

## CHAPTER 10.00 BUILDING CODE

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### 10.01 GENERAL.

- A. RIGHT TO ENTER AND INSPECT. The Building Inspector shall enforce the provisions of this Chapter and of all other ordinances, laws and orders of the State of Wisconsin, which relate to building construction. The Building Inspector shall have the right during reasonable working hours to enter any public or private building in the discharge of his official duties.
- B. POLICE POWERS. The Building Inspector shall also be appointed as a deputy police officer and have the powers of a Village police officer to enforce rules and regulations which affect construction such as littering, strewing mud on streets, etc.

### 10.02 DEFINITIONS.

- A. BUILDING PERMITS AND INSPECTION.
  - 1. Permit Required. No building or any part thereof shall hereafter be erected or ground broken for the same, within the Village, except as hereinafter provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector. The term "building" as used in this section shall include any building, structure, and any enlargement, alteration, heating or ventilating installation, moving, or anything affecting the fire hazards or safety of any building or structure.
  - 2. 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 of 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, and shall contain such other information as the Building Inspector may require.

3. Plans. With such application there shall be submitted two (2) complete sets of plans and specifications, including a certified survey showing the location and elevations of the proposed building with respect to adjoining streets, alleys, lot lines and buildings, and including the architectural design of the proposed building. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the DILHR (Wisconsin Department of Industry, Labor & Human Relations). Such plans and specifications shall be submitted in duplicate, one set shall be returned after approval as hereinafter provided, the other set shall remain on file in the office of the Village Clerk. All plans and specifications shall be signed by the designer.
4. Waiver of Plans. 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, moving or construction.
5. Approval of Architectural Design. Multi-family commercial or industrial plans and specifications shall be submitted to the Village Board which shall determine whether the architectural design and appearance of the proposed building is so at variance with the architectural design and appearance of the other buildings in the surrounding neighborhood as to cause a material depreciation in the value of such property. If the Village Board determines that the proposed building is so at variance, it shall direct the Building Inspector to deny the application.
6. Approval of Plans. If the Village Board has approved the architectural design and if the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the Village and all applicable laws and orders of the State of Wisconsin, he shall officially approve and stamp one set of the plans and return it to the owner, and shall issue, within one (1) week, a building permit therefore 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 and orders, or which involves the safety of the building or occupants, except with the written consent of the Building Inspector. In case adequate plans are presented for part of the building only, the Building Inspector may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building, subject to the approval of the Village Board under Sub. (5).
7. Location of Buildings. All buildings shall be located and have an elevation in harmony with a majority of the existing buildings in the immediate area. All buildings shall comply with setback requirements established as a condition of a Conditional Use approval or as a condition of a Planned Unit Development approval or with Chapter 14 as required.

8. Temporary Dwellings. No garage or accessory building shall be constructed or used for residential purposes.
  9. Minor Repairs. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.
  10. Fees. The fees for this Chapter shall be set forth by resolution.
  11. Inspection of Work. The builder shall notify the Building Inspector when ready, and the Building Inspector shall, within forty-eight (48) hours after such notice, inspect all buildings as outlined in the State Building Code. After completion he shall make a final inspection of all new structures, buildings and alterations.
  12. Basement Homes Prohibited. No person shall construct or use a basement for residential purposes. Any basement constructed shall have at least one story erected on it within one year after issuance of the building permit.
  13. House Trailers not to be Used as Residences. No person shall occupy a house trailer within the Village for residential purposes, except as provided in Chapter 14.
- C. House Numbering. Address numbers, supplied by the Village in a black on white color shall be displayed on the building on either side of the front entrance door and if possible under an outside light for illumination at night. Requests to display the address at any other location must be approved, in writing, by the Building Inspector. Address numbers must be kept visible from the street at all times.

### **10.03 ISSUANCE OF PERMITS.**

- A. PAYMENT OF FEES. All fees shall be paid to the Village of Jackson.
- B. PERMIT LAPSES. A building permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of the issuance thereof.
- C. REVOCAION. If the Building Inspector shall find at any time that the above mentioned ordinances, laws, orders, plans, and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work there under, until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the reassurance of the permit, or as he may require for the preservation of human life and safety.

