

CHAPTER 15

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PURPOSE AND SCOPE

15.01 **PURPOSE.** The purpose of this chapter is to provide minimum City regulations, provisions, and requirements; thereby increasing safety to persons and property, stable design, and good methods of construction and uses of materials in any building constructed, enlarged, altered, repaired, moved, converted to other use, or demolished; to regulate the equipment, maintenance, condition, use, occupancy, and safety of buildings in the City; and to promote the public health, safety, and general welfare. This chapter shall apply to new structures and to alterations and additions to existing structures within the City.

15.02 **APPLICABILITY.**

(1) **PERSONS AFFECTED.** The sections contained in this chapter shall be binding alike upon every owner of a building, upon every person in charge of or responsible for or who causes the condition, repair, or alteration of any building or structure in the City.

(2) **BUILDINGS AFFECTED.** This chapter shall apply to all buildings and structures, except buildings which were erected in compliance with the City Building Code in force at the time of their construction or last change in use and which:

(a) Have been repaired and maintained so that the structures are weather tight and the structural members are not hazardous to life or property;

(b) Are kept free from accumulations of dirt, filth, rubbish, garbage, or other matter in or on the same or in the yards, courts, passageways, or other areas connected or belonging to the same;

(c) Do not have cross connections in plumbing systems that are hazardous to the occupants or violate any provision of the plumbing code regarding cross connections.

15.03 **DEFINITIONS.**

(1) **ACCESSORY BUILDING.** A subordinate building not a part of the main building, the use of which is incidental to that of the main building or to the use of the premises.

(2) **ACCESSORY USE.** A use incidental to the use of the main building or to the principal use of the premises.

(3) **AIR TEMPERATURE.** A measurement of the temperature of the air and not of radiant heat.

(4) **ALLEY.** A public thoroughfare which affords a secondary means of access to abutting property and is generally less than 20' wide.

(5) **ALTERATION.** Any change, addition, or modification in construction.

(6) **APARTMENT.** A part of a building occupied or designed or intended to be occupied by one or more persons as a single-living unit or as a single-family housekeeping unit and which includes the use of kitchen facilities, either in private or in common with others not related by blood or marriage.

(7) **APARTMENT HOUSE.** Any building which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in such building.

(8) **APPROVED AS TO MATERIALS AND TYPES OF CONSTRUCTION.** Approved by the Building Inspection Superintendent as the result of investigation and tests conducted by the superintendent or an authorized agent or by reason of accepted principles or tests by national authorities or by technical or scientific organizations accepted by the Superintendent. Approvals given shall be in writing, and a copy thereof kept on file in the Building Inspection Division.

(9) **BALCONY.** See Mezzanine Floor.

(10) **BASEMENT.** That portion of a building between floor and ceiling which is more than 3 1/2' below the average contact ground level of the exterior walls of the building.

(11) **BOARDING OR LODGING HOUSE.** (Amd. GO 19-94) A building or structure, other than a hotel licensed by the State, where lodging and meals for three or more persons are served for compensation.

(12) **BUILDING.**

(a) Noun. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

(b) Verb. Any enlargement, alteration, movement, or demolishing of any building or structure, and also any new heating plant or any material alteration in any existing heating plant, toilet room, or elevator.

(13) **COURT.** Open, unoccupied space other than a yard on the same lot with a building.

(a) Outer Court. A court which extends directly to and opens on a street or other permanent open space or on a required yard.

(b) Inner Court. Any court other than an outer court.

(14) **DWELLING.** Any building, or portion thereof, which is designed or used exclusively for residential purposes.

(a) One-Family Dwelling. A building designed and occupied exclusively by one family.

(b) Two-Family Dwelling. A building or portion thereof designed for or occupied by not more than two families.

(15) **EXTERMINATION.** The control or elimination of infestation by eliminating harboring places and removing or make inaccessible materials that may serve as food or by poisoning, spraying, trapping, fumigating by a licensed fumigator or any other effective elimination procedure.

(16) **FAMILY.** (Amd. GO 16-93) Any member or individual related by blood, adoption, marriage, and/or no more than two persons not so related, living together on the premises as a single housekeeping unit.

(17) **FILLING STATION.** A place where gasoline, kerosene, or any other fuel, lubricating oil, or grease for operating motor vehicles is offered for sale at retail to the public and where deliveries are made at the time of sale and directly into the motor vehicles, including greasing and oiling on the premises.

(18) GARAGE, PRIVATE. A garage, for private use only, for the storage of not more than four steam- or motor-driven vehicles, including not more than one commercial vehicle, which shall be of less than two-ton capacity. For use regulations, see §13.30, Green Bay Municipal Code.

(19) GARAGE, COMMUNITY. A space or structure, or a series of structures, for storage only of non-commercial vehicles of residents of the neighborhood.

(20) GARAGE, PUBLIC. A space or structure, other than private or community garage, for the storage, sale, hire, or repair of motor vehicles or of vehicles used in connection therewith.

(21) GARAGE, SERVICE STATION. A space or structure, other than a public garage, used in connection with liquid fuel dispensing stations and in which one or more vehicles can be accommodated for washing, greasing, oil changing, tire and battery replacement, or similar minor operations or adjustments.

(22) HABITABLE. Describes any room in a dwelling unit which is either a sleeping room or a living room.

(23) HOTEL. A building in which lodging and board is provided to the public for compensation and which caters to daily transient guests.

(24) IMPERVIOUS TO WATER. Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspection Superintendent or an authorized agent and having tight-fitting joints and more having more than 4.5% absorption by test.

(25) INFESTATION. The sustained presence of household pests, vermin, or rodents.

(26) LIVING ROOM. A room used for sitting, dining, or cooking purposes; but not including a room designed for laundry, workshop, furnace, play, or storage purposes.

(27) MEZZANINE FLOOR. A balcony-like floor located between a main or full floor and the main ceiling next above and not exceeding in area more than one-third of such main or full floor.

(28) OCCUPANT. The head of a family, or an individual or individuals residing in a dwelling.

(29) OWNER. Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the State, the County, the City, any sewer district, drainage district, the University of Wisconsin-Green Bay, and any corporation or organization having an interest in property of any kind, including the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.

(30) PLUMBING. All gas pipes and gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bath tubs, catch basins, drains, vents, and any other provided fixtures, together with connections to the water, sewer or gas lines.

(31) PROVIDED. Furnished, supplied, or paid for by, or under control of, the owner.

(32) ROOMING HOUSE. (Amd. GO 19-94) A building or structure, other than a hotel licensed by the State, where three or more persons are lodged for compensation.

(33) Deleted per GO 19-94

(34) Deleted per GO 19-94

(35) SLEEPING ROOM. A room used for sleeping purposes.

(36) STORY. (a) Full Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and the ceiling next above it, not including in either case mezzanine floors or balconies.

(b) Half Story. That part of a building between the eaves and the ridge line of pitched roofs used for storage or occupancy. When designed and constructed for limited storage, such portion is an attic.

(37) STREET. A public or private right-of-way, lane, or way set aside permanently for common travel and being 21' or more in width if it existed on November 3, 1959.

(38) STRUCTURE. Anything constructed, the use of which requires location on the ground or attachment to something having a permanent location on the ground.

(39) STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except such alteration as may be required for the safety of the building.

(40) YARD. An open, unoccupied space on the same lot with a dwelling and lying between the front, rear, or sides of the dwelling and the respective lot lines.

(41) SHELTER FACILITY. (Cr. GO 19-94) A temporary place of lodging for homeless individuals or homeless families.

(42) HOMELESS INDIVIDUAL. (Cr. GO 19-94) (a) An individual who lacks a fixed, regular, and adequate night time residence (without regard to whether the individual is a member of the family); and

(b) An individual whose primary night time residence is a supervised public or privately operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, and transitional housing.

(43) HOMELESS FAMILY. (Cr. GO 19-94) A group of one or more related individuals who are homeless individuals.

ADMINISTRATION

15.04 DIVISION OF BUILDING INSPECTION.

(1) **DUTIES.** The Building Inspection Superintendent or any Inspector of the Division of Building Inspection shall enforce all State laws, City ordinances, and lawful orders relating to the construction, alteration, repair, removal, location, occupancy, safety and use of buildings and permanent building equipment. "Building Inspection Superintendent", as used in this chapter, shall include and refer to the Building Inspector.

(2) **BOND.** Before entering upon the duties of the office, the Building Inspection Superintendent shall execute a bond to the City in the sum of \$2,000 with such sureties as the Common Council shall approve, conditioned on the faithful performance of the duties as Building Inspection Superintendent.

(3) **RECORDS.** The Building Inspection Superintendent shall: keep a record of all applications for building permits; regularly number each permit in the order of its issue; keep a record showing the number, description, and size of every building erected during each term of office indicating the materials used and the cost of each building and the aggregate cost of all buildings of the various classes; keep a record of all inspections made and all removals and condemnations of buildings and a record of all fees, showing the dates of their receipt and delivery to the City Treasurer; make monthly and annual reports to the Council on the above matters.

(4) **POWERS.**

(a) **Inspection.** The Building Inspection Superintendent or any Inspector of the Division of Building Inspection may at all reasonable times for any proper purpose enter upon any public or private premises and make inspections thereof and may require the permit for any building, electrical, heating, or plumbing work, or the required license therefor, to be produced for inspection.

(b) **Emergency Powers.** The Building Inspection Superintendent or any Inspector of the Division of Building Inspection shall have such emergency powers as are necessary to fulfill the purpose and intent of this chapter; that is, to promote the public health, safety, and welfare.

15.05 BUILDING PERMITS.

(1) **BUILDING PERMIT REQUIRED.** No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this chapter on any structure without first obtaining a building permit therefor from the Building Inspection Superintendent or an authorized agent; provided the Building Inspection Superintendent may authorize minor repairs not involving structural alterations without requiring a building permit to be issued.

(2) **APPLICATION.** An application for a building permit shall be filed with the Building Inspection Superintendent on a blank form to be furnished for that purpose. Such application shall describe the land upon which the proposed building or work is to be done, either by lot, block, or tract or by similar general description which will readily identify and definitely locate the proposed building or work, and shall show the use or occupancy of all parts of the building and shall include such other pertinent information as may be required by the Building Inspection Superintendent.

(3) INFORMATION TO ACCOMPANY APPLICATION.

(a) Site Plan. Each application for a building permit shall be accompanied by two copies of the site plan, drawn to scale, not less than 1" to 20' or not more than 1/16" equal to 1', showing the actual dimensions of the lot to be built upon, the size and location of the building or buildings to be erected, the proper relationship of the buildings to the exterior lines of existing or proposed streets shown on the official map and such other information as may be necessary to provide for the enforcement of this chapter. Such site plan shall indicate the detailed legal description of the property as it appears of record. In the case of unplatted land or parcels conveyed by metes and bounds, the site plan together with sufficient measurements to permit property determination shall be submitted to the Director of Public Works, who shall certify as to whether the proposal is in conflict with the official map.

(b) Other Data Required. The following data shall be a part of, or shall accompany, all plans submitted for approval:

1. The location of streets, alleys, lot lines, and any other buildings on the same lot or property.
2. The name of the owner.
3. The intended use or uses of all rooms.
4. Computations, stress diagrams, and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Building Inspection Superintendent or an authorized agent.

(c) Foundation Specifications. Information, as necessary, concerning the size and material of the foundations and, if required, the loads to be placed thereon, where piles are to be driven and the spacing, size, and materials of the piles and the load to be placed on each shall accompany the application for a building permit.

(4) FILING MAY BE WAIVED. If in the opinion of the Building Inspection Superintendent the character of the work is sufficiently described in the application, the filing of plans may be waived, provided the cost of such work does not exceed \$3,000.

(5) CONDITIONS OF APPROVAL OF APPLICATION.

(a) Sanitary Sewers. Where sanitary sewers are not installed or immediately available, no building permit shall be issued by the Building Inspection Superintendent until a plumbing permit for an individual sewage disposal system has been issued in accordance with §16.16, Green Bay Municipal Code.

(b) Right to Inspect. The Building Inspection Superintendent or any Inspector of the Division of Building Inspection may, as a condition of the granting of a building permit, enter any premises for which such permit was issued at any reasonable time during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance with all statutory and ordinance regulations concerning the construction, repair, use, and location of such building.

(c) Buildings Covered by State Building Code.

