

**CHAPTER 14**  
**BUILDING CODE**

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#### **14.01 ADOPTED STANDARDS.**

In addition to the standards prescribed by this Chapter, those provisions of the Wisconsin Administrative Code pertaining to building codes including, but not limited to, Construction Standards, Energy Conservation, Heating, Ventilation and Air Conditioning, Electrical Standards, Plumbing, and Manufactured Homes, and any future amendments additions, or changes made to them are hereby adopted and incorporated into this Chapter by reference.

- (1) The City of Boscobel adopts Wis. Admin. Code Chapter § SPS 316 Electrical Code in its entirety. The City of Boscobel will contract with state certified inspectors to perform inspection activities as required by the State of Wisconsin Administrative Code.

#### **14.02 BUILDING INSPECTOR.**

- (1) Position, Authority and Qualifications. In accordance with the provisions of Section 62.23(9), Stats., there is hereby created the position of Building Inspector, who shall keep plans, minutes and all records as required by law and make all inspections, investigations and prepare reports as may be required. He shall keep a record of all permits issued and shall make regular reports of the same to the Common Council. The Building Inspector shall be appointed by the Mayor with the approval of the Common Council, and shall be certified for inspection purposes by the Department of Commerce, as provided under Section 101.66(2), Stats. Such certified Building Inspector shall administer and enforce the provisions of this Chapter.
- (2) Interference with Building Inspector. No person shall interfere with the Building Inspector while he is in the performance of his duties.
- (3) Rights. The Building Inspector, or his authorized agent, shall have the power and authority at all reasonable times, for the purposes of enforcing this ordinance, to enter upon any public or private premises and make inspections thereof, and to require the production of the permit for any building, plumbing, electrical or heating work being done, or the required license therefore. If consent to entry to private property or buildings, or portions thereof, for inspection purposes has been denied, the Building Inspector may obtain a special inspection warrant as provided by Section 66.0119, Stats.

#### **14.03 BUILDING PERMIT REQUIRED.**

- (1) Permits and Exceptions.
  - (a) Permit Required. No building or structure, or any part thereof, shall hereafter be built, enlarged, altered, repaired, moved or demolished, nor shall the use of any building be changed within the City, except as

### 14.03 Building Permit Required (cont.)

hereinafter provided, unless a permit therefore shall first be obtained by the owner or his agent from the Building Inspector.

No person shall build, enlarge, cause to be built or add additions or alterations to any one or two family dwelling without first obtaining a State Uniform Building Permit from the Building Inspector. No person who performs any building construction in the City shall perform any such work at any site until all necessary building permits and zoning permits and all necessary approvals required by this Code have been obtained. Structures as used in this section includes solid fuel fired heating devices and related chimneys and stacks as defined in Section 14.09.

- (b) Exceptions to Permits and Fees. The fee required under Section 14.03(4) shall be waived for the following repairs, alterations or additions only, and the Building Inspector may waive the detailed plans provided for by Section 14.03(3) if the character and extent of the work is sufficiently described in the application for the permit:
  - (i) Replacement of exterior roof covering, including sheathing, on residential 1 or 2 family dwellings only.
  - (ii) Repair or replacement of less than 50% of the exterior siding in any 365-day period with the same type of siding as existing siding. This exception does not include repair, replacement or installation of insulation materials beneath the siding.
  - (iii) Installation of interior attic or interior basement insulation in owner occupied 1 or 2 family dwellings.
  - (iv) Other interior or exterior nonstructural repairs, minor alterations or additions costing less than \$500 in aggregate based upon the Building Inspector's estimation of the reasonable cost or value thereof, including labor and materials, and which do not change occupancy, area, structural strength, fire protection, exits, lights or ventilation of a building.
- (c) Fees and Permits. Neither the fee nor the permit otherwise required under this section shall be necessary for the following repairs, maintenance or alterations only:
  - (i) Painting, installation of floor covering or repair or replacement of existing doors or windows.