- D. REPORT OF VIOLATIONS. All police officers shall report at once to the Building Inspector, any building work, which is being carried on without a permit as required by this Chapter.
- E. RECORDS. The Building Inspector shall keep a record of all permits, fees and inspections under this Chapter, and shall make an annual report thereon to the Village Board.

**10.04 CONSTRUCTION OF BUILDINGS.**

- A. STATE BUILDING CODE ADOPTED. The following provisions of the Wisconsin Administrative Code, of the Dept. of Commerce, so far as applicable, are adopted by reference and made a part hereof:

Chapters Comm. 20-25	Uniform Dwelling Code
Chapters Comm. 61-65	Wisconsin Commercial Building Code
Chapters Comm. 70	Historic Buildings Code
Chapters Comm. 75-79 (#02-10)	Existing Building Code

**10.05 FOUNDATIONS.**

- A. FOUNDATION REPAIRS AND DAMP-PROOFING.

1. Application for permit shall include a statement of the existing defects, and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.
2. Plans and/or specifications must be submitted for approval prior to issuance of a permit.
3. Except as otherwise permitted by Village of Jackson; applicant shall submit site-specific engineering calculations and details sealed by a registered Wisconsin Professional Engineer for foundation repair work of any kind. (#02-11)

**10.06 NEW METHODS AND MATERIALS.**

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 Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code. Such materials, methods of construction and

devices, when approved must be installed or used in strict compliance with the manufacturer's specifications and any other rules or conditions of use established by the State Department of Industry, Labor and Human Relations.

#### **10.07 REPAIRS TO WOODEN BUILDINGS.**

- A. No wooden building, or part of a building or addition thereto shall be enlarged, added to, or removed to any other place, nor shall any wooden building which may hereafter be damaged to the extent of 75% of its current fair market value, be repaired or rebuilt, nor shall any such building when the damages are less than 75% of the current fair market value be so repaired as to occupy a greater space than before the damage thereto.
- B. The amount or extent of the damage that may be done to any building shall be determined by three (3) disinterested residents of the Village, one of whom shall be chosen by the owner of the building, the second by the Building Inspector and the two (2) so chosen shall elect a third, and the decision of a majority of the persons so chosen shall be final. If the owner shall fail and neglect for twenty-four (2) 4 hours after being notified by the Building Inspector to make such choice then the Building Inspector shall choose two (2) disinterested residents of said Village and the two (2) so chosen shall elect a third, and the decision of a majority of the persons so chosen shall be final.

#### **10.08 UNSAFE BUILDINGS.**

Whenever the Building Inspectors finds any building or part thereof within the Village to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owners option. Such order and proceedings shall be as provided in Section 66.05, Wisconsin Statutes. Whenever the Building Inspector finds a building, dwelling or structure, which has deteriorated or become dilapidated or blighted so as to offend the esthetic character of the immediate neighborhood or produce blight, he may proceed under Section 66.05 (8), Wisconsin Statutes to require the owner to correct the blighting defects or conditions.

#### **10.09 FENCES: KIND AND CONSTRUCTION.**

- A. No fence shall exceed a maximum height of six (6) feet unless a Conditional Use is granted.
- B. All fences shall be self-supported structures.
- C. Fencing may enclose the rear yard, but may not extend beyond the front yard setback, unless the fence height is no more than thirty-six (36) inches high and the height of the posts supporting the fence are not more than forty-two (42) inches high when measured from ground level. Such a fence shall not appear to be a total

screen, when viewed at a 90-degree angle to the fence. All front yard fencing shall be reviewed for sight line conflict by the Public Safety Department. Any deviation of these requirements shall require a conditional use permit. (99-20)

- D. The owner of any fence shall maintain the fence on both sides, unless otherwise agreed to in writing.
- E. There shall be no barbed wire or electric fences. This subsection shall not apply in areas used for agricultural purposes.
- F. Permission must be obtained from the adjacent property owner if the fence is to be built on property line(s) before construction will be permitted. Permission is to be furnished to the Building Inspector in written form.
- G. The permit fee for all fences is set forth by Resolution.
- H. No permits for fences on vacant lots shall be issued without approval of the Village.