1. Approval of Plans. Before a permit is issued for any building listed in 2. below or for the equipment for remodeling any such building, complete plans and specifications, including a site plan showing the position of the building with respect to lot lines, shall be submitted to the State Department of Industry, Labor, and Human Relations for checking and approval. Such plans shall be submitted to the Department in such number as will permit a complete set of approved plans and specifications, together with any correspondence concerning such approval by the Department, to be filed with the Division of Building Inspection.

2. Types of Buildings to be Submitted to the Department of Industry, Labor, and Human Relations:

- a. Thirty foot (30') span. All buildings of 30' span or greater.
- b. Two-Story Buildings. All two-story buildings having a floor area at the second floor level greater than 2,000 sq. ft.
- c. Three-Story Buildings. All three-story buildings.
- d. Hospitals, Churches, Etc. All hospitals, assembly halls, churches, public garages, places of detention, dormitories, and schools.
- e. Buildings With More Than Two Apartments. All buildings containing more than two apartments.
- f. Floor Area Greater Than 5,000 Sq. Ft. All one-story buildings having a floor area greater than 5,000 sq. ft.
- g. Laundries. All laundries and dry cleaning plants.
- h. Elevators. All elevator installations, including shaftway construction.
- i. Heating and Ventilation. All heating and ventilating installations in all buildings, except one-family or two-family residences.
- j. Others. All other buildings required by State law or administrative regulation to be submitted.

3. Changes in Approved Plans. After plans have been approved for buildings and equipment thereof, no changes shall be permitted unless such changes are approved by the State Department of Industry, Labor, and Human Relations.

4. Inspection of Buildings Covered by State Building Code. The Division of Building Inspection or its authorized agent shall make inspections and require such changes as will be necessary for buildings and their equipment to conform with the approved plans, or the approved changes in such approved plans, which have been filed in his/her office.

(6) SPECIFICATIONS SHALL BE IN DETAIL. All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Building Code" or "to the satisfaction of the Building Inspection Superintendent" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the section or subsection applicable.

(7) PERMIT FEES.

(a) Fees for building permits issued under this section shall be as established by resolution of the Common Council.

(b) If an application for a building permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.

(8) ISSUING OF BUILDING PERMIT.

(a) When to be Issued. If the application, plans, and specifications conform to the requirements of this chapter and to all other laws or ordinances applicable thereto, the Building Inspection Superintendent or an authorized agent shall, upon receipt of the required fee, issue a building permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp both sets of plans and specifications as "approved".

(b) Who Shall Have Plans and Specifications. One such approved set of plans and specifications shall be retained by the Division of Building Inspection and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Building Inspection Superintendent or an authorized agent.

(c) Evidence of Permit. With every permit issued, the Building Inspection Superintendent or an authorized agent shall issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for inspectors to mark.

(d) Lapse. (Amd. GO 81-93) A building permit shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof and completed or resumed within one year from the date thereof. If further construction is necessary after one year, the permit holder shall make written application in duplicate to the Building Inspection Superintendent, stating the reasons for the request for an extension, at least 90 days prior to the expiration of the building permit. Upon receipt of the written application, the Building Inspection Superintendent shall furnish recommendations for approval or rejection to the Protection and Welfare Committee for action and recommendation to the Council. A renewal permit shall be issued only by action and authority of the Council.

(e) Revocation.

1. If the Building Inspection Superintendent or any Inspector of the Division of Building Inspection finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the building permit shall be revoked by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of such person as known to the Building Inspection Superintendent; and there shall likewise be posted a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work upon such building until a new permit is issued, excepting such work as the Building Inspection Superintendent or any Inspector of the Division of Building Inspection may authorize as reasonably necessary to protect work already done on the job, existing property adjoining property, and the public.

2. The holder of such revoked permit shall, upon request, be granted a hearing before the Building Inspection Superintendent who shall provide procedures by which to hear any such appeal.

(f) Violations and Errors not Excused by Issuance. The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this chapter. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this chapter shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Building Inspector Superintendent or an authorized agent may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this chapter or of any other City ordinances.

(g) Preliminary Foundation Permit May be Issued. Whenever any person has applied for a building permit and all of the provisions of this section have been complied with, particularly with respect to review and approval of the site plan and other necessary conditions of approval as set forth in sub. (5) of this section, the Building Inspector may issue a preliminary foundation permit allowing the permittee to construct the foundation of any building for which a permit is sought. Thereafter, the Building Inspector may issue the final permit upon approval of plans and specifications for the remaining portion of the building to be constructed above the foundation. Nothing contained herein shall require the Building Inspector to issue the final permit unless the plans and specifications for the remainder of the building to be constructed above the foundation are in proper order and approved. Such preliminary foundation permit shall not be issued by the Building Inspector unless all necessary information provided hereunder has been reviewed and approved by the appropriate City departments and the only information remaining to be approved is the computation, stress diagrams, and other data necessary to show the correctness of the plans for that portion of the building to be constructed above the foundation.

ENFORCEMENT

15.10 CASH DEPOSIT GUARANTEEING COMPLIANCE.

(1) **REQUIRED.** Upon issuance of a building permit, except for minor alterations, a refundable cash deposit of \$100 shall be posted with the City Treasurer by the owner. In lieu of a \$100 cash deposit for each building permit, the owner may provide a cash deposit of \$100 covering all permits issued to him. Such deposit shall be maintained at \$100, and the Building Inspection Superintendent shall not issue additional permits if the deposit is not maintained at \$100 and any deficit incurred in correcting violations reimbursed to the City. Such deposit shall be refunded when the owner no longer has any active permits. The deposit shall constitute an agreement on the part of the owner to assume responsibility for compliance with this chapter on behalf of all persons directly or indirectly employed in the work for which the permit was secured.

(2) **COMPLIANCE MAY BE ACCOMPLISHED BY CITY.** If any authorized deputy of the Director of Public Works determines that a violation of this chapter exists, written notice shall be given to the foreman on the site and to the owner ordering compliance within not less than four hours nor more than 48 hours. If compliance has not been accomplished upon expiration of this order, the City may undertake to correct the violation, with all costs being deducted from the cash deposit posted by the owner. If the cost to the City of correcting a violation exceeds \$100, the remainder shall be charged to the owner in the form of a special assessment on the property.

(3) **OWNER RESPONSIBLE FOR EXPENSES.** An owner that transfers title to the property prior to payment of all charges for the correction of violations of this chapter shall remain responsible for such corrections, and no further permits shall be issued until such payment is made.

(4) **DISPUTES OVER COMPLIANCE ORDERS.** If compliance under this section is accomplished by the City and the owner disputes the compliance order, the dispute shall be settled by arbitration. Such arbitration shall be before one disinterested arbitrator if one can be agreed upon or otherwise before three disinterested arbitrators - one named by the City, one named by the owner, and one named by the two thus chosen.

(5) **CASH DEPOSIT REFUNDED.** Upon issuance of a certificate of occupancy, the cash deposit shall be returned, less any deductions made for the correction of violations by the City.

(6) **GENERAL PENALTY NOT EXCLUDED.** No portion or provision of this section shall prevent the City from invoking the general penalty of §15.11, Green Bay Municipal Code.

15.11 GENERAL PENALTY. Any person who shall violate any provision of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code; except that the minimum penalty for each offense shall be \$25.

15.12 UNSAFE BUILDINGS, RAZING OR REPAIR. (Rep. & Rec. GO 39-92)

(1) **ORDER TO RAZE.** The Building Inspection Superintendent or any Inspector of the Building Inspection Division may order the owner of the premises upon which is located within the City any building or part thereof which, in such official's judgment, is so old or dilapidated or has become so out of repair as to be unsafe, unsanitary, or otherwise unfit for occupancy, use, or human habitation as to be unreasonable to repair the same, to raze and remove such building, or part thereof; or if it can be made safe by repairs, to repair it and make it safe and sanitary or raze and remove it at the owner's option; or, where there has been a cessation of normal construction of any building or structure for more than two years, to raze and remove such building or part thereof. The order shall specify a time within which the owner shall comply therewith and shall specify repairs, if any. It shall be served as provided by §66.05, Wis. Stats.

(2) **FAILURE TO COMPLY WITH ORDER.** If the owner fails or refuses to comply within the time prescribed, the Building Inspection Superintendent shall cause such building, or part thereof, either to be razed and removed as provided by §66.05, Wis. Stats., through any available public agency or by contract or arrangement with private persons, or to be closed if unfit for human habitation, occupancy, or use.

The cost of such razing and removal or closing shall be charged against the real estate and shall be assessed and collected as a special tax. When any building has been ordered razed and removed, the Building Inspection Superintendent, under such contract or arrangement, may sell the salvage and valuable material at the highest price obtainable. The proceeds of such sale, after deducting the expense of such razing and removal, shall be promptly remitted to the Circuit Court with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to the order of the Court. If there remains no surplus to be turned over to the Court, the report shall so state.

If the Building Inspection Superintendent or an authorized agent posts a placard stating: "THIS BUILDING CANNOT BE USED FOR HUMAN HABITATION, OCCUPANCY, OR USE" on any premises, such official shall prohibit the use of such building for human habitation, occupancy, or use until the necessary repairs have been made. Any person who rents, leases, or occupies a building which has been

condemned for human habitation, occupancy, or use shall be liable to a forfeiture of not less than \$5 nor more than \$500 for each week of such violation. Any person receiving notice as herein provided who fails or neglects to comply with the directions therein contained shall be subject to the penalties set forth in this chapter.

INSPECTION

15.15 **STRUCTURAL PORTIONS TO BE INSPECTED.** No structural portion of any part of any building or structure not supervised by an architect or professional engineer or their authorized representatives, and no reinforced steel, structural framework of iron or steel, brick, concrete block, frame, or any other materials used in the structural part of any building shall be covered or concealed in any manner without first securing the approval of the Building Inspection Division. The Building Inspection Division shall be notified at least one working day prior to such time as the work is to be inspected.

15.16 **SUCCESSIVE INSPECTIONS TO BE MADE.** No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Building Inspection Division. Upon notification by the permit holder or an agent of the completion of each of the respective steps in construction, the Building Inspection Superintendent or an authorized agent shall make the following successive inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or an agent wherein the same fails to comply with the law.

(1) **INSPECTION OF POURED AND BLOCK FOUNDATIONS.** The Inspector shall be notified when forms for footings are in and ready to be poured. Forms for footings shall be framed with a minimum depth of 6" framing members. The Inspector shall be notified when footings are in and concrete for walls is ready to be placed. Re-inspection shall be called for to inspect tile, stone, and damproofing. Block foundations shall be checked after walls are up and stone, tile, and damproofing have been installed.

(2) **INSPECTION OF THE STRUCTURE.** Inspection shall be made after the roof is in place; all framing, fireblocking, and bracing are in place; and all pipes, chimneys, and vents are completed.

(3) **FINAL INSPECTION.** Inspection shall be made after the building is completed and ready for occupancy.

(4) **CERTIFICATE OF OCCUPANCY.** (Amd. GO 81-93) The Building Inspection Superintendent, Plumbing Supervisor, Heating Inspector, Electrical Inspector, Engineering Department agents, and Fire Department Prevention Bureau shall each make a final inspection of all new buildings, additions, and alterations. If no violation of this or any other ordinance, law, or order is found and if there is a sewer connected to the public system or a system approved by ordinance, along with compliance with the City Air Pollution, Building, Electrical, Heating, Plumbing, Rat Control, and Fire Prevention ordinances, connection with adequate water supply and access to the premises by a graded and graveled public road, the Building Inspection Superintendent shall issue a Certificate of Occupancy, stating the purpose for which the building is to be used and the maximum load and maximum number of persons that may be accommodated on each floor thereof. No building or part thereof shall be occupied until such Certificate has been issued, except with the written consent of the Building Inspection Superintendent, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the Certificate of Occupancy. In no case shall a Certificate of Occupancy be issued until complete compliance with the conditions stipulated on the site plan have been met, except such Certificate may be issued prior to complete compliance providing a cash bond in an amount equal to the cost of site plan compliance, stipulated by the Director of Public Works and indicated

on the site plan, has been deposited with the City Treasurer. If all conditions have not been met within 60 days after notice by the Building Inspection Superintendent, the Director of Public Works may make the necessary installations as provided in the site plan and charge the same to the cash bond account for that particular building.