14.03 Building Permit Required (cont.)

- (ii) Replacement but not new construction of exterior perimeter fencing.
  - (iii) Repair or replacement of existing plumbing fixtures and leaking or stoppage repairs thereof.
  - (iv) Repair or replacement of broken electrical sockets, switches or receptacles or installation of additional switches or receptacles to an existing electrical system, providing the reasonable cost or value thereof, including labor and materials, does not exceed \$500 in aggregate, based upon the Building Inspector's estimation.
  - (v) Repair or replacement of any door, or window provided the dimensions are not changed and no structural repairs are required.
- (2) Building Defined. "Building" and "Building Construction" shall be defined to include any building or structure, and any enlargement, alteration, maintenance, repair, moving, demolishing, or change of use of any building or structure; and shall also include the installation, or replacement of, or any material alteration in, the structure of the building, or part of a building, including the plumbing, electrical, heating, ventilation, and air conditioning system of any building.
- (3) Application for a permit. Application for a building, electrical, plumbing, or heating, ventilating or air conditioning permit shall be made in writing upon a blank form furnished by the Building Inspector, and shall state the name and address of the owner of the building, the owner of the land upon which it is to be erected, the name and address of the designer, the location of the building, the purpose for which it is to be used, appropriate zoning information, and such other information as the Building Inspector may require. The application shall be accompanied by two copies of completed plans and specifications. Plans shall be drawn to a scale of not less than one-eighth inch per foot and shall include the following. If there is insufficient evidence to determine the exact location of any lot line, the Building Inspector may require that a certified survey be prepared to establish the exact location of lot lines.
- (a) A plot plan showing the physical dimensions of the lot, the location of existing and proposed buildings and additions, the location of the parcel with respect to all adjoining streets, alleys, the location of proposed driveways and off-street parking and loading facilities, any bodies of water or other major physical features such as drainage ditches, hills, railroad tracks, wells, disposal systems, tanks or similar features;
  - (b) The floor plan for each floor level including the basement;

14.03 *Building Permit Required (cont.)*

- (c) Elevation plans for all elevations including existing and proposed grade data;
  - (d) A cross section plan;
  - (e) Completed construction details;
  - (f) Heat loss calculations for all new buildings and for all major additions to existing buildings;
  - (g) If approval of the Wisconsin Department of Industry, Labor and Human Relations is required, at least two sets of the plans submitted shall bear the approval stamp of the Department, one set of which shall remain on file in the office of the Building Inspector.
- (4) Fees. The fees for any building which is subject to the Uniform Dwelling Code, Wisconsin Administrative Code Ch. COMM 20-25 shall be as provided therein from time to time. For all other construction, the Building Inspector shall determine the fee on the basis of his review of the plans and the reasonable cost of the construction. The fee shall be \$15 for the first \$1,000, or part thereof, of construction. The Building Inspector may authorize that no fees for a permit shall be required for repairs or minor alterations costing less than \$500 in aggregate, based upon the Building Inspector's estimation of the reasonable cost or value thereof, and which do not change the occupancy, area, structural strength, fire protection, exits, lights or ventilation of a building. City projects shall be exempt from permit fees.
- (5) All fees shall be paid to the Building Inspector before the Building Inspector shall issue any building, electrical, plumbing or heating, ventilation or air conditioning permit to the owner, or his agent. The Building Inspector shall remit all fees collected by him hereunder to the Treasurer from time to time.
- (6) Issuance of Permit. If the Building Inspector finds that the proposed building will comply in every respect with the ordinances of the City, and all laws and lawful orders of the State, he shall officially approve one set of the plans and return them to the owner, and shall issue a building permit which shall be kept at the site of the proposed building.
- (7) Lapse of Permit. All permits issued hereunder shall lapse and be void unless construction and operations under the permit are substantially commenced within six months of the issuance of the permit and are substantially completed within 18 months of the issuance of the permit. When any project for which a permit has been issued has not been completed within the 18 months, an additional permit shall be obtained before any further work is performed.