#### **10.10 MAIL BOXES, MAIL RECEPTACLES AND NEWSPAPER BOXES.**

A. DEFINITIONS FOR THE PURPOSES OF THIS SECTION SHALL BE:

- 1. Mail Box. That freestanding container, designed and located adjacent to roadways to accommodate mail pick-up and delivery from a vehicle, and shall be installed as per requirements of the United States Post Office.
- 2. Mail Receptacle. That container attached to a building, designed and located to accommodate mail pick-up and delivery by U.S. Postal Service employees on foot and shall be installed as per requirements of the United States Post Office.

B. THE MAILBOX OR NEWSPAPER BOX OR SUPPORT SHALL:

- 1. If of wood, be no more than 5" in diameter, if round, 4"x 4", if of dressed lumber.
- 2. If of metal, have nominal inside diameter no greater than 1 1/2".
- 3. Be securely anchored in the ground at a minimum depth of two (2) feet and a maximum depth of three (3) feet.
- 4. Not be heavy metal posts or pipes, concrete posts, or miscellaneous items of farm equipment such as milk cans filled with concrete.

C. MAILBOXES AND NEWSPAPER BOXES shall be firmly attached to their post or support.

- D. WHEN GROUPING mailboxes or newspaper boxes is required:
1. It shall be the responsibility of the mailbox holder or newspaper box holder to maintain the neat appearance of the mailbox or newspaper box and post or support.
- E. SIZE OF MAILBOX shall be as required by the United States Post Office.
- F. MAILBOXES, NEWSPAPER BOXES AND MAIL RECEPTACLES SHALL CONFORM to U.S. Postal Service Specifications..
- G. THE VILLAGE SHALL NOT BE RESPONSIBLE for any damages incurred to newspaper boxes nor any other standards except for mailboxes, inflicted by Village snow removal equipment. (#97-07)
- H. MAILBOX REIMBURSEMENT
1. The Village of Jackson will make available up to ten (10) temporary mailboxes that will be supplied to residents for up to thirty (30) days, at no charge, if their mailbox is damaged by Village snowplow operations.
  2. The Village must be notified at the time the mailbox is discovered to be damaged by Village snowplow operations.
  3. The resident shall submit a written claim describing the damage done to their mailbox by Village snowplow operations, within ten (10) days of the occurrence.
  4. The resident shall notify the Village for inspection of the mailbox, when it has been repaired.
  5. When both the written claim is submitted to the Village, and the mailbox is repaired and inspected, then the Village shall reimburse the resident thirty (\$30.00 per snowplowing season.
  6. Any resident who would request additional compensation, shall ask to be put on the Board of Public Works agenda, so they may present their claim.  
(#04-03)

## 10.11 VARIANCES.

- A. THE BOARD OF APPEALS SHALL:
1. Hear and decide appeals from the rulings of the Building Inspector.
  2. Permit such variance from the terms of this Chapter as will not be contrary to the public interests.

3. Any action taken by the Board shall be at a public hearing, after notice thereof has been given by publication for one week in the official newspaper of the Village.

#### **10.12 ENERGY CONSERVATION.**

- A. Chapter IND 22, Wis. Adm. Code, Energy Conservation Standards Chapter of the One and Two Family Dwelling Code, as adopted and effective December 1, 1978, and all amendments thereto, is adopted and incorporated in this Code by reference.
- B. The Building Inspector, as certified by the Department of Industry, Labor and Human Relations and his designated representatives are authorized and directed to administer and enforce all of the provisions of Chapter IND 22.