BUILDING SITE REGULATIONS

15.20 EXCAVATIONS.

(1) **EXCAVATION PLANS TO BE SUBMITTED IN ADVANCE.** Before commencing with excavation or driving piles for any foundation of any building or structure, a building permit shall be obtained. The application for a building permit shall be filed with the plans and specifications of the building, showing the location of the building or structure, the size and material of the foundation, and, if required, the loads to be placed thereon, where piles are to be driven, the spacing, size, and materials of the piles and the load to be placed on each.

(2) **GUARD RAILS.** Any person making excavations or causing the same to be made shall properly guard them and shall so protect them that the adjoining soil shall not cave in. No one shall excavate so as to injure any adjoining soil, ground, or building. Wherever such excavations are made within 10' of any sidewalk, street, or alley, guard rails and warning lights and signs determined to be proper by the Building Inspection Superintendent or an authorized agent shall be installed and maintained. The Building Inspection Superintendent or an authorized agent may require guard rails around such other excavations as such official believes the protection of the public requires.

15.21 ABANDONED OR WATER-FILLED EXCAVATIONS.

(1) **OPEN BASEMENTS.** Any open basement or basement excavation not worked for a continuous period of 60 days after the commencement of building or razing shall constitute a nuisance; and the owner or contractor shall, within 48 hours after written notice by the Building Inspection Division, cause such basement or basement excavation to be properly filled and leveled off to the original grade.

(2) **FILL AND DEBRIS.** Fill and debris on land or lots which is not leveled off or removed within 30 days after deposit of same, thus causing a public nuisance or rodent harborage or preventing noxious weeds from being cut, shall be notified as provided in sub. (1) of this section.

(3) **WATER-FILLED EXCAVATIONS.** Any open basement or basement excavation in which 1' or more of water is permitted to stand shall constitute a nuisance and the owner shall, within 48 hours after written notice by the Building Inspection Division, cause the excavation or basement to be pumped dry.

(4) **PUBLICATION OF NOTICE.** If the address of the owner or contractor cannot be ascertained with reasonable diligence, then the 48-hour period provided in subs. (1), (2), and (3) herein shall commence to run at the beginning of the day following two successive publications of the notice in the official newspaper.

(5) **FAILURE TO COMPLY.** Failure to comply with a notice of the Building Inspection Division shall be cause to have the work done and the cost thereof charged back to the property or property owner.

15.22 LITTERING AND DAMAGE TO PROPERTY. (1) **GENERAL PROVISIONS.** No person engaged in work for which a building permit has been issued shall cause, maintain, or permit the

littering of any public or private property with mud, dust, brush, stumps, tree limbs, construction, or other types of debris; nor shall such person cause damage to any public street, sidewalk, alley, curb, gutter, sewerage system, or property.

(2) **LITTERING AT RAZING OR REMOVAL SITE.** No person shall leave litter, building debris, excavations, or ground piles on property on which a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing thus causing a public safety hazard and nuisance, the Building Inspection Division shall, after a written notice specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, the City shall cause such work to be done; and the cost thereof shall be borne by the property or the property owner.

15.23 **RESIDENTIAL BUILDING CONTRACTOR'S LICENSE.** (Repealed GO 12-11)

15.24 **LOT CORNERS.**

(1) **TO BE MONUMENTED.** Prior to issuance of a building permit, all lot corners of the property upon which any building or structure is to be located shall be monumented by a registered land surveyor. These monuments shall be marked by wooden guard stakes.

(2) **MONUMENTS TO BE MAINTAINED.** The lot corner monuments and guard stakes shall be maintained and kept readily visible until the footings have been inspected and approved by the Building Inspection Superintendent or an authorized agent according to §15.16, Green Bay Municipal Code.

BUILDING CONSTRUCTION REGULATIONS

15.25 **MINIMUM BUILDING ELEVATIONS.**

(1) The first habitable floor of any building or structure shall not be constructed below elevation 103.0, City datum.

(2) Basements not designed for permanent habitation that are adequately floodproofed, as determined by the Engineering Division, Department of Public Works, may be permitted at a lower elevation if certified by a registered engineer.

(3) Uses requiring floodproofing measures, such as the following, shall be designed consistent with the flood protection elevation (103.0, City datum). The Building Inspection Superintendent shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with flood protection elevation.

Floodproofing measures, as necessary, shall include but are not limited to the following:

- (a) Installation of watertight doors, bulkheads, and shutters.
- (b) Reinforcement of walls to resist water pressure.
- (c) Use of paint, membrane, or mortar to reduce seepage of water through walls.

(d) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.

(e) Pumping facilities for subsurface drainage systems for buildings, to receive external foundation wall and basement floor pressures.

(f) Construction to resist rupture or collapse caused by water pressure or floating debris.

(g) Installation of cutoff (backwater) valves on sewer lines or elimination of gravity flow basement drains.

(h) Anchorage to resist flotation and lateral movement.

(i) Addition of mass or weights to structures to resist flotation.

(j) Installation of pumps to lower water levels in structures.

(4) Accessory uses such as parking lots, yards, and other similar land or open land uses may be permitted below elevation 103.0.

(5) Fill shall be placed around buildings and structures to elevation 102.0 and shall extend at such elevation at least 15' in each direction from the structure thereon. Fill material shall be stabilized in a manner recommended by the U. S. Soil Conservation Service and protected against erosion.

15.26 **EXIT REQUIREMENTS FOR ONE- AND TWO-FAMILY RESIDENCES.** Each apartment and each story of each one, one and one-half, and two-story building shall have two exits in accordance with the following minimum requirements:

(1) TYPE OF EXITS.

(a) First Floor Exits. All first floor exits shall consist of doorways, platforms, and steps with handrails and railings, where required by this chapter, terminating at the outside grade.

(b) Second Floor Exits. 1. Principal Exit. The first or principal exit shall consist of a stairway between the first and second floor when both floors are part of the same dwelling unit. When the first and second floors are used as separate dwelling units, the stairway shall be enclosed in a one-hour fire-resistive enclosure or shall be located on the outside of the building.

2. Second Exit. The second exit from a second floor apartment shall consist of a doorway to the outside of the building and a platform not less than 3' x 5' located not more than 10' from the outside grade. The platform shall have railings on the open sides not less than 42" high, measuring vertically from the top of the platform to the top of the railing, with intermediate vertical or horizontal railings, the distance between which shall not exceed 11" center to center.

(2) LOCATION OF EXITS. Exits shall be so arranged that, in emergency, when one exit is blocked, the other will still be accessible.

(3) EXIT DOORS.

(a) Exit doors shall have a minimum width of 2' 8" and a minimum height of 6' 8". Exit doors which serve more than one dwelling unit shall have a minimum width of 3'.

(b) Exit doors shall have such hardware or fastenings that they can be opened at all times from the inside without the use of a key.

15.27 **STAIRWAYS, PLATFORMS, AND HANDRAILS; EXEMPTIONS.** (Amd. GO 28-09)

(1) FOR EXITS. Stairways and platforms forming a part of the exits required by this chapter shall have a minimum width of 3', and platforms shall have a minimum width of 3' in the direction of travel.

(2) HANDRAILS. All stairways and steps of more than three risers shall have one handrail located on the left-hand side as one ascends and one on the open side, if any. Stairways and steps 5' or more in width shall have handrails on both sides. Handrails shall not be less than 28" nor more than 32" above the run of the stairs measured vertically from the top front edge of the tread to the top of handrail, except railings around the open sides of stairwells and platforms shall not be less than 36" high measured vertically from the top of the platform to the top of the rails.

(3) RISERS AND TREADS. All stairways and steps required as exits by this chapter shall have a uniform rise of not more than 7 3/4" and a uniform tread of not less than 9 1/4" measuring from tread to tread and riser to riser. Winders may not be used unless the tread measures 7 1/2" wide at a point 1" from the narrow end of the tread. Stairways and steps not required by this chapter as part of the exits shall have a uniform rise of not more than 8" and a uniform tread of not less than 9".

(4) EXEMPTIONS. (Cr. GO 28-09) Any handrail or guardrail required for any stairway or platform shall comply with the code provision in effect as of the date of the original construction and shall be grandfathered. Any repair being made to any stairway or platform requiring any handrail or guardrail, and the repair is greater than 50% of the value of the stairway or platform, shall be required to comply with any current code provision and shall not be grandfathered.

15.28 **BUILDINGS, MASONRY CONSTRUCTION, NOT GOVERNED BY THE WISCONSIN ADMINISTRATIVE CODE.**

(1) BUILDING BRICK. Clay, concrete brick, and hollow clay tile shall meet the requirements of Ind. 53.331, Wis. Admin. Code.

(2) MATERIALS TO BE OF GOOD QUALITY. Materials shall be of good quality for the purpose intended, shall conform to the trade and manufacturer's standards, and shall be free from imperfections which impair strength and durability.

(3) MORTAR.

(a) General. Mortar shall comply with Ind 53.312, Wis. Admin. Code. Type M cement mortar shall be used for all masonry which will have one or more faces in contact with soil. Type M, S, or N mortar shall be used for all masonry in insolubilized piers, parapet walls, chimneys where exposed to the weather, and all hollow masonry units. All other masonry may be laid in Type M, S, N, O, or K mortar.

(b) Mortar Proportions by Volume.

MORTAR PROPORTIONS BY VOLUME

Mortar Type	Parts by Volume of Portland Cement or Portland Furnace Slag Cement	Parts by Volume of Masonry Cement	Parts by Volume of Hydrated Lime or Lime Putty	Aggregate Measured in a Damp, Loose Condition
M	1 1	1 (Type 2) ---	--- 1/4	
S	1/2 1	1 (Type 2) ---	--- Over 1/4 to 1/2	
N	--- 1	1 (Type 2) ---	--- Over 1/2 to 1/4	Not less than 2 1/4 and not more than 3 times the sum of the volume of the cements and limes used
O	--- 1	1 (Type 2) ---	--- Over 1 1/4 to 2 1/2	
K	1	---	Over 2 1/2 to 4	

(4) BRICK.

(a) General. Brick shall be hard and well-burnt. Old brick shall be thoroughly cleaned before re-use. No soft brick shall be used where exposed to the ground.

(b) Wall Tiles. Masonry veneer on frame structures shall be fully anchored to the structures with corrosion-resistant ties. The vertical distance between ties shall not exceed 18" and the horizontal distance shall not exceed 32"; ties in alternate courses shall be staggered.

(5) HOLLOW TILE. Hollow tile for bearing walls shall comply with the provisions of the State Code. Where brick facing is considered part of the required thickness of a tile wall, it shall be bonded to the tile backing with header courses every sixth course.

(6) JOISTS. Where joists enter the brick work, they shall be out on a splay not less than 3" so as not to disturb the brick work by any deflection or breaking. Where joists are placed in a party wall or division wall, there shall be at least 4" of solid brick work between the ends.

(7) CONCRETE BLOCK AND TILE TO BE BRANDED. Concrete block and tile for masonry bearing walls and piers shall be approved by the Building Inspection Superintendent or an authorized agent and shall meeting the following requirements:

(a) Each block shall bear a permanent brand mark identifying the manufacturer of the block.

(b) A copy of such mark shall be on file in the office of the Division of Building Inspection.

(8) TESTING BEFORE APPROVAL.

(a) To be Done by Recognized Laboratory. Before approval of any manufacturer's product, compression and absorption tests on samples selected by the Building Inspection Superintendent or an authorized agent shall be made at the manufacturer's expense by a laboratory of recognized standing.

(b) Five Samples to be Tested. At least five samples of each unit tested for compressive strength or absorption shall be selected so as to represent as nearly as possible the average quality of the manufacturing product.

(9) SPECIFICATIONS.

(a) Compressive Strength, Hollow and Two-Piece Units. The ultimate compressive strength of hollow and two-piece units at 28 days shall average 1,000 lb. per sq. inch of the gross cross-sectional area of the unit as used in the wall. The cross-sectional area of a hollow building unit shall be the product of the length times the width of the unit. The gross cross-sectional area of a two-piece concrete building unit shall be one-half of the product of the length of the unit times the width of the wall for which the unit is intended.

(b) Compressive Strength, Solid Units. The ultimate compressive strength of solid brick building units at 28 days shall average not less than 1,200 lb. per sq. inch of the cross-sectional area of the unit as used in the wall.