#### 14.03 Building Permit Required (cont.)

- (8) Revocation of Permit. If the Building Inspector shall find at any time that the applicable City ordinances, laws and orders, or the plans and specifications, are not being complied with, and that the holder of the permit refused to conform after written direction or instruction has been issued to him, he shall revoke the building, electrical, plumbing or heating, ventilating or air conditioning permit. Notice of revocation shall be sent by regular first class mail to the owner of the building or other structure as it appears in the application and by posting a notice of revocation at the site of the work. When any such permit is revoked, it shall be unlawful for any person to do any further work under the permit until the permit is reissued, except such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require to preserve life, safety, or property. All police officers shall report at once to the Building Inspector any building, electrical, plumbing, heating, ventilating, or air conditioning work which is being carried on without a permit as required hereunder.
- (9) Waiver of Plans. If in the opinion of the Building Inspector, the character of the work is sufficiently described in the application, he may waive the filing of plans for accessory buildings and additions or alterations thereto, or for alterations or repairs or small additions to principal buildings when such plans are required by the State Building Code.
- (10) Alteration of Plans. After being approved, the plans and specifications shall not be altered in any way without the written consent of the Building Inspector.

#### 14.04 BUILDING INSPECTIONS.

- (1) Inspection to be Requested. The owner, or his agent, shall either orally or in writing request inspections of any building or structure at the times provided in sub. (a)-(e) hereafter, or at such other times as is required by COMM Administrative Code provisions. Any person who performs any building construction shall make certain that all inspections have been requested and completed and all necessary approvals obtained before proceeding to any subsequent phase of building construction.
  - (a) Footing. Excavation shall be inspected after the placement of forms, shoring, and reinforcement, where required, and before the pouring of concrete.
  - (b) Completed Foundation Walls. Drain tiles, stone covering drain tiles, waterproofing, and exterior installation if required, shall be inspected prior to back filling completed foundation walls.

#### *14.04 Building Inspections (cont.)*

- (c) General Construction. Before installation of insulation, an inspection of general construction shall be performed including inspection of electrical, plumbing, heating, ventilating roughing-in prior to closing or installing of insulation.
  - (d) Insulation. Insulation shall be inspected before covering.
  - (e) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violation of this ordinance is found, the Building Inspector shall issue a Certificate of Occupancy, stating the purpose for which the building is to be used. No building, or part thereof, shall be occupied until such Certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the Certificate of Occupancy.
- (2) Notices of Compliance. Notices of compliance or noncompliance shall be written on the building permit posted at the site. Upon a finding of noncompliance, the Building Inspector shall notify the owner in writing by regular first class mail of the violations to be corrected. No work shall be concealed until approved by the Building Inspector.

#### **14.05 NEW METHODS AND MATERIALS.**

The Building Inspector shall make or cause to be made investigations of new developments in the building industry. No new materials or methods of construction shall be permitted which would violate the State Building Code unless approved by the Department of Industry, Labor and Human Relations.

#### **14.06 CITY NOT LIABLE.**

This Chapter shall not impose any liability on the part of the City for damages, destruction to property, or defects in building or equipment.

#### **14.07 ROOM HEATERS, STOVE AND FREESTANDING FIREPLACES. (Cr. #134)**

- (1) Applications. This section shall apply to radiant heating units installed in the City. No person may install a radiant heating unit which fails to comply with the requirements of this section.
- (2) Definitions. "Radiant heating unit" is a room heater, stove or freestanding fireplace not intended for duct connections used to heat a room or rooms using the combustion of a solid fuel such as wood or coal as a source of heat.