#### **10.13 PRIVATE SWIMMING POOLS.**

- A. DEFINITION. The term “pool” is hereby defined as a receptacle for water, whether above or below ground, intended for use by the owner, his friends and invited guests, for bathing or swimming.
- B. PERMIT REQUIRED. All pools with a water depth of two (2) feet or more shall require a building permit from the Building Inspector prior to construction or installation. (#03-12)
- C. LOCATION. No pool shall be located closer than six (6) feet to any lot line on the property on which the pool is constructed.
- D. FENCING REQUIREMENTS.
  1. In-ground pools shall be completely fenced, before filling, with a fence of at least four (4) feet in height, but not more than six (6) feet in height. Access to the pool shall be through a gate or gates in the fence equipped with a lock or self-latching device at the top of the gate or gates. There shall be no more than four (4) inches between the bottom of the fence and the grade of the lot.
  2. Above-ground pools, which have a height of less than 42 inches above grade at the poolside, shall be fenced in accordance with paragraph (1), covered when not in use by a sturdy and secure pool cover, or emptied.
- E. ELECTRICAL INSTALLATIONS.
  1. All electrical wiring associated with swimming pools shall require a permit.
  2. All electrical wiring for swimming pools shall comply with the National Electrical Code (NEC).
  3. Lights used to illuminate the pool shall direct light only on the pool.

F. PLANS.

1. The plan filed with the application for a building permit shall show the pool in relation to all other buildings on the property, lot lines, and electrical power service laterals. Snow fences and decks built in conjunction with the pool shall also be shown on the plans.

G. EQUIPMENT.

Circulating pumps and filters shall be located and operated so as not to create a nuisance or noise problem. If necessary, the equipment shall be shielded or contained behind a protective barrier.

H. NUISANCE.

All pools shall be maintained in such a way as to not create a nuisance, hazard, eyesore, or be a detriment to public health, safety, or welfare.

2. The drainage of any pool may not be discharged onto adjoining property. The pool may, however, be drained into Village streets or gutters which empty into the Village's storm sewer.

I. BUILDING PERMIT FEES.

1. Building permit fees as set forth by Resolution.
2. Electrical permits fees as set forth by Resolution.
3. Plumbing permit fees, as per the plumbing permit application, as set forth by Resolution.

**10.14 PROPERTY MAINTENANCE CODE.**

A. LEGISLATIVE INTENT.

1. Purpose. It is hereby declared that in order to arrest or prevent the deterioration of residential and commercial properties which can spread to surrounding properties and result in the depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety, and welfare of the public, the Village of Jackson adopts this Maintenance Code.
2. Scope. The provisions of this Code shall apply to the exterior of all buildings in the Village, including the premises on which they are located, together with all accessory structures, except as otherwise provided.

B. HOUSING INSPECTION.

Housing Inspection shall be under the supervision of the Director of the Department of Building Inspection, who is authorized to assign qualified persons to administer this Code and perform inspection work and other assignments and duties as required by the Property Maintenance Code.

C. DEFINITIONS.

When terms are not defined in this section and are defined in those building, zoning, health and fire department codes presently in force in the Village, they shall have the meaning ascribed to them in such codes. When terms are not defined under the provisions of this or any other Village code, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.

1. Village shall mean the Village of Jackson.
2. Dwelling Unit shall mean residential accommodation, including a single kitchen designed for occupancy by, or occupied by, not more than one family for living and sleeping purposes.
3. Commercial Building shall mean all occupied spaces other than those used in living units.
4. Housing Inspector – The Housing Inspector is the person designated by the Director of the Department of Building Inspection and the Village Board to enforce these regulations.
5. Meaning of certain words: Whenever the words “dwelling”, “dwelling unit”, “commercial unit”, or “premises” are used in this Section, they shall be construed as though they were followed by the phrase “or any part thereof”.

D. INSPECTION OF PREMISES.

1. The Housing Inspector is hereby authorized and directed to make inspections to determine the condition of dwelling or commercial units and premises in the Village as regulated by the Property Maintenance Code.
2. Inspections shall be made only under the following circumstances:
  - a. When the Housing Inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this Code, which affect the health, safety, or welfare of the public.
  - b. Upon a complaint in writing being made by the owner, occupant, or by a concerned citizen, against the property. All complaints shall be signed by the author to be considered valid.

3. It shall be the responsibility of the Housing Inspector, whenever possible, to coordinate his inspections with those of other Village departments so as to minimize inconvenience to tenants and property owners.
4. All property shall be inspected by appointment unless such appointments cannot be reasonably arranged.
5. In the event that the Housing Inspector is denied voluntary access during a reasonable hour to any premises covered by this Code for the purpose of determining conditions that may be adverse to public health, safety and welfare, he may secure a warrant under the terms of Section 66.111, Wisconsin Statutes.
6. Every occupant of a building shall give the owner or his agent access to the premises at all times for the purpose of making such repairs as might be necessary to gain compliance with any provision of this Code.