(c) Water Absorption. The average amount of water absorbed in 48 hours by three units 28 days old shall not exceed 12 1/2 lb. per cu. ft. of concrete (actual volume) contained in any block.

(10) CONCRETE BLOCKS TO COMPLY WITH CITY'S SPECIFICATIONS. If in doubt, the Building Inspection Superintendent or an authorized agent may at any time seal for testing three blocks. The owner or an agent shall have the blocks tested by a recognized laboratory. If the blocks meet the City's specifications, the City shall pay for the test.

(11) BLOCKS MANUFACTURED IN CITY. At least annually, the Building Inspection Superintendent or an authorized agent shall seal for testing five blocks from each manufacturer manufacturing blocks within the City. A copy of the test sheets shall be forwarded to the office of the Division of Building Inspection to be kept as a permanent record.

(12) FOOTINGS. All footings used as bearing supports for beams shall be not less than 8" thick and 24" x 24" framed square to their full depth, to be increased if deemed necessary according to the bearing value of the soil. Chimney footings shall be not less than 36" x 36" x 8" thick for masonry chimneys. Fireplace footings shall be at least 8" thick or more than 8" wider than the fireplace walls.

(13) CONCRETE.

(a) Poured Concrete. Concrete shall be mixed in a proportion of not less than five bags of cement per cubic yard of concrete with 1" and 1 1/2" maximum size aggregate that will produce a minimum strength of 3,000 P.S.I. Fly ash may be used when mixed and placed on location according to manufacturing specifications as to slump, particular use of concrete on the job site and proper placement of concrete. No water shall be added on the job unless authorized by the manufacturer, architect, or engineer or by personnel of the Division of Building Inspection.

(b) Cast-In-Place Concrete.

1. Concrete shall contain not less than five bags of cement per cubic yard when 1 1/2" maximum size aggregate is used. Concrete shall contain not less than 5 1/2 bags cement when 3/4" maximum size aggregate is used. All concrete shall produce a minimum compressive strength of 3,000 P.S.I. at 28 days under field curing conditions.

2. Fly ash may be substituted for one-half bag of cement per cubic yard of concrete under the following conditions: a ready-mix concrete company may qualify a fly ash mix as equivalent to a straight cement mix by submitting a proposed mix design which includes a minimum of 4 1/2 bags cement with 1 1/2" maximum size aggregate and five bags with 3/4" maximum size aggregate, with all test results to the office of the Division of Building Inspection for approval. If the mix design is approved in writing as equivalent to a five-bag or 5 1/2-bag Portland cement mix, such ready-mix concrete company may ship such concrete by marking its tickets with the symbol "5E" or 5 1/2E". All mixes of straight cement concrete or fly ash concrete shall produce a minimum strength of 3,000 P.S.I. at 28 days with field curing conditions. The average strength of cylinders shall be approximately 3,500 P.S.I. to meet the minimum requirements of 3,000 P.S.I.

3. All concrete shall be placed with a maximum slump of 5 + 1 inch tolerance. All concrete shall contain entrained air within the range of 4 to 7 percent.

4. No water shall be added on the job unless authorized by the manufacturer, architect, or engineer, or by personnel of the Division of Building Inspection.

5. Fly ash shall not be used in concrete if the temperature does not remain above 45°F.

(14) BASEMENT FLOORS. All cement floors in basements shall be at least 3 1/2" thick, including top dressing, and shall be laid so every part thereof drains to the sewer connections.

15.29 **RESIDENCES FOR ONE OR TWO FAMILIES.** (1) FOUNDATIONS AND FOOTINGS. (a) Footings for masonry walls shall be of ample width and thickness to carry the loads expected to be placed thereon. Footings shall be level within 1" and placed below frost penetrations on firm, undisturbed soil of adequate load-bearing capacity. At no place shall the vertical distance between the grade to the bottom of the footing be less than 4".

(b) Footings shall be twice as wide as the thickness of the walls which bear on them, and the thickness of the footings shall be the same as the thickness of the wall which bear on them. Regardless of wall size, no footing shall be framed smaller than 16" wide and 8" thick.

EXAMPLES:

8" walls shall have footings 16" wide and 8" thick.

10" walls shall have footings 24" wide and 10" thick.

12" walls shall have footings 24" wide and 12" thick.

6" poured center walls shall have footings 6" wide and 18" thick.

(c) Masonry Foundation Walls Under Frame Buildings.

1. Concrete masonry foundation walls under frame wall construction may be 8" wide when they do not extend more than 4' into the ground. Dwellings of one and 1 1/2 stories with walls of brick veneer on frame may be 10" wide when they do not extend more than 6' into the ground. All other foundation walls under frame with masonry more than one story high shall be 12" wide. Metal reinforcing shall be installed every third course of block, starting with the second course.

<u>TYPE OF BUILDING</u>	<u>CONCRETE BLOCK</u>	<u>MONOLITHIC CONCRETE</u>
Frame, not more than 4' in ground	8"	6"
Frame, wood siding or stucco, 1, 1 1/2, 2 story	10"	8"
Frame, brick veneer, 1, 1 1/2, or 2 story with brick one story high	10"	10"
Frame, brick veneer full 2 stories	12"	10"
8" masonry walls, 2 stories	12"	10"
12" masonry walls, 2 stories	12"	12"
Center wall in lieu of beam	8"	6"

2. The exterior of block foundation walls shall be parged with 1/2" cement mortar and shall be waterproofed with an approved bituminous material. Poured concrete foundation walls shall be bituminous coated.

(2) DRAIN TILE. Drain tile shall be installed around the outsides of all footings of a basement. Two inches (2") of stone fill shall be placed under the tile and an 8" cover of stone fill shall be placed over the tile. Tile and stone shall be placed after walls have been erected. There shall be a minimum of two bleeder tiles through the footings directly opposite each other and properly connected with drain tile leading to a sump pit. No floor drains shall empty into drain tile. Tile may be installed before walls are erected, provided adequate stone cover is provided to protect the tile from shifting during wall construction.

(3) SPACING REQUIREMENTS.

(a) The horizontal distance between cross walls, piers, or buttresses and the vertical distance between floors or floor and roof shall not exceed the following:

1. 8" walls, 12'
2. 10" walls, 15'
3. 12" walls, 18'

(b) In lieu of cross walls, piers, or buttresses, two 1/2" diameter rods, placed in separate cells from the top of the wall to the top of the footing and filled with concrete and placed with the same spacing as pilasters, may be used.

(4) CRAWL SPACE. Crawl spaces shall have a minimum 2' clearance from the ground to the floor joist structure. The ground surface shall be covered with a vapor barrier on top of sand or gravel or with a 1 1/2" layer of concrete. An adequate access opening shall be provided to the area with a minimum size of 24" x 32". The access panel, if provided, shall be vented or supply two 8" x 16" vents to the outside. All debris

and foreign material shall be removed from the crawl space.

(5) **POURED CONCRETE.**

(a) Rods and Cross Walls or Pilasters Required. Concrete walls shall have cross walls or pilasters of not more than 30' on center for 8" walls or more than 40' on center for 10" walls. Walls shall have two rods of a minimum of 1/2" in diameter placed on the center wall tie; one extra rod shall be inserted at an angle at each corner of each basement window. Rods shall lap a minimum of 18", including corners. Rods shall be installed with a minimum spacing of 2" from the outside face of a concrete wall and a minimum of 1 1/2" from inside face of such wall. Rods shall be installed around the entire basement.

(b) Porch and Garage Additions. Porch and garage additions to basement walls shall be tied with a minimum of two 1/2" diameter rods with a maximum spacing of 16" on center. Any connecting additions such as porches, patios, or garage walls with a space of over 4' measuring horizontally shall have tie rods and a pier for support run down to a footing.

(c) Concrete shall be placed with a maximum slump of 6".

(d) Poured and Masonry Walls.

1. Poured and masonry walls shall have rods or bolts for fastening sill plates 8' on center starting with a minimum of 2' from the outside corners. In masonry walls, 1/2" bolts with 2" washers or the equivalent shall be embedded not less than 8" and fully grouted. One-half inch (1/2") bolts shall be embedded in concrete walls to not less than 6" in depth. In lieu of 1/2" bolts, 1/2" or 3/8" metal reinforcing rods may be inserted, provided the height above the wall is sufficient to enable bending of such rod to fasten plates securely.

2. All wood shall be separated from masonry to concrete by sill seal, flashing, caulking, or other vapor barrier approved by the Building Inspection Division.

(e) Flashing. Flashing shall be installed between porch or entrance slabs and any wood construction. Slabs shall be anchored to or supported at the foundation wall by anchors, piers, or corbels built with the wall. The outer edge of slabs shall be supported on a foundation wall or a grade beam and piers if the soil under the slab is fill or is susceptible to frost action. Slabs with spans exceeding 3' 6" shall be reinforced. The surface of the slab shall be sloped to drain away from foundation.

(f) All Other Buildings Not Residential. All other buildings not residential shall comply with Ch. Ind. 53, Wis. Admin. Code.

15.30 **WOOD MATERIALS.** Lumber used in the construction of buildings and structures not covered by the State Building Code shall meet the following minimum specifications:

(1) (a) All softwood lumber shall meet all grading requirements of the association recognized in the trade as covering the species and under whose grading rules it was produced and shall be clearly stamped or marked with the grade mark prescribed by the association under whose grading rules it was produced, provided this requirement shall not apply to millwork or to interior finish.

(b) "Softwood" as used herein shall include: Douglas Fir, White Fir, Cypress, Western Larch, West Coast Hemlock, California Redwood, Cedar, Eastern Hemlock, Tamarack, Spruce, Southern Yellow Pine, Ponderosa Pine, Sugar Pine, Idaho White Pine, Northern White Pine, and Norway Pine.

(2) All framing lumber shall be standard grade or better, or No. 2 or better, depending upon the grading association under which it has been graded. The methods of assembly and fastening shall not exceed the stresses assigned to the grade and species used.

(3) All board lumber for subflooring, sheathing, roof boarding, shingle lath, etc., shall be No. 3 common or better; provided board lumber of No. 4 common grade, for woods comparable to No. 3 common grade in other softwoods, will be acceptable, including such woods as: White Fir, Englemann Spruce, Eastern Spruce, Ponderosa Pine, Sugar Pine, Idaho White Pine, Northern White Pine, and Eastern Hemlock.

(4) All lumber shall be dry and well-seasoned and shall have a moisture content of 20 percent or less.

(5) Maximum spans for all wood floor joists, rafters, and ceiling joists shall be those listed in the tables in §15.31, Green Bay Municipal Code. Spans for species not included in the tables shall be determined on the same basis.

(a) Working stresses for species shall be the same as set forth in Ind. 53.61, Wis. Admin. Code.

(b) Spans are figured on a maximum deflection of 1/360 of the span for floor joists and ceiling joists and by the extreme fibre in bending where deflection is not objectionable. The maximum span for floor joists and ceiling joists shall not exceed the modulus of elasticity for the given species and required loading conditions.

(c) All floors, ceilings, and roofs shall be designed to meet the following loading conditions:

1. Floor joists limited by deflection:

a. Dead load - weight of joist - double thickness of flooring, 5 lb. per sq. ft. - weight of plastered ceiling ignored.

b. Live load - 40 lb. per sq. ft. with plastered ceiling.

2. Ceiling joists (no storage) to be used where access to area above ceiling is the 22 1/2" x 24" standard scuttle hold:

a. Dead load - weight of joists - plastered ceiling, 10 lb. per sq. ft.

b. Live load - none.

3. Ceiling joists (limited attic storage) to be used where access to area above ceiling is by a disappearing stairway or scuttle hole larger than 22 1/2" x 24" and the area is not intended to be used for future residential expansion:

a. Dead load - weight of joists - weight of lath and plaster ceiling, 10 lb. per sq. ft. - single thickness of flooring, 2 1/2 lb. per sq. ft.

b. Live load - 10 lb. per sq. ft.

4. Rafters with a roof slope of over 3" in 12": (for rafters which slope less than 3" in 12", use spans for floor joists):

a. Dead load - weight of joists - weight of sheathing, 2 1/2 lb. per sq. ft. - weight of roof covering (Group I), 2 1/2 lb. per sq. ft. Where Group II roof covering is used, spans shall be adjusted accordingly.