*14.07 Room Heaters, Stove and Freestanding Fireplaces (cont.)*

- (3) Permit. No person may install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give to each permit applicant the following information. It is recommended that:
  - (a) If wood is burned in the unit, it should be dry wood, preferably a dry hard wood.
  - (b) The chimney flue should be checked periodically to be sure the flue is open.
  - (c) The chimney flue should be cleaned at least once a year.
- (4) Permit Fees. A permit fee as established under Sec. 1.10 shall be paid by the applicant.
- (5) Plan and Data Approval. Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:
  - (a) The manufacturer's installation and maintenance/operation instruction.
  - (b) Proposed chimney flue and/or new chimney flue sizes.
  - (c) The number and size of existing vent connectors to the chimney flue.
- (6) Inspection. No person may operate or permit the operation of a radiant heating unit without first calling for inspection and receiving final approval from the Building Inspector.
- (7) Installation Clearance. The clearances from combustibles for the radiant heating unit shall conform to Table A and Table B of ss. 14.10(7) of this Chapter.
- (8) Mounting of the Unit.
  - (a) On Incombustible Floors. The unit shall be mounted on a firm, level base of brick, cement, concrete or other incombustible material.
  - (b) On Combustible Floors. The unit shall be mounted on a 4" thick concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than number 24 U.S. gauge. The above specified floor protection shall extend not less than 18" around the perimeter of the unit.

14.07 Room Heaters, Stove and Freestanding Fireplaces (cont.)

- (c) Units with Legs on Combustible Floors. Units which have 18" or more of open space under the base of the unit may be mounted on combustible floors provided that the floor under the unit is protected with not less than 1/4" of asbestos millboard and covered with sheet metal of not less than number 24 U.S. gauge.

The above specified floor protection shall extend not less than 18" around the perimeter of the unit. If there is less than 18" of open space under the base of the unit, the unit shall be mounted on 2" of concrete blocks, bricks or other incombustible material and equally covered with sheet metal of not less than number 24 U.S. gauge. The above specified floor protection shall extend not less than 18" around the perimeter of the unit.

- (9) Size and Type of Chimney. An approved all fuel chimney shall be used for solid fuel burning equipment. The chimney shall be sized so that the cross-sectional area of the chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the flue serving the solid fuel burning equipment. Masonry chimneys shall be constructed according to specifications provided by the Building Inspector and factory built chimneys bearing a listing of a nationally recognized testing laboratory such as Underwriters Laboratories will be considered as approved.
- (10) Chimney Connector. An approved chimney connector shall be used for solid fuel burning equipment. The chimney connector shall have a cast iron damper to control the draft.
- (11) Combustion Air; Blower; Thermostat Control. If the Building Inspector, after examination of the radiant heating unit of the furnace, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the flue collar size of the unit. A blower, where used, shall have adequate protection such as a screen to prevent material from entering the blower assembly. The thermostat control, where used, shall activate the blower motor at a temperature of 100 degrees to 120 degrees Fahrenheit.
- (12) Electrical Connections. Electrical connections, controls and wiring, where used, shall conform to the State Electrical Code.

**14.08 HEATING UNITS ADJUNCT TO EXISTING WARM AIR FURNACES.  
(Cr. #135)**

- (1) Application. This section shall apply to all supplemental heating units installed in the City. No person may install or cause to be installed a supplemental heating unit which fails to meet the requirements of this section.
- (2) Definitions.
  - (a) Supplemental heating units include all devices described as energy converters, stoves or supplemental heating devices using wood, coal or other solids as fuel and attached to the existing warm air furnace and using the furnace ducts for distribution of heat.
  - (b) Horizontal slide damper is a horizontal piece of sheet metal used to divide the warm air plenum of the existing furnace into two approximately equal airtight parts.
- (3) Permit. No person may install or cause to be installed a supplemental heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following information: It is recommended that wood burned in supplemental heating units should be dry wood, preferably dry hard wood; the chimney flue should be checked periodically to be sure the flue is open; and the chimney flue should be cleaned at least once a year.
- (4) Permit Fee. A permit fee as established under Sec. 1.10 shall be paid by the applicant.
- (5) Plan and Data Approval. Plans and data for each supplemental heating unit shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:
  - (a) The manufacturer's installation and maintenance/operation instructions.
  - (b) Proposed chimney flue and/or new chimney flue sizes.
- (6) Inspection. No person may operate or permit the operation of supplemental heating devices without first calling for an inspection and receiving final approval from the Building Inspector.

