commission.
 - 2. **Projecting Signs.** The maximum size of projecting signs shall not exceed twenty-four (24) square feet. The minimum clearance to grade shall be eight (8) feet measured from the lowest part of the sign. A maximum of one (1) projecting sign per building shall be allowed. Projecting signs may extend not more than five (5) feet over the lot line and in no case shall extend to within five (5) feet of the street curb line. Any such sign which is located within ten (10) feet of the front or side lot line shall have its lowest point not less than eight (8) feet above the ground level. They shall be spaced a minimum of twenty-five (25) feet apart except that, in the B-3 District, projecting signs may be placed no closer than fifteen (15) feet apart and in such instance shall be no larger than two (2) square feet.
 - 3. **Illumination.** Illumination shall be external only.
 - 4. **Wall Signs.** Wall signs shall not exceed thirty-two (32) square feet per building facade.
 - 5. **Permanent Window Signs.** Permanent window signs shall not exceed twenty-five percent (25%) of the total area of the window in which the sign(s) is placed.
 - 6. **Ground/Freestanding Signs.** Ground/freestanding signs less than eight (8) feet high, shall not exceed thirty-two (32) square feet per sign face.
 - 7. **Changeable Copy Signs.** Changeable copy signs are not allowed in this district.
 - 8. **Sandwich Board.** Sandwich board signs shall be aesthetically compatible with the Historic District. One sandwich board sign is permitted per business on the sidewalk in front, standing no more than four (4) feet high and with each sign surface not exceeding eight (8) square feet. Sandwich signs shall not be placed so as to block building entrances, exits, or public right-of-ways and where

the adjacent building location makes it possible, the sign shall be located entirely on private property. Where the right-of-way extends up to the building, the sign shall be placed where it will not interfere with pedestrian traffic.

9. **Awnings with Lettering.** Awnings with lettering shall be considered as signs. The size of the lettering shall not exceed one-fourth (1/4) of the total surface area of the awning. With this type of awning identifying the business, no other type of sign for business identification shall be allowed.
 10. **Directory Signs.** Maximum ten (10) square feet limited to one (1) per building side facing a public right-of-way with a maximum of two (2) per building.
 11. **Permanent Signs.** All permanent signs require a permit. Total square footage of all signs to be determined by the Landmarks Commission.
 12. **Memo Boards.** One allowed per business; address or main entry; maximum size 18" x 24". Must match design of building and/or any signage. Erasable, blackboards, or glass enclosed cases are acceptable.
- (4) Business Districts (B-2, B-5 and B-6).
- a. **All permanent signs require permits.** Total square footage of all signs shall be determined per Section 15-5-14(b). Multi-tenant/Use Buildings Section 15-5-14(c) shall apply.
 - b. **Projecting signs** shall not exceed thirty-two (32) square feet per surface area and shall be no closer than twenty-five (25) feet from another projecting sign. Such sign shall not project into the public right-of-way and shall have its lowest point not less than eight (8) feet above the ground level.
 - c. **Group Directory Signs** shall be a maximum of ten (10) square feet limited to one per building side facing a public right-of-way with a maximum of two (2) per building.
 - d. **External and internal illumination** is permitted provided the restrictions described in Sections 15-5-7(k) and 15-5-9 are adhered to.
 - e. **Ground/freestanding signs** shall not exceed thirty-two (32) square feet in area. One (1) ground/freestanding or pylon sign is allowed per building.
 - f. **Pylon signs** shall not exceed thirty-two (32) square feet per sign face, shall have a twenty (20) foot maximum height, and be set back one (1) foot from the property line for each foot of height.
 - g. **Awnings with lettering** shall be considered as signs. The size of the lettering shall not exceed one-fourth (1/4) of the total surface area of the awning. With this type of awning identifying the business, no other type of sign for business identification shall be allowed.
 - h. **Wall Signs.** Wall signs shall not exceed thirty-two (32) square feet per