15.31 **WOOD MATERIALS TABLES.** The following tables were taken from the Wood Structural Design Data Book, Vol. 1, Third Edition, in compliance with the requirements for stresses and loading listed in §15.30, Green Bay Municipal Code.

TABLE 1

TABLE 2

TABLE 3

TABLE 4

TABLE 5

TABLE 6

TABLE 7

TABLE 8

TABLE 9

15.32 **WOOD TRUSSES.**

(1) DESIGN TO BE SUBMITTED. When application is made for a building permit, truss and trussed rafter shop drawings complying with the requirements of sub. (2) shall be submitted to the Division of Building Inspection or referenced on the plans by span, pitch, and sheet number to a manufacturer's design manual.

(2) REQUIREMENTS FOR WOOD TRUSSES. Truss units shall meet the following requirements:

(a) Truss units shall be designed by a registered professional engineer licensed to practice in the State of Wisconsin.

(b) The design of lumber and connections shall be in accordance with the latest edition of National Design Specifications for Street Graded Lumber and Its Fastenings as recommended by the National Lumber Manufacturers Association or with the latest edition of Design Specifications for Light Metal Plate Connected Wood Trusses as recommended by the Truss Plate Institute.

(c) Design loads shall be as set forth in the State Building Code, with unit stress decreases or increases as permitted by the specifications noted in sub. (2)(b).

(d) Shop drawings shall show engineering and fabrication data as to span, pitch, loading, and connection devices.

(3) TEST DATA AND ACCEPTANCE TO BE ON FILE. Test data by a recognized testing laboratory on truss units and connection devices, along with acceptance by state or national associations or commissions, shall be on file in the Division of Building Inspection.

(4) DESIGN RESTRICTIONS. Drilling or cutting of holes larger than 1/2" shall not be permitted for letting in of wiring, plumbing, etc. Trusses cut for chimneys, fireplaces, scuttle holes, or plumbing shall have engineered-approved drawings showing the method of reinforcement of same. All variations from regular design such as cantilever or placing of bearings or connections in other than the usual place shall be supplied on top or bottom chart, along with plans for the permit showing engineered drawings of same.

(5) DESIGN LOADING.

Roof: 45 lb. per sq. in.

Ceiling: 10 lb. per sq. in.

Total: 55 lb. per sq. in.

(6) LOAD DURATION FACTOR. 33 1/3 percent increase.

15.33 **PLYWOOD.**

(1) **STRUCTURAL USES.** When used structurally for such uses as siding, roof and wall sheathing, subflooring, diaphragms and built up members, all plywood shall conform to the performance standards for its type of the U. S. Product Standards PS. 1-66 for Softwood Plywood/Construction and Industrial. Each panel or member shall be identified for grade and glue type by the trademarks of an approved testing and grading agency; upon a satisfactory written guarantee from the producing company; however, independent trademarks may be recognized. In addition, all plywood permanent exposed in outdoor applications shall be of exterior type. Materials for structural framing of subfloors and roofs shall be five-ply or three-ply and shall be of interior or exterior type.

(2) **CARPETED FLOORS WITHOUT SUBFLOORS.** For carpeted floors where subfloor is not used, the panels shall be underlayment grade, C-C (Plugged), or any sanded grade of exterior type plywood with a 1/2" minimum thickness and blocked edges.

(3) **WHEN ASPHALT-SATURATED FELT PAPER REQUIRED.** Asphalt-saturated felt paper shall be used over wood sheathing under brick veneer, on all roof sheathing, and on the undersiding of all garage walls which do not have sheathing on the outside face of studs.

(4) **PARTICLE BOARD.** When used over subflooring, particle board may be used in place of underlayment grade plywood.

(5) **PLYWOOD GROUPS.**

(a) **Group 1.** Douglas Fir 1; Larch Western; Pine, Southern Loblolly, Longleaf, Shortleaf, Slash; Tanoak.

(b) **Group 2.** Cedar, Port Orford; Douglas Fir 2; Fir, California Red, Grand, Noble, Pacific Silver White; Hemlock, Western; Lauan, Red, White; Pine, Western White; Spruce, Sitka.

(c) **Group 3.** Alder, Red; Cedar, Alaska Yellow; Pine, Lodgepole, Ponderosa, Redwood.

(d) **Group 4.** Cedar, Incense, Western Red; Fir, Subalpine; Pine, Sugar; Poplar, Western; Spruce, Engelmann.

15.34 **FLOOR JOISTS.**

(1) **JOISTS FRAMING INTO WOOD GIRDERS.** Floor joists which frame into the side of wood girders shall be supported on metal hangers on the side of the girders. Joists shall not be notched over ledger more than 1/4 of joist depth.

(2) **JOISTS FRAMING INTO MASONRY WALLS.** The ends of floor joists framing into masonry walls shall have not less than 4" bearing and shall have at least a 3" bevel or fire cut.

(3) **METAL STRIP ANCHORS REQUIRED.** Each fourth joist in wood floor construction framing into masonry walls shall have an approved metal strap anchor applied at the side and near the bottom of the joist and extending into the masonry wall. Such straps shall also be fastened to joists running parallel to a masonry wall at 6' centers.

(4) **DOUBLED JOISTS REQUIRED.** Floor joists shall be doubled under all bearing partitions which run parallel to the floor joists. Doubled joists may be separated and blocked at 4' intervals where piping or ductwork occurs. Floor joists shall also be doubled around all stairwells and fireplace openings and under bathtubs, showers, and kitchen appliances.

(5) **DOUBLED HEADERS AND TRIMMERS.** Headers and trimmers shall be doubled, except headers 4' or less in length may be of a single thickness if the header is supported in metal joist hangers and is secured by spikes driven through one thickness of the trimmers into the ends of the header and except where headers are 18" or less from bearing point, no double joist shall be required.

(6) **TAIL JOISTS.** Tail joists 6' or more in length framing into the sides of headers or trimmers shall have the ends supported in metal joist hangers.

(7) **LAPPED JOISTS.** The ends of lapped joists shall rest on girders or on bearing partitions and shall be securely nailed to the plate and to each other, with a minimum lap of 2" and a maximum of 12"; but all butt joists shall be scabbed with at least a 2' piece of the same material or with two 1" thick boards of equivalent size and securely nailed.

(8) **BEARINGS.** All joists shall have a minimum bearing of 2" except when supported on a ribbon board and nailed securely to the adjoining stud.

(9) **FLOOR AND FLAT ROOF JOISTS.** Floor, including attic floor, and flat roof joists shall be cross-bridged with not less than 1" x 3" bridging at intervals not to exceed 7' and shall be securely nailed at each end. For 2" x 6" joists, solid bridging shall be used. Metal bridging may be used when of the equivalent strength of wood bridging. Instead of double joists, blocking may be installed between second floor joists that run parallel with first floor partitions; such blocking shall be placed every 4' and shall be the full depth of the joist.

(10) **LATERAL MOVEMENT TO BE PREVENTED.** Joists shall be nailed to wood beams to prevent lateral movement. If steel beams are used, 2 x 4 plates shall be fastened to the beam for joist anchorage or spacer blocks shall be placed between joists to prevent lateral movement.

(11) **CUTTING OF FLOOR JOISTS.** The cutting of floor joists to facilitate the installation of piping and ductwork shall be permitted within the following limitations:

The top or bottom edges of joists may be notched in the outer one-quarter of the length, such notch not to exceed one-sixth of the joist depth. Notching the top or bottom edge of joists in the middle half of the length of any joist shall not be permitted. If cutting of a floor joist more than one-sixth of its depth is necessary, a header the full depth of the joist shall be cut in to support the end of the joist.

(12) **Holes for Pipes.** Where the location of a pipe necessitates passing such pipe through a joist, a hole shall be drilled to receive the pipe. The diameter of the hole shall not be more than 1/2" greater than the outside diameter of the pipe and in no case greater than 2 1/2". The edge of the hole shall not be located nearer than 2" from the top or bottom edge of the joist.

(13) **OVERHANGING AND CANTILEVERED FLOOR JOISTS.** Overhanging and cantilevered floor joists carrying exterior wall and roof loads shall not project more than 2" beyond the bearing and shall extend on the opposite side of the bearing at least twice their cantilevered length. The inside header member carrying such joists shall be doubled.

(14) **OTHER CANTILEVERED CONSTRUCTION.** Cantilevered construction exceeding the above limitations shall be designed in accordance with established engineering practices and shall be approved by the Building Inspection Superintendent.

(15) **DISTANCE FROM CHIMNEY MASONRY.** All wood floor and roof framing shall be at least 2" from chimney masonry which has a minimum wall thickness of 4". This space shall be filled with incombustible material at the floor and ceiling levels.

(16) **UNGRADED LUMBER.** Used lumber or lumber not bearing a grade stamp or mark may be used with the approval of the Building Inspection Superintendent upon proof that such lumber is in kind and quality equal to the graded lumber required. All other ungraded lumber shall be given spans equal to White Fir, Eastern Hemlock, or White Spruce.

(17) **HEADERS IN STAIRWELL OPENINGS.** Headers in stairwell openings supporting bearing partitions or other heavy, concentrated loads shall have beams with posts or posts set on footings not over 6' on center or shall have wood stud partitions set on solid masonry curbs extending a minimum of 3" above the basement floor.

(18) **BRIDGING.**

(a) Bridging of not less than 1" x 3" shall be provided as follows:

1. 7 to 14' span, 1 row.
2. 14 to 20' span, 2 rows.
3. 20 to 24' span, 3 rows.

(b) In lieu of the above, block bridging of the same size as the joist shall be provided.

15.35 **COLLAR BEAMS.** Collar beams shall be spaced every 4' and shall be not less than 1 x 6 or 2 x 4 for a span not more than 8' or not less than 2 x 6 for a span of 8' to 12'. For low pitched roofs, vertical 2 x 4 legs spaced every 4' and braced from the bottom of the ridge down to the bearing partition may be used in lieu of collar beams.

15.36 **BEAMS AND SUPPORTS.**

(1) **GIRDERS: MATERIALS.** Girders may be of structural steel, solid wood, built-up wood, or reinforced concrete.

(2) **SOLID OR BUILT-UP BEAMS.** All joists of solid or built-up wood beams shall be made over pier or column support except in case of laminated wood beams of approved design.

(3) BEARINGS. Every beam shall have a bearing at least one-half the thickness of the wall upon which it rests; but in no case shall such bearing be less than 4"; or beams may be supported at the ends by independent columns. Beams shall rest on metal plates or solid masonry, allowing 1/2" air spaces on the sides of the beams.

(4) GIRDERS IN RESIDENCES. Girders in residence buildings shall conform to Table 10 below. The distances between supports for wood girders are based on a minimum fiber stress of 1,350 lb. When the allowable fiber stress of the species of wood used is greater than 1,350 lb., spans shall not exceed those determined by established engineering practice. Columns shall be 3" standard steel pipe or 3" adjustable columns bearing directly on the centers of the footings. Columns shall be fastened to beams with screws, bolts, or metal straps or shall be welded. Top plates and bearing plates shall be at least 3 1/2" x 6" x 1/4".

TABLE NO. 10

15.37 **WINDOW AND DOOR HEADERS.** The spans in Table 10 are based on allowable fiber stresses in bending as follows: For 2 x 4s, 800 P.S.I.; in depth with 16' openings, three 2 x 12s may be used for headers, using double trimmers under the headers on each end. Garages over 20' deep with 16' openings shall be reinforced by steel, plywood, lamination of members, or other methods approved by the Building Inspection Division as providing the necessary strength.

15.38 **OUTSIDE WALLS AND PARTITIONS.**

(1) **FIRE STOPS.** Where outside walls and interior partitions are built or wood, they shall be provided with suitable fire stops at each floor, constructed as follows:

On outside walls where studs run two stories in height and ledger boards are used, 2" planks shall be tightly fitted between each stud and shall be the width of the studding. The same shall be placed on a line with the bottoms of floor joists or ceiling joists. Fire stops shall be provided with single plates on both the top and the bottom, each 2" thick and of the same width as the stud. Joists shall rest directly over studs. Interior studdings that go more than one story in height shall be provided with fire stops the same as those required for exterior walls.

(2) **WALLS TO PROVIDE SOLID BACKING.** Wood stud walls shall have corner posts built up with two studs set to receive interior finish. All interior and exterior walls shall provide solid backing.