14.08 Heating Units Adjunct to Existing Warm Air Furnaces (cont.)

(7) Installation Clearance. The clearances from combustibles for the installation of all supplemental heating units shall conform to the following requirements:

(a) Table A.

**Required Clearances, In Inches, From Combustibles For Supplemental Heating Units**

From Front of Unit 48"	From Top, Sides and Rear of Unit 36"	Chimney or Vent Connector 18"
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(b) Table B.

**Required Minimum Clearances, In Inches, From Combustibles with Specified Forms of Protection**

Types of Protection Are:	Where the Required Clearance With No Protection		
Applied to the combustible material unless otherwise specified and covering all surfaces with the distance specified as the required clearance with no protection.	36" Above	36" Sides & Rear	18" Chimney or Vent Connector
Thicknesses are minimum.			
1. 1/4" asbestos millboard space out 1" (Note 2)	30	18	12
2. 0.013" (28 gauge) sheet metal on 1/4" asbestos millboard	24	18	12
3. 0.013" (28 gauge) sheet metal space out 1" (Note 2)	18	12	9
4. 0.013" (28 gauge) sheet metal on 1/8" asbestos millboard spaced out 1" (Note 2)	18	12	9
5. 1-1/2" asbestos cement covering on heating appliance	18	12	18
6. 1/4" asbestos millboard on 1" mineral fiber bats reinforced with wire mesh or equivalent	18	12	6

7.	0.027" (22 gauge) sheet metal on 1" mineral fiber bats reinforced with wire or equivalent	18	12	3
8.	1/4" asbestos millboard	36	36	18
9.	1/4" cellular asbestos	36	36	18

NOTE 1: Except for the protection described in 5, all clearances should be measured from the outer surface of the supplemental heating unit to the combustible material disregarding any intervening protection applied to the combustible material.

NOTE 2: Spacers shall be of incombustible material.

NOTE 3: Asbestos millboard referred to above is a different material from asbestos cement board. It is not intended that asbestos cement board be used in complying with these requirements when asbestos millboard is specified.

(8) Mounting of Unit.

- (a) On incombustible floors, all units shall be mounted on a firm, level base of brick, cement, concrete or other incombustible material.
- (b) On combustible floors, all units shall be mounted on 4" thick concrete base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than number 24 U.S. gauge. The above specified floor protection shall extend not less than 18" around the perimeter of the unit.
- (c) Units with legs on combustible floors. All units which have 18" or more of open space under the base of the unit may be mounted on combustible floors provided that the floor under the unit is protected with not less than 1/4" of asbestos millboard and covered with sheet metal of not less than number 24 U.S. gauge. The above specified floor protection shall extend not less than 18" around the perimeter of the unit.

(9) Type and Size of Chimney. An approved all-fuel chimney shall be used for solid fuel burning equipment. The chimney shall be sized so that the cross-sectional area of this chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. No other equipment shall be connected to the flue serving the solid fuel burning equipment.

(10) Chimney Connector. An approved chimney connector shall be used for solid fuel burning equipment.