E. ENFORCEMENT – SERVICES OF NOTICES AND ORDERS – HEARINGS.

1. Violations of this Code as determined by the Housing Inspector, shall be outlined in written form and shall be served upon all affected occupants, owners or their agents. Such notice and order shall be served by the Housing Inspector, or by such employee of the Village designated by him, or by receipted registered mail. If either method of service should fail, the Housing Inspector shall post and publish such notice and/or order under the terms of Section 66.059(1)(a) of the Wisconsin Statutes.
2. Such notices and orders shall include:
  - a. An adequate description of the real estate so affected.
  - b. A statement of the alleged violation, including the corresponding reference to the Code requirement.
  - c. An order for remedial action to correct such violation.
  - d. A reasonable time for compliance to the Code.
3. The time period for compliance may be extended only at the discretion of the Housing Inspector who shall base his decision on the seriousness of the problem and the time required to remedy it.
4. Code violations that may be the separate responsibility of the owner and the occupant shall not be combined in the same notice and order unless the owner is also the occupant.
5. Any person or persons affected by a notice or order related to enforcement of this Code shall be entitled to appeal such notice before the Housing Board of Appeals (See Chapter 12 of this Code).

6. The Housing Inspector shall not seek punitive nor remedial action against any owner or occupant of a dwelling unit affected by such orders while the orders are being appealed to the Housing Board of Appeals.

F. EMERGENCY ORDERS.

If the Housing Inspector shall determine that a building is in such condition that it constitutes a public nuisance or that there is great and immediate danger to public health, safety and welfare; or that a building is unsanitary or unfit for human habitation, occupancy, or use, he shall post a notice on the premises to that effect in accordance with the terms of Section 66.05 of the Wisconsin Statutes in the same manner as described therein.

In addition to posting such property as unfit, unsafe and/or unsanitary, he shall order the building, or that portion of it so affected, to be vacated in the manner prescribed by the applicable provisions of Section 66.05 of the Wisconsin Statutes.

No person shall remove or deface any placard placed by the Housing Inspector on any building or dwelling, which has been declared unfit or unsafe for human habitation or use.

G. STANDARDS FOR EQUIPMENT AND FACILITIES.

1. Garbage and Refuse Receptacles. Shall be provided for each building in accordance with the requirements of Chapter 9 of the Village of Jackson Municipal Code.
2. Exits. Every dwelling unit shall have a safe, unobstructed means of exit leading to safe and open space at ground level. Each exit required by this and other applicable Codes shall be maintained in good repair.

H. MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.

All buildings shall comply with the following requirements:

1. Floors, Wall, Foundations, etc. Every interior floor, wall, and ceiling, including door and window assemblies shall be kept clean and in good repair, and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof or impervious surface shall be provided in spaces subject to moisture. All surface repairs shall provide ease of maintenance and durability appropriate for the use of the room.

Exterior wood frame surfaces shall be painted or provided with comparable finish in order to prevent deterioration, exclude insects and preserve the visual aesthetic character of the neighborhood.

2. Windows and Doors. Every window, exterior door, interior door used for ingress and egress to a building, and basement hatchway shall be weather tight, watertight, rodent proof, and kept in proper working condition.

All cracked, loose and broken window panes shall be replaced and made secure. Sills and sash work shall be maintained in good repair.

3. Stairs and Porches. Every outside stairway, porch, and all appurtenances thereto shall be kept in a clean, sanitary and safe condition. A stairway shall have uniform treads and risers and uniform covering. All stairways and porches shall be kept free of snow, ice and obstructions to passage. Stairs and porches shall be kept safe so as to support the normal loads placed thereon. Replacement stairs shall be constructed in accordance with applicable DIHLR Codes.

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

Every water closet compartment floor surface and bathroom floor surface shall be properly maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. Flooring material shall be smooth and installed in one piece.