- building facade.
- i. **Sandwich Board.** One sandwich board sign is permitted, placed on the business premise standing no more than four (4) feet high and with each sign surface not exceeding eight (8) square feet. The dimensions of the sandwich board shall be included on the total calculation form. Sandwich signs shall not be placed so as to block building entrances, exits, or public-right-of-ways and shall be located entirely on private property. These signs can only be displayed during business hours.
 - j. **Memo Boards.** One allowed per business; address or main entry; maximum size 18" x 24". The memo board's area shall be included in the total calculation form if over two (2) square feet. The boards must match design of building and/or any signage. Erasable, blackboards, or glass enclosed cases are acceptable.
- (5) Manufacturing Districts (M-1, M-2 and M-3).
- a. **All permanent signs require a permit.** Total square footage of all signs shall be determined by Section 15-5-14(b). Multi-tenant/Use Buildings Section 15-5-14(c) shall apply.
 - b. **Projecting signs** shall not exceed thirty-two (32) square feet per surface area, be not less than eight (8) feet above the ground level and shall not project into public right-of-way or over the property line.
 - c. **Ground/freestanding signs**, or wall signs shall not exceed thirty-six (36) square feet per surface area.
 - d. **Illumination shall be external only.** (Section 15-5-7)
- (6) Park and Recreation Districts (P-1). The only signs allowed in these zoning districts are government entity, public, directional signs and plaques of not more than twenty-four (24) square feet in area. These signs are restricted in Section 15-5-12 and do not require a permit, but are required to be reviewed and approved by the Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District.
- (7) Institutional and Public Service Districts (I-1).
- a. **All permanent signs require a permit.**
 - b. **Projecting signs** shall not exceed twenty-four (24) square feet per surface area.
 - c. **Ground/freestanding signs**, or wall signs shall not exceed thirty two (32) square feet per surface area or eight (8) feet in height.
 - d. **Illumination shall be external only.** [Section 15-5-7 (k)]
 - e. **Historical signs, plaques and monuments** less than eight (8) square feet do not require a permit, but their designs should be reviewed by the Building Inspector, or the Landmarks Commission if the sign is located in sign, plaque or monument is located in the Historic Preservation District.

- f. **The changeable copy signs** for churches and other nonprofit organizations not to exceed twenty (20) square feet and shall be permissible in this district, subject to Section 15-5-11(c).
- (8) Evergreen Business Park Only.
- a. One (1) wall sign may be allowed on the exterior wall of the principal building. The maximum area of such a wall sign shall be 100 square feet. In a multi-tenant building, each tenant may share a portion of the maximum total of 100 square feet of wall signage. On the corner lot, each exterior wall facing a public street may share a portion of the maximum total of the 100 square feet of wall signage.
 - b. One (1) ground-mounted sign may be allowed per premises (not including a pole or pylon sign). The maximum area of such a ground-mounted sign shall be 50 square feet per side or 100 square feet for both sides, and the maximum height shall be eight (8) feet. The color and materials used in structural elements of signage (not including the message area) should be consistent with and related to the building facade materials on the site. The colors used in message areas for all signage on a site should be similar or complementary to create a unified and coordinated appearance.
 - c. On-premises directional signage may be allowed giving directions to areas such as employee or visitor parking, and shipping or loading zones. The maximum size of each such directional sign shall be two (2) square feet per side or four (4) square feet for both sides.
 - d. Temporary construction signs and banners, real estate signs, and election campaign signs shall be permitted in accord with the provision of the City of Cedarburg Sign Code.
 - e. Specifically prohibited signs include billboards, roof signs, pole or pylon signs, and flashing or moving signs or beacons.
- (9) Awnings with Lettering. Awning with lettering shall be considered a sign. Lettering shall be placed on the front flap only and shall be restricted to one business name or building's name, with text to be no taller than four (4) inches. With this type of awning identifying the business or building, one (1) project or ground/freestanding sign not to exceed twenty (20) square feet can be allowed.
- (e) **Subdivision Identification Signs.** A permanent sign used to designate a residential subdivision entrance may be permitted subject to Plan Commission approval and the following criteria:
- (1) **Type.** Subdivision Identification Signs shall be ground monument signs.
 - (2) **Number.** There shall be not more than two (2) subdivision identification signs for each point of vehicular access to the subdivision.
 - (3) **Area.** Subdivision identification signs shall not exceed thirty two (32) square feet in area per sign face.
 - (4) **Location.** Subdivision identification signs shall be located at least ten (10) feet from any property line, right-of-way or driveway.