14.08 Heating Units Adjunct to Existing Warm Air Furnaces (cont.)

- (11) Damper. The chimney shall have a cast iron damper to control the draft.
- (12) Warm Air Supply Duct.
  - (a) Size and Material. The area of the warm air supply duct shall not be less than the area of the collar and plenum opening of the unit to which it is connected. The warm air supply duct and horizontal slide damper shall be constructed entirely of incombustible equivalent in structural strength and durability to the following table:

TABLE C

**Round Ducts**

Diameter Inches	Minimum Thickness Galv. Iron U.S. Gauge	Minimum Thickness Aluminum B & S Gauge
0 through 12	26	24
Over 12	24	22

**Rectangular Ducts**

Width Inches	Minimum Thickness Galv. Iron U.S. Gauge	Minimum Thickness Aluminum B & S Gauge
0 through 12	26	24
Over 12	24	22

- (b) Connection to Furnace Without Horizontal Slide Damper. The connection of the warm air supply duct from the unit to the furnace should be centered on the front, rear or sides of the plenum of the furnace. A back draft damper shall be installed in the warm air duct as close to the furnace plenum as possible. Full air flow shall be maintained.
- (c) Connections to Furnace With Horizontal Slide Damper. The connection of the warm air supply duct from the unit to the furnace plenum should be centered both horizontally and vertically above the horizontal slide damper. Full air flow shall be maintained.

14.08 Heating Units Adjunct to Existing Warm Air Furnaces (cont.)

(13) Return Air Duct.

(a) Supplemental Heating Unit Without Horizontal Slide Damper.

1. Connection Furnace. When the return air for the unit is taken from the furnace return air, the connection shall be made on the filtered air side of the filter and connected to the blower intake of the unit. When the return air for the unit is taken from the outside, it shall be taken from a weatherproof louver with a 1/4" wire mesh hardware cloth and connected to the blower air intake of the unit. Dampers shall not be installed in the return air duct regardless of which method is used. Full air flow shall be maintained.
2. Size and Material. The area of the return air duct shall not be less than the area of the warm air supply duct. The return air duct shall be of the same material as specified in Table C above.

(b) Supplemental Heating Unit With Horizontal Slide Damper.

1. Connection to Furnace. The connection of the return air duct to the furnace should be centered both horizontally and vertically below the horizontal slide damper. Full air flow shall be maintained.
2. Size and Material. The area of the return air duct shall not be less than the area of the collar or plenum opening of the unit to which it is connected. The material shall conform to Table C above.

(14) Blower on Furnace When Used With Horizontal Slide Damper in Plenum. The blower on the furnace shall be adequate to maintain the manufacturer's specifications for CFM and static pressure when measured above the horizontal slide damper when the damper is closed.

(15) Fresh Air Intake Connected to Furnace Return Air System. The size of the fresh air intake where used shall not be less than the cross-sectional area of the area of a 4" (12.6 sq. in.) round duct. The material shall conform to Table C above. The fresh air intake shall be connected to the return plenum of the furnace. A volume damper of the locking type shall be placed in the duct for the fresh air intake.

(16) Combustion Air. If the Building Inspector, after examination of the supplemental heating unit and the furnace, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the flue collar size of the supplemental heating unit.

*14.08 Heating Units Adjunct to Existing Warm Air Furnaces (cont.)*

- (17) Electrical Connections and Controls.
  - (a) Units Without Horizontal Slide Dampers. All electrical connections, controls and wiring shall conform to the State Electrical Code.
  - (b) Units With Horizontal Slide Dampers. All electrical connections shall conform to the State Electrical Code. A fan control shall be installed in the plenum of the solid fuel burning unit and wired in parallel to the existing fan control of the furnace. The fan control in the plenum of the solid fuel burning unit shall activate the furnace blower motor at a temperature of 100 degrees to 120 degrees Fahrenheit.
- (18) Thermostat Control. The thermostat control of the supplemental heating unit shall activate the blower motor at a temperature of 100 degrees to 120 degrees Fahrenheit.