**The Jackson Water Utility shall check the curb stop shutoff if the valve is accessible and functioning correctly. All repairs shall be the responsibility of the property owner.**

**The Jackson Sewer Utility shall examine the sanitary sewer lateral with a portable pipeline camera. All repairs required for the lateral located on the property will be the responsibility of the property owner. If the damage has occurred in the right of way the Jackson Sewer Utility is responsible for the repair. (Ordinance #07-13)**

5. Drainage of Premises. Every premise shall be properly drained by the owner so as to prevent stagnant water from accumulation thereon. Surface and rainwater run-off shall not be diverted or obstructed so as to create a nuisance or damage to adjoining properties. Swimming and wading pools, and other sources of water storage, shall not be drained on or through neighboring property, by either the tenant or the owner. If overland control measures do not resolve the problem, the owner will be ordered to hook up to storm sewer at their expense.
6. All required repairs shall be done by a licensed plumber.

## I. RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

When owners have written lease agreements with their tenants, such lease agreements are viewed strictly between owner and tenant. All notices or orders will be issued to and be viewed by the Village to be the responsibility of the owner.

1. Sanitary Responsibility of Owner. Owners of buildings shall maintain the exterior of each such building in a clean, safe and sanitary condition.
2. Disposal of Rubbish and Garbage. As provided for in Chapter 9 of the Village of Jackson Municipal Code.
3. Extermination of Pests. Responsibilities – Whenever insect or rodent infestation occurs in a single dwelling unit, the occupant of such dwelling unit shall be responsible for the extermination. Whenever insect or rodent infestation occurs in more than one dwelling unit in a building or in any commercial unit of a building, the owner of the building shall be responsible for the extermination.

## J. OUTSIDE STORAGE OF MATERIALS.

1. Definitions: The following terms defined in this section shall have the meaning ascribed to them as in this code.
  - a. Debris: Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain, and other glass or crockery; boxes; lumber (new or used), posts, sticks or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials, which constitute health, fire or safety hazards or a serious blighting influence upon their neighborhood or the Village of Jackson in general.
  - b. Junk: Any old scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle.
2. Yard Areas. Yard areas of any real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Owners and/or occupants shall keep yard areas in a clean and sanitary condition, free from any accumulations of materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners or building material not used within five (5) days, or any bulk items.
  - a. No person shall dispose of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading,

or installation of underground utilities, upon the surface of any land in the Village of Jackson except at approved disposal sights.

- b. No landowner shall allow an accumulation of rocks, trees, stumps, waste material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
- c. Storage of Firewood. All firewood shall be cut and neatly stored in the rear lot. Firewood shall be no closer than 10 feet to the dwelling/building. All firewood shall be stored in straight, orderly piles, which are at least 12” above grade and not more than five (5) feet (total) above grade. At no time shall there be more than two full cords of wood stored outside.

K. ZONING BOARD OF APPEALS.

- 1. Petitions for Hearings – Any person affected by any notice and/or order which has been issued in connection with the enforcement of any provision of this Code may request and shall be granted a hearing on the matter before the Zoning Board of Appeals, subject to the following conditions:
  - a. Petitions shall be submitted and filed prior to the expiration of the time limit set forth in the notice and order from the Housing Inspector.
  - b. Petitions shall be in writing on forms prescribed by the Board and filed in the office of the Village Clerk who shall then provide a copy thereof to the Housing Inspector. The form shall contain all necessary information for the processing of such appeal.
  - c. The petition shall set forth the petitioner’s name, address and a brief statement of the grounds for such appeal.
  - d. The Housing Inspector shall, upon the filing of such petition, transmit to the Board all of the papers constituting the record upon which the petition for hearing was made.
- 2. Hearings.
  - a. The Board shall fix a reasonable time for hearing of the petition which shall be not less than twenty (20) days or more than thirty (30) days after the date upon which the petition was filed. The board shall have the power to postpone the hearing at the request of the petitioner for good and sufficient reason.
  - b. At such hearing, the petitioner shall be given an opportunity to be heard and show why such notice or order should be modified or withdrawn. Failure of a petitioner to appear shall have the same consequences as if no petition was filed.