- (5) **Height.** Subdivision identification signs shall not exceed seven (7) feet in height as measured from the grade at the base of the sign
- (6) **Landscaping.** A landscaped area shall extend a minimum of five (5) feet from the base of the sign in all directions.
- (7) **Maintenance.** The sign and adjacent landscaping shall be maintained to the standards as originally erected/installed in perpetuity.
- (8) **Lighting.** Signs shall be externally illuminated with the light source being entirely shielded. (Ord. 2017-31)

SEC. 15-5-15 LEGAL NON-CONFORMING SIGNS.

- (a) **Existing Legal Nonconforming Signs.** A sign lawfully existing prior to the passage of the sign ordinance or ordinance amendment, which fails to comply with current dimensional standards of the ordinance such as location, size, height, etc. The lawful use of a nonconforming sign existing at the adoption or amendment of this Ordinance may continue unless:
 - (1) a. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this Chapter than it was before alteration.
 - b. The sign is damaged to such extent that the cost to repair or reconstruct said sign exceeds fifty percent (50%) of the value of the sign.
 - c. The design, logo or wording of the sign is altered.
- (2) The sign is relocated.
- (3) The sign fails to conform to the Chapter regarding maintenance and repair, abandonment or dangerous or defective signs.
- (4) If a building or place of business is occupied by a new tenant or owner of the business.
- (5) Within thirty (30) days of occurrence of any of the above, the sign shall be brought in compliance with this Chapter with a new permit secured therefor or shall be removed at the owner's expense.
- (b) **Legal Non-Conforming Sign Maintenance and Repair.** Nothing in this Chapter shall relieve the owner or user of a legal non-conforming sign or the owner of the property in which the sign is located from the provisions of this Chapter regarding safety, maintenance and repair of signs.

SEC. 15-5-16 PROCEDURES AND PENALTIES FOR ENFORCEMENT OF SIGN CODES.

- (a) In addition to any other penalty imposed by this Chapter and Section 1-1-7 for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating an illegal sign by the City shall be collected as a debt from the owner, occupant or person

causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

- (b) **Penalty.** Any person who shall violate any of the provisions of this Code shall be subject to a penalty, which is as follows:
 - (1) **First Offense -- Penalty.** Any person who violates any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution.
 - (2) **Second and Subsequent Offenses -- Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each such offense, together with costs of prosecution.
- (c) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining an appropriate action to prevent or remove a violation of any provision of this Code.
- (d) **Other Remedies.** The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
- (e) **Citation Procedure.** All City officers and other City personnel charged with responsibility of enforcing the provisions of this Section are hereby authorized pursuant to Section 66.119(1)(a), Wis. Stats. to issue citations for violations of this Section.

SEC. 15-5-17 DEFINITIONS.