**14.09 REGULATION OF OUTDOOR WATER STOVES.**

- (1) Definitions.
  - 1. “Chimney”. A chimney includes a stack and is a vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor water stove.
  - 2. “Outdoor water stove”. An outdoor water stove is a wood burning heating device, variously denominated as an outdoor water stove, an outdoor wood burning residential hot water furnace, a water stove, a hot water outdoor wood furnace or an outdoor boiler. It is a free standing unit situated outside of the envelope of the structure to be heated. It typically consists of a firebox and water reservoir, assembled in a horizontal configuration. Hot combustion gases flow from the firebox at one end, through channels or tubes in the water reservoir, to the stack. The gases may pass through the water reservoir once to the stack at the end opposite the firebox (one pass), or an additional set of pipes may bring the gases back to the stack located above, but isolated from the combustion chamber (double pass). The heated water is pumped through radiators in the dwelling or through a heat exchanger in the heating, ventilation and air condition duct in response to the home thermostat. A separate pipe coil in the water reservoir may be used to provide domestic hot water. The furnace draft is controlled by a thermostat monitoring the temperature of the water in the reservoir. These devices are presently exempt from EPA regulations. They do not include any heating device or system, including a fireplace, which may be placed inside a residence or other building

*14.09 Regulation of Outdoor Wood Stoves (cont.)*

pursuant to Department of Commerce Regulations and/or the local building code.

- (2) **Standards Adopted.** All outdoor water stoves shall meet all applicable standards of the Environmental Protection Agency of the United States of America and the Wisconsin Department of Commerce governing air quality and emissions, including any amendments thereto adopted after the effective date of this ordinance.
- (3) **Chimney Specifications.** All chimneys used in conjunction with outdoor water stoves shall meet the specifications stated in Section 14.07(9) of this Code. All chimneys shall be constructed to withstand the force of winds up to 100 MPH. Chimneys shall have a minimum height of 20 feet measured from ground level, except, where an outdoor water stove is constructed within 25 feet of an adjacent building, the minimum stack height shall be 20 feet from ground level or three feet above the adjacent buildings' highest roof elevation, whichever is greater.
- (4) **Fencing and Screening.** All outdoor water stoves shall be enclosed by a solid fence six feet in height which screens the unit from adjacent property. The fence shall be adequately treated by paint, stain, or other means so as not to constitute an eyesore.
- (5) **Setback and Yard Requirements.** Outdoor water stoves are deemed accessory structures for purposes of zoning regulations. In R-1A, R-1 and R-2 Zoning Districts outdoor water stoves shall not occupy more than 30% of a required side yard or rear yard, shall not exceed 15 feet in height, except for the chimney, and shall not be nearer than three feet to any lot line. No outdoor water stove shall be constructed or placed in a front yard.
- (6) **Nonconforming Units.** Any outdoor water stove existing prior to December 21, 2001 that does not conform to the standards of this section shall, on the complaint of a resident of the City, be removed, replaced, or modified to meet the standards of this section within 90 days of notification of noncompliance from the City Building Inspector, the Police Department or other City Officer or Agent.
- (7) **Operation Limited.** No outdoor water stoves may be used between April 15 and November 15.
- (8) **Ban.** No outdoor water stoves may be constructed or installed in the City after April 1, 2002.

*14.09 Regulation of Outdoor Wood Stoves (cont.)*

- (9) Penalty. Any person who constructs or erects any outdoor water stove that does not meet the standards of this section, or who fails to remove, replace or modify an outdoor water stove that does not meet the standards of this section as provided herein, shall forfeit \$25.00 per day for each day the noncomplying unit remains on the premises. The City may also enforce the provisions of this Ordinance by injunction or other equitable remedy.

**14.25 PENALTY.**

- (1) Injunction/Abatement. When there is any violation of this Chapter, the City may bring legal action to enjoin the violation and may proceed under Chapter 10 to abate the violation as a nuisance.
- (2) Penalty. In addition to proceeding under sub (1), any person violating any provision of this Chapter may be subjected to a forfeiture action as provided in Chapter 25.