- c. Any notice or order served pursuant to this Code shall automatically be in force if written petition for a hearing is not received within the prescribed time.
- d. The Board shall have the power to administer oaths and affirmations in connection with the conduction of any hearing held in accordance with provisions of this chapter.
- e. Any parties in interest other than the petitioner may appear at such hearings and may offer testimony at the discretion of the Board if such testimony is relevant to the hearing.

L. LANDSCAPING AND LAWN CARE.

- 1. Landscaping, plants and other decorative surface treatments, including species of grass common to Southeastern Wisconsin, shall be installed and maintained so as to present an attractive appearance in all courts and yard areas in accordance with generally accepted landscaping practices. Except with prior application to and approval of the Village of Jackson of a land management plan, natural lawns shall be maintained to a height not to exceed eight (8) inches in height. Plants shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways. Plants which property owners or tenants wish to plant near street corners shall be approved by the Village of Jackson prior to planting to insure a site obstruction will not issue. Green spaces shall be maintained so as to enhance the appearance and value of the property, which they are located, and adjoining properties.

In the event the owner or occupant fails to comply with an order of the Housing Inspector to cut grass or trim trees, shrubs, or bushes the Housing Officer shall refer this matter to the Director of Public Works who shall instruct the Village personnel to do whatever cutting of grass or trimming of vegetation is required and a special assessment shall be levied against the property owner for time, equipment, and travel necessary to accomplish all the required work.

- 2. Unconventional landscapes may be permitted through a Conditional Use or a Planned Unit Development approval process.

Unconventional landscapes require:

- a. A detailed planting plan, planning schedule, and anticipated plant succession shall be submitted as part of the Conditional Use or Planned Unit Development application and are subject to approval by the Village Board.

- b. Detailed maintenance requirements (for example: a request for periodic burning of prairie landscapes for regeneration) shall also be submitted with the Conditional Use or Planned Unit Development application and are subject to approval by the Village Board.
- c. Unconventional landscapes shall not be permitted within three (3) feet of the side or rear property lines without the written permission of the adjacent property owners.
  - (1). Unconventional landscapes shall not be permitted in the terrace (the public right-of-way) between the sidewalk and curb.
  - (2). Unconventional landscapes may be installed within the public right-of-way where there is no curb or gutter and a rural street section exists.
  - (3). The Village shall not be held responsible for damage to landscape plants, which are in the right-of-way.
- d. All unconventional landscapes are subject to the following cutting and trimming requirements:
  - (1). Grasses and weeds not to exceed twelve (12) inches.
  - (2). Trees/shrubs which project or obscure sidewalks, sightlines, or encroach on adjoining properties.

M. CHANGE OF OWNERSHIP/OCCUPANCY.

- 1. Purpose. In order to prevent the development of hazardous conditions presenting a threat to the health, welfare and safety of occupants of buildings and to other persons, and to prevent the deterioration of buildings and appurtenances related to or resulting in the substantial depreciation in property values of the neighborhood, and to protect the health, welfare and safety of those living in the Village, it is necessary that all rental properties and non residential use buildings and appurtenances located in the Village of Jackson be kept in a reasonable state of repair.

Generally, residential rental properties will be inspected after a change in ownership. Non-residential properties will be subject to inspection when there is a change in occupancy or ownership.

- 2. Certificates of Occupancy (OCC) Required. Except as otherwise provided, whenever there is a change of ownership of any residential rental building, multifamily building, commercial building, commercial occupant, or appurtenances, such a change of ownership shall not be made unless a Certificate of Occupancy has been issued by the Department of Building Inspection of the Village of Jackson dated not earlier than one year from the

official change of ownership. The term “change of ownership” shall also include a change of ownership of real property resulting from a gift of real property or from the death of an owner of real property pursuant to the law. Change of ownership between a husband and wife if one of the parties continues to occupy said building/property shall be exempt from the requirements of this section of the Code.

Changing ownership/occupancy or accepting change of ownership/occupancy without a Certificate of Occupancy, is in violation of this section of the Village Code, subjecting a person, firm, or corporation to penalties hereinafter set forth in this section of the Code.