(3) **NOTCHING HEADERS.** Where plates are removed to install larger headers, the top plate may be notched into the top end of the header no farther from the face of support than the depth of header material. Metal plates or straps may be used in lieu of notching the header.

(4) **OPENINGS IN BEARING WALLS.** All window and door openings in bearing walls shall have studs doubled on jambs. The inner stud shall be cut to receive the lintel or header over the opening and shall extend in one piece from the lintel or header to the bearing.

(5) **COMPOSITION SHEATHING.** In all cases where composition sheathing is used, all exterior walls shall have two diagonal 1 x 4 braces set into the outside or inside face of the studs at approximately 45° and extending from sill to plate wherever possible. Plyscore sheets of 4' x 8' may be used on corners in place of corner bracing nailed 4" o.c. at all edges and 6" o.c. on intermediate studs.

(6) **STUD SPACING.** Studs shall be spaced not less than 2" x 4" and no more than 16" o.c. set the 4" way, except non-bearing partitions around closets and chimneys may be set the 2" way 16" o.c.

(7) **TIES.** Two by four (2" x 4") stay laths or ties shall be nailed across the top of all ceiling joists that exceed 10' in length and fastened to each end of the building or to the rafter at each end. Trussed roofs may have 1" x 4" spacers. Where ceiling joists run the opposite direction of the rafters, a tie shall be provided to the rafters at least every 4' and shall be securely nailed.

15.39 **SCUTTLE HOLE.** There shall be a scuttle hole of not less than 22 1/2" x 24" leading to all attics in residences and to the roofs of all buildings not covered by the State Building Code, located in such convenient place as a hallway or bedroom.

15.40 **LATHING.** When dry wall construction is used, 3/8" dry wall shall be applied on maximum 16" centers; 1/2" dry wall may be applied on 2' center ceiling joists or trusses. Ceilings to be plastered that are 2' center construction shall have a minimum of 1/2" lath applied or furred 16" centers with 1" x 3" or better for 3/8" lath.

15.41 **NAILING SCHEDULE.**

- (1) Rafter tied to every ceiling joist, 5-16d - 16" O.C.
- (2) Rafter tied to every ceiling joist, 7-16d - 24" O.C.
- (3) Ceiling and floor joists tied at center, 7-16d - 24" O.C.
- (4) Ceiling and floor joists tied at center, 6-16d - 24" O.C.
- (5) Sheathing, 6" on joints, 10" on intermediate.
- (6) Subfloor, 5" on joints, 7" on intermediate.

15.42 **FIREPLACES AND CHIMNEYS.**

(1) **HEARTH AND FIREPLACE CONSTRUCTION.** Regardless of the fuel used, all fireplace hearths shall be built of approved incombustible material no less than 6" thick and extending not less than 12" on each side of the fireplace opening and 18" in front of the chimney breast. The hearth shall rest upon a brick or concrete arch if built on the first floor of a building. If built on the second floor of a building, where an arch cannot be formed, the hearth shall be carried by framing double joists around the hearth. In no case shall the hearth be less than 6" of either concrete or brick. In no case shall any wood framing be run into the chimney breast. The fire-back and sides of all fireplaces shall not be less than 8" solid thickness. The finished course of brick shall be of good quality firebrick or other approved incombustible material. All fireplace flues shall be lined with approved flue lining not less than 8" x 8", extending from the throat to the top of the chimney.

(2) **CHIMNEY.**

(a) **Materials.** Chimneys shall be built of brick or other approved fireproof material.

Figure No. 1

EXAMPLE: MASONRY FIREPLACE

1. Fire Clay or Terra Cotta flue lining.
2. 2" minimum clearance for wood trimmers at chimney breast.
3. Chimney 4" solid masonry where flue liner is used. 8" solid masonry minimum where flue liner is not used.
4. Provide support for flue liner.
5. Parge smoke chamber with fire clay mortar (refractory mortar). Parging shall have 1/2" minimum thickness. Parging may be omitted if wall thickness is 8" solid masonry.
6. Adjustable damper.
7. Lining of fire-brick (may be laid 2" way) shall extend full width of throat and minimum wall thickness shall not be less than 8".

(b) **Corbeling.** Flues shall not be corbeled and chimneys shall not be corbeled out more than 8" from the wall. Corbeling shall consist of at least five courses of brick.

(c) Residences. No chimney in a residence shall rest upon or be carried by woodwork, nor shall any wood be built into a chimney or come in contact with a chimney of masonry construction.

(d) Private Garages. Chimneys in private garages and small out-buildings may rest upon a wood bracket or foundation.

(e) Portland Cement Mortar Required. Portland cement mortar shall be used above the roof line.

(f) Clearance. There shall be at least 1" clearance between all headers around a chimney, and no chimney shall be corbeled out to carry any beams or girders.

(g) Non-Metallic Chimney. The walls of every non-metallic chimney shall be at least 8" thick; provided if a terra cotta, fire clay, concrete, or other approved flue lining is used for the full height of the chimney, the walls shall not be less than 4" thick.

(h) Metal Smoke Stacks for residential Installations. For gas installations only, approved metal stack installations may be installed in one-story frame buildings in accordance with and approved by the Underwriter's Testing Laboratories' specifications. Single gas unit installations may be installed in one and one-half and two-story residences, but approval shall first be obtained from the Division of Building Inspection. All prefab stacks and vents shall give the names of the manufacturers and specifications of approval of the Underwriter's Testing Laboratories, which shall be on file in the office of the Division of Building Inspection.

(i) Van Packer Chimney. Van Packer chimneys may be installed in one, one and one-half and two-story frame residences provided the standard jack or bracket, approved by the Van Packer Company and accompanied by a sketch giving the height and weight of the installation, is installed.

(j) Prefabricated Fireplaces and Vents. Prefabricated fireplaces and vents may be installed in one-family residences provided plans and specifications bearing the approval of the Underwriter's Testing Laboratories are on file in the office of the Division of Building Inspection. The Division of Building Inspection reserves the right to reject any or all such installations.

(k) Flues. Every chimney shall have a flue not less than 7" x 7" or 64 sq. in. of area, or a flue 8" in diameter. The cubical contents of the building determine the increase in size of the flue. The heating contractor shall supply to the Division of Building Inspection the information necessary to determine the proper size of the flue.

(l) Footings for Chimneys. The foundation for a chimney shall be at least 36" x 36" and 8" thick. Foundations for fireplaces of masonry construction shall be at least 8" wider than the outside perimeter of the fireplace wall and not less than 8" thick.

(m) Top of Chimney. The top of every chimney shall be at least 5' above the top of the building of which it is a part, if the roof is flat, or at least 2' above the ridge if the roof is pitched. Every chimney shall be provided with a metal clean-out door at its base.

OTHER CONSTRUCTION REQUIREMENTS

15.45 **MATERIALS APPROVED BY DEPARTMENT OF INDUSTRY, LABOR, AND HUMAN RELATIONS.** Materials not listed in this chapter but approved by the State Department of Industry, Labor, and Human Relations may be used in any building in the City, provided the necessary test sheets verifying such approval are on file in the office of the Division of Building Inspection.

15.46 **PREFABRICATED AND OTHER SIMILAR BUILDINGS.** Nothing in this chapter shall prevent the erection of prefabricated, component, pre-cut, stressed-skin or unit-constructed buildings provided such buildings meet or are modified to comply with all requirements of this chapter.

15.47 **ITEMS NOT COVERED BY THIS CHAPTER.** Any item, phase, or area of construction not specifically covered by this chapter shall meet with the approval of the Building Inspection superintendent. This chapter shall not be interpreted to limit the scope or use of other construction practices not specifically covered herein, provided the standards of construction and safety intended by this chapter are maintained. Detailed material, information, and structural design data on other construction practices shall be submitted to the Building Inspection Superintendent for approval prior to starting construction.

HOUSING REQUIREMENTS

15.50 **BUILDINGS AFFECTED.** This subchapter shall apply to buildings hereafter constructed which are not covered by the State Building Code, §§15.53, 15.54, 15.55, and 15.56, Green Bay Municipal Code, shall also apply to buildings heretofore constructed which are not covered by the State Building Code.

15.51 **LIGHT AND AIR REGULATIONS.** Every room used for human habitation, including bath and toilet rooms, shall be lighted directly upon a street or alley, upon a court on the same lot with the building, or upon the sky. Every court which is bound on one side by a lot line and which opens at one or both ends to the street, alley, or yard shall be an outer line court and shall be at least 3' wide. Every court which is between two buildings or parts of buildings on the same lot and which opens at one or both ends to the street, alley, or yard shall be an outer court and shall be at least 6' wide. Every court which is bounded on one side and both ends by walls and on the remaining side by a lot line shall be an inner lot line court and shall be at least 6' wide and at least 60 sq. ft. in area. Every court which is bounded on all sides by walls shall be an inner court and shall be at least 10' wide and at least 150 sq. ft. in area. No building shall be built, altered, or enlarged so as to encroach upon the space reserved under this section for light and air.

15.52 **SCREENS.** At least one window in each habitable room, toilet room, and bathroom where windows are required shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16. Screen doors shall be provided as customary on all exterior door openings which open directly to the outside of the building.

15.53 **ARRANGEMENT OF SLEEPING, BATH, AND TOILET ROOMS.** No dwelling or dwelling unit containing two or more sleeping rooms shall be so arranged that access to a bathroom or toilet room intended for use by the occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall rooms be so arranged that access to a sleeping room can be had only by going through another sleeping room or through a bathroom or toilet room.

15.54 **BASEMENT ROOMS.** Every living and sleeping room in a basement shall be at least 7'6" high from the floor to the ceiling, and the ceiling shall be at least 4' above the outside grade. The walls and floors of such rooms shall be damp-proof and waterproof.

15.55 **SINKS AND LAVATORIES.**

(1) **REQUIRED.** Every dwelling unit shall contain an approved kitchen sink and shall contain a lavatory or wash basin in or adjacent to the toilet room. Every water closet, tub, or shower shall be in a room enclosed with partitions which extend to the ceiling and afford privacy to persons using these facilities.

(2) **PLUMBING CONNECTIONS REQUIRED.** Every tub or shower, kitchen sink, and lavatory required under this chapter shall be properly connected with both hot and cold water lines, shall be in good working condition, shall be properly connected to approved water and sewer system, and shall comply with the Plumbing Codes of the City and the State. Provision shall be made for lighting such rooms or compartments at night.

15.56 **RAIN WATER DRAIN.** Every building and all parts thereof shall be prevented from leaking, and all rain water shall be so drained and conveyed therefrom as not to cause dampness on the walls and ceilings. No downspout within 6' of adjoining property shall be pointed toward such property.

15.57 **ROOF LOUVERS.** Attic areas shall be ventilated by louvers installed in the roof, soffit, or gable ends. Such louvers shall be screened or shall otherwise prevent the entrance of insects, etc. Louver openings shall be at least 1/150 of the area to be vented.

15.58 **EXHAUST FANS.** All kitchen and toilet room exhaust fans shall be vented to direct passage of air to the outside of the building.

15.59 **INSULATION.** Insulation shall be installed in all framed, habitable buildings. Such insulation shall be of incombustible material and shall have a minimum thermal resistance factor of R-13 for ceilings and R-7 for exterior walls, as set forth by the Insulation Manufacturers Association.

15.60 **WATER HEATING FACILITIES.** Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in reasonably good working condition, are properly connected with the hot water lines required under §15.55, Green Bay Municipal Code, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 120°F. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.

15.61 **ELECTRIC SERVICE.** Every dwelling unit shall provide electric service connected in compliance with the Electrical Code and the City and the State.

15.62 **HEATING FACILITIES.** Every dwelling shall supply at least one heating facility. Such facility shall be properly installed, maintained in good working condition, and capable of adequately heating all habitable rooms, bathrooms, and toilet rooms contained therein or intended for use by the occupants thereof to a temperature of at least 70°F., measured 3' above floor level, when the outside temperature is at or above -15° F. If a dwelling unit does not have supplied heating facilities, it shall contain a sufficient number of chimney outlets to permit the occupant, through the use of space heaters furnished by the occupant or owner, to heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least

70°F., measured 3' above the floor level, when the outdoor temperature is at or above -15° F. This provision shall not be interpreted to permit the use of space heaters where such use is prohibited by either the City Building and Heating Codes or the State Building and Heating, Ventilating, and Air Conditioning Codes when applicable. Every supplied central heating system shall comply with the City Building and Heating Codes and with the State Building and Heating, Ventilating, and Air Conditioning Codes when applicable. It shall also comply with the following requirements:

- (a) The central heating unit shall be in good operating condition.
- (b) Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.
- (c) Every seal between the sections of a warm air furnace shall be tight so noxious gases will not escape into heat ducts.