- (a) The following definitions shall be applicable in this Chapter:
 - (1) **Abandoned Sign.** A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.
 - (2) **Advertising Vehicle.** Any advertising media attached to or an integral part of a trailer, truck or other vehicle used for sales or promotional purposes.
 - (3) **Approved Combustible Materials.** Wood, combustible plastics or other rigid materials impervious to water.
 - (4) **Approved Combustible Plastics.** Only those combustible plastic materials which, when tested in accordance with the A.S.T.M. Standard Method of Testing for Flammability of Plastics over 0.050 inch in thickness, D635 (Latest Revision), burn no faster than two and one-half (2-1/2) inches per minute in sheets of 0.060 inch thickness.
 - (5) **Awning Sign.** Any lettering or imagery sewn or painted on the fabric portion of an awning. Decorative awnings without lettering or imagery are not considered signs.
 - (6) **Banner.** A non-illuminated, elongated, fabric sign usually used as a temporary display for the special announcement of a coming event. Can be used with or without frame.
 - (7) **Base Setback Line.** The edge of the established ultimate street right-of-way.

- (8) Beacon. A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention.
- (9) Billboard. Outdoor advertising on a board, poster, panel structure or device of any kind used or intended to be used for advertising or display painted thereon, or for the affixment, attachment or support of printed poster, or other advertising matter and constructed, erected and located on any premises not owned or occupied by the person for whose use such billboard is constructed, erected, located or attached, and when used for purposes other than advertising the business conducted on such premises or in such building or structure. Usually larger than three hundred (300) square feet in area.
- (10) Building Facade. That portion of a building, which is parallel or nearly parallel to the abutting roadway.
- (11) Building Inspector. That person charged with the responsibility to see that the signage in the community is installed and maintained in compliance with this Chapter, along with any other duties assigned to him by the City of Cedarburg.
- (12) Bulletin Board. Any sign used for the purpose of identifying a public, charitable or religious institution and information pertaining to its meetings and activities.
- (13) Business Identification Sign. Any sign which promotes the name and type of business only on the premises where it is located. (See Professional Name Plate.)
- (14) Canopy Sign. Any sign attached to or constructed in, on or under a canopy or marquee.
- (15) Changeable Copy/Message Sign. A sign such as a time and temperature sign, message center or reader board, whether electronic, electric or manual, where the copy or message changes.
- (16) Temporary Sign. A permanent or temporary sign that, because of unusual circumstances, would require special conditions attached to the sign for conformance to the Code.
- (17) Directional Sign. Any sign which serves to designate the location of direction of any place or area.
- (18) Double-faced Sign. A sign with copy on two (2) parallel faces that are back to back, facing opposite directions.
- (19) Electric Sign Contractor. A person, partnership or corporation which, in the normal course of business, frequently installs and maintains electric signs.
- (20) Election Campaign Period. In the case of an election for office, the period beginning on the first day on which candidates would circulate nomination papers.
- (21) Election Campaign Signs. Signs which support candidates for public office or issues on an election ballot.
- (22) Externally Illuminated Sign. Any sign in which the source of illumination is not an integral part of the sign.
- (23) Flags or Pennants. Devices generally made of flexible materials, such as cloth, paper or plastic and displayed on strings or wires.

- (24) Flashing Sign. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.
- (25) Flat Sign. (See Wall Sign.)
- (26) Freestanding/Ground Sign. Ground sign less than eight (8) feet in total size.
- (27) Frontage. The length of the property line of any one (1) premise parallel to and along each public right-of-way it borders.
- (28) Governmental Sign. Any sign used for posting legal notices, identification of streets, traffic regulation, notice of danger or other emergencies or the posting of notice of trespassing.
- (29) Ground Sign. A sign which is placed directly on the ground and is not attached to any building. "A" frame and low-profile signs less than eight (8) feet in height shall be considered ground signs.
- (30) Group Directory Sign. Any sign, whose purpose is limited to the group listing and identification of office or business establishments within a single building or structure.
- (31) Gross Surface Area. The area of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular-shaped sign area shall be computed using the actual sign face surface.
- (32) Height of the Sign. The vertical distance measured from the ground (finished surface) at the base of a sign to the highest point of such sign.
- (33) Illegal Sign. Signs which are considered illegal are those which do not meet the standards of the codes at the time they were erected or do not meet the standards of this Chapter.
- (34) Inflatable Sign. Any advertising structure which is filled with a nonflammable gas or air under pressure.
- (35) Institution. Any building used for nonprofit purposes.
- (36) Internally Illuminated Sign. Any sign in which the source of illumination is an integral part of the sign.
- (37) Legal Non-Conforming Sign. A sign that did meet code regulations when it was originally installed but does not meet current code regulations.
- (38) Lot. A parcel of land, held in one (1) ownership, bounded by lines defined on the Official Map of Cedarburg and abutting a public street.
- (39) Memorial Sign and Plaques. Any sign or table used for the purpose of identifying the names of buildings and the date of erection and which are cut into any masonry surface or inlaid so as to be part of the building or structure, or which are attached to a building or structure and which are constructed of bronze or other noncombustible materials.
- (40) Neon Or Other Gas Tube Illumination. Illumination from a light source consisting of a neon or other gas tube which forms letters, symbols or other shapes.