In order not to delay or impede a pending change of ownership/occupancy, the Department of Building Inspection may issue a temporary Certificate of Occupancy if the code violations at the time of change of ownership/occupancy in the opinion and judgment of the Building Official or his/her appointed representative, are not an immediate threat or pose no imminent threat to the health, welfare and safety of the owners, tenants, or occupants of the property in question.

Under such circumstances, the former owner/seller and the new owner/occupant shall be jointly and severally liable and responsible for correcting all Code violations existing at the time the inspection was made. Failure to correct all noted violations shall subject both parties to the penalties within the scope of this Code. A new owner may submit a letter of responsibility signed by the seller and the buyer stating buyer is aware of all violations and agrees solely to bring the property into compliance.

3. Requirements. A Certificate of Occupancy shall be issued by the Department of Building Inspection after an inspection of the premises discloses that the premises are in compliance with the Village of Jackson’s Property Maintenance Code, Electrical, and Plumbing Codes. Compliance with the provisions of said Codes shall be met if the provisions of the respective Codes in effect at the time of the inspection are met. Present day construction Codes will not be used for they are not retroactive. It shall however be the responsibility and duty of the Building Official or his/her representative to exercise reasonable judgment as to when to apply current standards to protect the health, welfare and safety of the owner/occupant.
4. Non-Compliance. If an inspection by the Department of Building Inspection or representative discloses non-compliance with any of the provisions of the Villages Codes referenced herein, said Department shall issue a NOTICE letter, which will list all areas of non-compliance within a thirty (30) day period. For items, which pose a more immediate danger to the owner/occupant, the time for compliance may be reduced as is deemed necessary by the Building Inspection Department. When a subsequent inspection discloses compliance a Certificate of Occupancy will be issued.

If there is continued non-compliance after the time limit established by the Village, the matter will be referred to the Village Attorney for prosecution, using the penalties set forth in this code.

5. No Warranty. A Certificate of Occupancy indicates that so far as can be reasonably determined by visual inspection of the premises and review of the Villages property file (records), the premises meets the requirements of the Village Code. Neither the Village of Jackson, nor the Department of Building Inspection assumes any liability in the inspection or issuance of a Certificate of Occupancy and by the issuance of a Certificate of Occupancy does not guarantee or warrant as to the condition of the premises inspected.
6. Permission to Inspect. If the owner of the premises refuses to grant the Village, or its representatives, permission to inspect the premises, no such inspection shall be made until a Special Inspection Warrant is attained, authorized under Section 66.122, of the Wisconsin State Statutes at which time the warrant will be served by the Village of Jackson Police Department and the inspection will ensue.
7. Forms. The Department of Building Inspection shall provide the following forms for:
  - a. Application for Inspection.
  - b. Certificate of Occupancy.
  - c. Certificate of Non-Compliance and applicable correspondence.
8. Fee. A fee of one hundred (\$100) dollars per Inspector shall be paid to the Village of Jackson for the inspection of the premises prior to the inspection being made and a Certificate of Occupancy being issued. The fee shall be paid at the time of application for the inspection.

If more than one re-inspection is required a fee of fifty (\$50) dollars shall be paid for each re-inspection beyond the first.
9. Penalties. The penalties put forth in this section of the Code shall be as follows: A fine of not less than ten (\$10) dollars a day and not more than five hundred (\$500) dollars a day shall be levied for each and every day the referenced property is said to be in Non-Compliance.
10. Outside Inspection Agencies. The Department of Building Inspection will allow outside inspection agencies to do Occupancy Inspections providing the outside agency carries current DILHR certifications in the areas relating to the type of building to be inspected. The Department of Building Inspection will provide the form(s), which will be used for recording the inspection. The form(s) shall set forth minimum levels of life safety that all properties shall have. A copy of this report shall be submitted to the Village no more

than twenty-four (24) hours after the inspection is made. Failure to comply with this section of the Code may result in penalties being levied against all parties concerned.

**10.15 PENALTY.**

Any person who violates any provision of this Chapter shall be subject to the penalty provided by Sub Section 21.04 of this Code. (#95-04) Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Chapter.