15.63 **CEILINGS**. All habitable rooms in each dwelling unit shall maintain a minimum ceiling height of 7'. If beams or girders are exposed below the normal ceiling, a height of 7' shall be maintained between floor and beams or girders. Rooms with sloping ceilings shall maintain a 7' average. In one-half story residences, areas with less than 5' of head room at the sides shall not be included in the above requirements, but the center ceiling height shall be at least 7'.

OTHER BUILDING REGULATIONS

15.65 RAZING OF BUILDINGS

(1) **PERMIT REQUIRED**. No person shall hereafter raze any building in the City without first securing a permit therefor from the Division of Building Inspection and a permit for the sealing of the sewer from the Plumbing Supervisor. No permit shall be granted unless the applicant files a certificate of insurance with the Insurance Department giving evidence of liability insurance of \$1,000,000 personal injury each occurrence, \$1,000,000 aggregate, and \$500,000 property damage each occurrence, \$500,000 aggregate. The applicant shall agree to indemnify and hold the City harmless from all liability arising out of the job. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to the Insurance Department. Such notice shall suspend the permit, and no work shall be done under such permit until a new insurance certificate complying with this subsection has been filed with the Insurance Department. A certificate of insurance shall not be required of a person seeking a razing permit if:

- (a) The building is located in a residential zoning district and set back at least 10' from all property lines.
- (b) The building is located in any zoning district, is an accessory building as defined in §13.02(1), Green Bay Municipal Code, is no greater than one story and is set back at least 10' from all property lines, or is constructed and situated upon the property so that the same may be razed with no damage resulting to the person or property of others as determined by the Building Inspector and Insurance Administrator. Anyone aggrieved by the determination of such Inspector and Administrator may appeal that decision to the Protection and Welfare Committee in accordance with Ch. 68, Wis. Stats.

(2) **REQUIREMENTS**. The holder of a permit to raze a building shall comply with the following requirements:

(a) Property to be Protected. Streets, alleys, and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on streets or alleys, they shall be properly protected with a top cover of planks, guard rails, and toe-boards to prevent the falling of debris on sidewalks or streets. The top of the scaffold shall be at least 8' above the sidewalk or alley.

(b) Walls to be Supported. No person shall remove all horizontal support from exterior walls or partitions thereby permitting them to stand unsupported.

(c) Buildings to be Razed Floor-by-Floor. In buildings of more than one story, the exterior walls, interior partitions, and other supports shall be removed floor-by-floor, using the floor below as protection from falling debris and to prevent exterior and interior walls from collapsing.

(d) Razing to be Gradual. No walls, chimneys, or other construction shall be allowed to fall en masse on a floor; and bulky material such as beams and columns shall be lowered and not thrown.

(e) Cranes. Cranes may be used in wrecking or demolishing buildings provided the above requirements are complied with.

(f) Sewers. When a building is moved or demolished, its sewer shall be located at a point outside the foundation lines and sealed off. The plug or seal shall not be covered until approval has been given by the Plumbing Supervisor.

(g) Obstruction of Streets. When razing requires the obstruction of a public street, alley, or sidewalk, a permit must be obtained from the Director of Public Works as provided in §9.27, Green Bay Municipal Code, before starting work on razing of the structure.

(h) Filling Basement and Excavated Areas. (Cr. GO 48-98) All loose material and debris shall be removed from the basement, crawlspaces, and other excavated areas. Upon ascertaining that all openings, pipelines, drains, etc., have been properly capped, all basements, crawlspaces, excavated areas, and other below-grade voids resulting from the removal of pavements, slabs, foundations, and the like shall be filled to within 4 inches of finished grade with granular fill material. The material shall be well graded, free from debris and organic material. All granular fill shall be placed in layers of 12 inches or less and shall be compacted to not less than 95 percent of Modified Proctor (ASTM D-1557).

(i) Completion of Project. (Cr. GO 48-98) When razing activities are completed, the disturbed area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3 to 1 (horizontal to vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the disturbed area to a minimum depth of 4 inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until the area is stabilized and developed with zoning and other applicable provisions of the Municipal Code.

15.66 **MOVING OF BUILDINGS.** (Deleted per GO 24-15; see Section 9.265)

15.67 **MOVING OF DILAPIDATED OR DETRIMENTAL BUILDING PROHIBITED.**

(1) **DILAPIDATED BUILDINGS.** No permit shall be granted for the moving of any building from one location to another which, in the judgment of the Building Inspection Superintendent or an authorized agent, is so dilapidated and so out of repair as to be unsanitary or unfit for human habitation, occupancy, or use or is so out of repair that it would be unreasonable to repair the same.

(2) DETRIMENTAL BUILDINGS.

(a) To protect and conserve the value of neighboring property, no permit shall be granted for the moving to a location within the City of any building which, in the judgment of the Building Inspection Superintendent or a designated representative, would be detrimental to the character of the intended neighboring property. Such consideration shall be made on the basis of compatibility of external appearance, size, and architectural quality in relation to existing structures.

(b) The application for a moving permit shall be accompanied by three copies of a site plan of the proposed site, with such additional material as would permit the application of the foregoing standards.

(3) DENIAL; APPEAL. The refusal to grant a moving permit shall be in writing and shall contain a detailed statement as to why the relocation would be detrimental to the value of the neighboring property, if such is the case. The applicant or any aggrieved party may, within 10 days of the granting or refusal of a moving permit, appeal to the Plan Commission. The Plan Commission shall hear such appeal in accordance with procedures which it shall provide.

15.68 BUILDING MAINTENANCE (Cr. GO 13-13), (Amd. GO 17-14)

(1) HAZARDOUS CONDITIONS. A person who owns, leases or occupies a building shall keep the building from structural or other conditions that constitute a substantial hazard to the health or safety of its occupants, or creates an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the building other than negligence by an occupant.

(2) COMMON AREAS. A person who owns a commercial building and leases the building to multiple tenants shall keep all common areas of the building maintained in a manner that is safe, functioning, sanitary, and undamaged.

(3) BUILDING EXTERIOR. A person who owns a building shall keep all exterior and weatherproofing components maintained in a manner that is safe, functioning, cleanable, and undamaged.

(3m) OTHER STRUCTURES. (Cr. GO 17-14) Accessory structures, temporary structures, fences and other structures shall be kept in a manner that is safe, functioning, cleanable, and undamaged.

(4) INSUFFICIENT REPAIRS. A person who owns a building shall ensure all repairs to the building are performed in a workmanlike manner. Workmanlike manner includes, but is not limited to:

(a) The use of materials that has a consistent texture, color, quality, or appearance with adjacent materials.

(b) The complete performance of a job which does not leave unfinished edges, exposed nails/screws, loosely attached materials, or similar conditions.

(5) NOTICE OF VIOLATIONS TO PROSPECTIVE PURCHASERS. An owner of real property shall give notice to any prospective purchaser that a notice has been issued concerning a building code violation, where the condition giving rise to the notice of violation has not been corrected.

COMMERCIAL CONSTRUCTION DISTRICT AND REGULATIONS

15.70 **COMMERCIAL CONSTRUCTION DISTRICT BOUNDARIES.** (Amd. GO 30-00) All that part of the City within the boundaries herein described shall be known as the Commercial Construction District, to wit: Commencing at the intersection of the threads of the Fox and East Rivers and following the thread of East River easterly to the northerly line of Cedar Street, thence in an easterly direction along the northerly line of Cedar Street to the east side of Grove Street, thence to the thread of the stream of the East River, thence in a southerly direction along the thread of the stream of said river to the intersection of the same with Pine Street produced and the thread of said stream, thence in a westerly direction along the center line of said Pine Street to the intersection of Pine Street and the centerline of Monroe Avenue, thence south along the centerline of Monroe Avenue to the centerline of Doty Street, thence west along the centerline of Doty Street to the intersection of Doty Street with the public alley located between Madison and Jefferson Streets and the east line of said alley produced to the intersection of said alley lines, thence southerly along said alley produced with East Mason Street, thence westerly along the north line of East Mason Street, and East Mason Street produced to the thread of said stream to the place of beginning. Also, commencing at a point where the thread of the streams of Fox and East Rivers intersect, thence along the north line of Mather Street produced to the intersection of Mather Street and Chestnut Avenue; thence in a southerly direction along Chestnut Avenue to the intersection of Chestnut Avenue and Dousman Street, thence west along the centerline of Dousman Street to the intersection of Dousman Street and the public alley located between Maple Avenue and Chestnut Avenue, thence southerly along said alley to the centerline of Walnut Street, thence east along the centerline of Walnut Street to the Centerline of Chestnut Avenue, thence southerly along the centerline of Chestnut Avenue, thence in an easterly direction along Fifth Street and Fifth Street produced to the thread of the stream of Fox River; thence in a northerly direction along the thread of Fox River, thence in a northerly direction along the thread of said stream to place of beginning.

15.71 **GENERAL BUILDING REQUIREMENTS.**

(1) **REMODELING FRAME BUILDINGS.** No permit shall be issued for any remodeling of any frame building or any part thereof within the Commercial Construction District unless such remodeling is in conformity with the requirements for new buildings within such Commercial Construction District. No frame building shall be raised or removed to any other place within such Commercial Construction District; nor shall any building within such limits which may hereafter be damaged to the extent of 50 percent of the actual cash value thereof be repaired or rebuilt; nor shall such buildings to which the damages are less than 50 percent of the value thereof be so repaired as to be raised higher than the highest point left standing after such damage has occurred or so as to occupy a greater space than before the damage thereto.

(2) **FRAME BUILDING DEFINED.** A frame building means a building or structure of which the exterior walls or portions thereof are wood; or a building sheeted with boards and veneered with 4" or less of stone, brick, or concrete; or a building of frame covered with metal, whether or not the frame is sheeted with boards.

(3) **EXCEPTIONS.** One-story frame buildings for the use of builders, and stands, platforms, booths, and tents erected under temporary permits shall be permitted within the Commercial Construction District provided such structures are removed as soon as they have ceased to serve the original purpose for which they are permitted.

(4) **STATE BUILDING CODE.** Except as provided in §15.71(3), Green Bay Municipal Code, all buildings hereafter erected in the Commercial Construction District shall be or ordinary construction or better, as defined by the State Building Code, and shall have roofs of incombustible material approved by the

State Department of Industry, Labor, and Human Relations or the National Board of Fire Underwriters as Class "B" or equivalent material. All buildings of ordinary construction or better within the Commercial Construction District that are nearer than 5' to a boundary line between premises shall have the exterior walls carried up as parapet walls 2' above the roof adjoining and not less in thickness than the wall below. Such parapet walls shall not be required for walls abutting upon streets or public alleys.

REGULATION OF OTHER STRUCTURES

15.75 BILLBOARDS AND SIGNS.

(1) See sign regulations in §13.36, Green Bay Municipal Code.

(2) BILLBOARDS AND SIGNS WITHIN COMMERCIAL CONSTRUCTION DISTRICT.

(a) Materials. When erected or maintained within the Commercial Construction District, billboards and signs shall be constructed and maintained entirely of incombustible materials including the structural parts of the frames of such structures; except braces, uprights and the skeleton frames of billboards and signboards to which the metal facing is fastened may be of wood.

(3) **NOT TO BE AN OBSTRUCTION.** No billboard or sign or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or stand pipe; and no such structure or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be erected or maintained so as to cover or obstruct any doors, doorways, or windows or so as to prevent or hinder the raising or placing of ladders against any such building by the City Fire Department if necessary.

(4) **SIGNS IN PUBLIC PLACES.** No person shall erect, fasten, post, paint, or maintain any sign, picture, poster, or advertisement of any description upon any curb, sidewalk, fence, board, barrel, box, case, railing, pole, post, barricade, material, bridge, bridge fender, dock, pile, structure, or building of any kind placed upon any street, alley, public way, public ground, or public waterway.

(5) **TEMPORARY BANNER.** No person shall erect or maintain any temporary banner or sign extending beyond the curb line of the street.