- (41) Non-Conforming Sign. A sign which does not meet code regulations.
- (42) Off-Premise Sign. A sign which advertises goods, products, facilities or services not located on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (43) On-Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed.
- (44) Operational Sign. A sign designating an entrance, exit, service area, restroom or other such signs relating to the functional operation of a building or lot without further elaboration of display.
- (45) Permanent Sign. A sign placed, installed or attached to a building or property that will remain for more than thirty (30) days.
- (46) Portable Sign. A sign which is not permanently mounted to the ground or a structure and which is designed to be moved.
- (47) Professional Name Plate. Any flat sign indicating the occupant name and/or address of a professional office and attached to the building.
- (48) Projecting Sign. A sign, normally double-faced, which is attached to and projects from a structure or building fascia more than six (6) inches. The area of projecting signs is calculated on one (1) face only.
- (49) Pylon Sign. A sign which is supported by one (1) or more free-standing uprights or poles, is not attached to any building, and is more than eight (8) feet high.
- (50) Real Estate Sign. Any sign used for the purpose of advertising the sale, rental or lease of the premises upon which said sign is located.
- (51) Residential Name Plate. Any sign indicating the occupant's name and/or address at a residence.
- (52) Restricted Sign. All signs designated in this Chapter for which a sign permit is required.
- (53) Roof Sign. Any sign erected upon, against or above the roof of any building or structure.
- (54) Sandwich Board Sign. A hinged or unhinged A-frame portable sign which is generally temporary in nature. Such a sign is also considered to be a ground sign.
- (55) Setback. The regulated minimum horizontal distance between the base setback line and any structure on a lot.
- (56) Sign. Any structure or device displaying advertising in the form of lettering, pictures, symbols or other media, including all but the supporting structure.
- (57) Sign Contractor. Any person, partnership or corporation engaged, in whole or in part, in the erection or maintenance of signs, excluding the business which the sign advertises.
- (58) Sign Inspector. That person charged with the responsibility to see that the signage in the community is installed and maintained in compliance with this Chapter, along with any other duties assigned to him by the City of Cedarburg.
- (59) Sign Structure. Any device or material which supports, has supported or is capable of supporting a sign in a stationary position, including decorative covers.

- (60) Subdivision Entrance Sign (or Emblem). Any sign whose purpose is exclusively limited to the identification of a platted subdivision or residential area and which names such subdivision without further elaboration, display or advertisement.
- (61) Swinging Sign. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (62) Temporary Sign. A sign for the purpose of promoting or announcing a special event or for special informational purposes permitted for a limited period of time.
- (63) Total Gross Signage. The total square footage of all signage on a property and/or building.
- (64) Unrestricted Sign. All signs designated in this Chapter which do not require a sign permit but are regulated as to location, number and size.
- (65) Wall Sign. Signs attached parallel to the vertical wall of a building.
- (66) Warning Sign. A sign, containing no advertising material, warning the public of the existence of danger.
- (67) Window Sign. A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.