(6) ANNUAL INSPECTION FEE.

(a) See §15.05(7)(n), Green Bay Municipal Code.

(b) Exceptions. Wooden signs, untreated, up to 32 sq. ft., may be allowed in accordance with the zoning site and installation requirements of Ch. 13, Green Bay Municipal Code. Wooden signs exceeding 32 sq. ft. are allowed if such are treated to be fire resistant to meet Underwriters Laboratories' listing of a flamespread Class "A" (0-25 minutes) and paint applied to above signs will be flame retardant with an Underwriter's label of flamespread from 0-25 minutes.

15.76 AWNINGS OVER STREETS OR SIDEWALKS. No person shall erect, repair, or maintain, contrary to this section, any awning over any sidewalk or street within the City.

(1) PERMIT REQUIRED. No person shall erect any awning over any sidewalk or street without first obtaining a permit therefor from the Building Inspection Superintendent or an authorized agent.

(2) SPECIFICATIONS. Any awning hereafter erected over any sidewalk or street within the City shall be constructed of an adjustable iron frame firmly secured in place and covered with canvas or other suitable material. Such frame shall be at least 7 1/2' in height above the highest point of the walk, and the lowest point of the flap or fringe of such awning shall not be less than 6 1/2' above the sidewalk immediately beneath it.

(3) PERMANENT METAL AWNINGS. Permanent metal-type awnings may be erected provided a minimum clearance of 10' is allowed from the sidewalk to the lowest part of the awning.

15.77 **CANOPIES, HOODS, AND PROJECTING SIGNS.** No permanent hood, canopy, or projecting sign shall be constructed unless in the manner herein provided.

(1) PERMIT AND INSPECTIONS REQUIRED. No canopy, hood, or projecting sign shall hereafter be erected without a permit therefor being first secured from the Building Inspection Superintendent or an authorized agent. All such canopies, hoods, or projecting signs shall be inspected yearly by the Building Inspection Superintendent or an authorized agent.

(2) CERTIFICATE OF INSURANCE FOR CANOPIES, HOODS, OR PROJECTING SIGNS OVER THE PUBLIC RIGHT-OF-WAY. No permit shall be granted until the applicant files a certificate of insurance with the City Clerk giving evidence of liability insurance with bodily injury limits of at least \$1,000,000 per occurrence and \$1,000,000 aggregate, and the \$500,000 property damage each occurrence and \$500,000 aggregate. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to the City Clerk. Such notice shall suspend the permit until a new certificate complying with this subsection has been filed with the City Clerk.

(3) CLEARANCE. There shall be not less than 10' between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any canopy, hood, and projecting sign extending over a public street right-of-way.

(4) PROJECT TOWARD STREETS. The projections of permanent hoods, canopies, or projecting signs shall not extend over the street nearer than 2' from a vertical projection of the outside face of the curb.

(5) HEIGHT. The overall height of canopies or hoods, including all projections, ornamentations, accessories, or appurtenances, shall not exceed 6' (there shall not be added after the original erection of such a canopy or hood any sign, poster, or other thing extending beyond 6' above the 10' clearance required of such canopy). The maximum distance to the top of any canopy, including all projections, ornamentations, or appurtenances, signs, or other part of the canopy, shall not exceed 16' from any point of the sidewalk.

(6) ACCESSORIES TO INSTALLATIONS. Any necessary appurtenances or signs of a temporary or permanent installation shall be rigidly attached to the hood or canopy in a manner satisfactory to the Building Inspection Superintendent or any Inspector of the Division of Building Inspection. No swinging signs or accessories shall be permitted.

(7) SIGNS ERECTED ABOVE CANOPIES OR HOODS. Where projecting signs are erected above canopies or hoods, they shall in no manner be attached to any accessory, ornament, or other thing of a temporary or permanent nature. Such signs shall be hung independently of the canopy.

(8) **DRAINAGE TO BE PROVIDED.** All hoods, canopies, and projecting signs shall have gutters and conductors connected with the sewer at the building and shall be do drained as not to discharge any water on the sidewalk or public highway, except as provided in the City Plumbing Code.

(9) **OTHER DESIGN AND MATERIAL REQUIREMENTS.** Canopies, hoods, and projecting signs shall be built of incombustible material throughout, shall be capable of resisting a superimposed load of 30 lb per sq. ft., shall extend from the lot line toward the curb at a height in the clear of not less than 10', and shall slope and drain toward the building in accordance with the Plumbing Code of the City.

(10) **SUSPENSION FROM BUILDING.** Canopies, hoods, and projecting signs shall be suspended from the building, with no supports resting upon the sidewalk or public highway.

(11) **APPROVAL REQUIRED.** All canopies, hoods, and projecting signs shall have the approval of the Building Inspection Superintendent or an authorized agent as regards to design and materials of construction.

15.78 **FIRE ESCAPES OUTSIDE.** No outside fire escape or other structural addition projecting from a building over a public alley or thoroughfare shall be erected without first securing a permit from the Building Inspection Superintendent or an authorized agent. The Building Inspection Superintendent or an authorized agent shall not issue a permit for the building of such outside fire escape or other structural addition unless the plans provide for a minimum of 13'6" vertical clearance from the permanent-established grade of the alley or thoroughfare below, provided where such grade has not been established, the clearance shall be on the basis of the proposed grade for such alley or thoroughfare as set by the Director of Public Works.

15.79 **GAS OR OIL DISTRIBUTING STATIONS.**

(1) **PLANS AND SPECIFICATIONS.** The plans and specifications shall conform in all respects to the laws of the State and to existing laws for buildings and construction in the City.

(2) **DESIGN STANDARDS.**

(a) **Sidewalk, Street, and Curb Grades.** Sidewalk, street, and curb grades shall be established by the Council and shall be obtained from the Engineering Division, Department of Public Works. All construction shall conform to the grades so established.

(b) **Driveways and Stationaries.**

1. **Surfacing.** All stationaries and driveways which receive moving traffic shall be surfaced with bituminous or Portland cement concrete. If Portland cement concrete is used, it shall be a minimum thickness of 6" or of a designed mix containing not less than 5 1/2 bags of cement per cu. yd. of concrete. If bituminous concrete is used, it shall be laid with a minimum thickness of 2" of a plant hot mix material upon either a 4" Portland cement concrete base or a 6" crushed stone base, such base to be properly compacted and rolled.

2. **Corner Lots.** Driveway approaches measured along the curb line shall not be less than 25' from the intersection of the street right-of-way line on a corner lot or 35' from the point of intersection of the curb faces, whichever is greater.

3. Curb Cuts. Two driveways shall be permitted on both the long and short side of any lot; but in no case shall two driveways be permitted on any side less than 100' long. Openings shall not exceed the distances set in this subsection. The opening at the curb to any proposed gas or oil distributing station shall not be greater than 30' and at the property line shall not be greater than 20'.

4. Curbing Required. (Rep. & Rec. GO 5-86) Except at driveway locations, curbing not less than 8" in height and 8" in width shall be constructed adjacent to all property lines and/or street setback lines abutting the street rights-of-way. At all driveway locations, the end 24" x 8" curbing may be evenly tapered to allow the top of such curbing to intersect at the grade with the driveway.

5. Driveways. The curbing of all driveways on both sides shall commence at the outside sidewalk line at the grade established by the Engineering Division, Department of Public Works. Such curb shall continue and become attached to the curb at the street at the same grade as such street curbing, the outer edge of such curbing conforming with the entrance measurements as set forth in this section.

6. Distance Between Driveways. The minimum distance between driveways at the property line shall be 30'.

7. Lighting. (Rep. & Rec. GO 5-86) The type and location of all lighting shall be shown on the site plan. All outdoor light sources shall be controlled, directed, and/or otherwise screened from illuminating directly upon adjoining or opposite properties. This control can be by landscaping, buildings, louvers, and/or shields on the lights, or with similar devices.

8. Fencing Required.

a. When abutting a residential zone, decorative fencing, impervious to sight, and not less than 4' nor more than 8' in height shall be installed along the interior boundaries of the proposed station property to a point 15' from the street right-of-way. Curbing 8" x 8" shall be placed along the property line within this 15'. When abutting a zone other than residential, curbing or bumper guards may replace the fencing equipment.

b. All exterior waste or storage areas shall be properly fenced to screen them from public view.

9. Setback Area. (Am. GO 5-86)

a. Where street setback areas are required, the setback area shall not be considered part of the station proper but shall be properly seeded and landscaped.

b. With the permission of the Plan Commission, the station area may extend into the street setback area to within 15' of the street right-of-way line if proper curbing is installed as required by the Commission for the purpose of safety and protection of property.

c. Interior and corner sideyard setback areas bordering on residential zoning districts shall be landscaped and buffered as required in §13.18(4), Green Bay Municipal Code, regardless of size of parking area.

10. Underground Storage Tanks. The location and size of all underground fuel tanks shall be approved in writing by the Fire Prevention Division of the City Fire Department by submitting a site plan and application to such Division. Installations shall comply with the provisions of Ch. 18, Green Bay Municipal Code.

11. Elevated Pump Islands. All site plans shall show the following information:

a. The location of the elevated pump islands.

b. The location of a rectangular area that shall surround the pump islands. Such area shall be surfaced with Portland cement concrete or bituminous concrete in accordance with §15.79(2)(b)1., Green Bay Municipal Code, and covered and maintained with a solvent resistant material and shall project at least 3' to the front and rear of the pump island and 8' to each side.

c. The distance from the property line to the nearest point on the face of such pump island. Such distance shall be at least 15'.

(3) PERMIT. No gas or oil distributing station shall be erected in the City without first securing a permit from the Building Inspector. No permit shall be issued by the Building Inspector until detailed plans and specifications have been submitted to the Plan Commission and subsequently approved by the Council.

(4) APPROVAL OF PLANS. (Rep. & Rec. GO 19-97) No permit shall be issued until a site plan fulfilling the following requirements has been approved by the Plan Commission pursuant to Sec. 13.41, Green Bay Municipal Code. Such site plan shall be drawn to an engineer's scale and shall show the location and dimension of all property lines, property description, sidewalks, curbs, trees, lighting standards, utility poles, fire hydrants, mail boxes, traffic signs, water mains, sanitary sewers, storm sewers, storm sewer inlets, storm, sanitary, and water connections, and any other structures on or in the street adjacent to the property as well as on the property and shall show the location of all existing and proposed structures and installations on the property. All elevations shown on such site plan shall give the City datum. Five copies of the plan shall be submitted to the Plan Commission. After approval is indicated thereon, a copy shall be filed with the Building Inspection Superintendent, the City Engineer, and the Director of Planning, and two copies shall be returned to the owner. After a site plan has been approved by the Plan Commission, all construction and operation shall be in accordance with the provisions of the plan, and no certificate of occupancy shall be issued by the Building Inspection Superintendent until all requirements have been fulfilled.

(5) NONCOMPLIANCE AND INSPECTION. If it is thought the terms of this section are being violated, the City Engineer or the Building Inspection Superintendent, their agents, or any other parties properly designated by the Common Council, may enter upon the premises at any reasonable time for inspection. If non-compliance is found, all business activities upon such premises shall be suspended until the terms of this section are complied with.

15.80 ERECTION AND OPERATION OF SERVICE STATIONS DISPENSING LIQUEFIED PETROLEUM GAS.

(1) No service station dispensing liquefied petroleum gas shall be permitted within 200' of a building used for institutional occupancy or public assemblies.

(2) A site plan shall be submitted to the Plan Commission, and a copy of such site plan shall also be filed with the Fire Department to be retained in the Fire Department records.

(3) No building permit for a liquefied petroleum gas service station installation shall be issued until plans are approved by the Fire Chief. Such installation shall not be approved within the Commercial Construction District.

(4) The total quantity of liquefied petroleum gas in one or more containers shall not exceed 12,000 gallons at a single service station.

(5) Each storage container used exclusively in service station operations shall be a minimum of 50' from any building or group of buildings, from the center line of the adjoining streets at the time of installation, and from the adjoining property lines which may be built upon. No container shall be closer than 20' to the adjacent right-of-way line of the street.

(6) A 6" diversion curb shall be installed to protect all liquefied petroleum storage containers at any service station where flammable liquids are also dispensed.

(7) The design and construction of protective guard rails and barriers around containers and metering devices shall be subject to approval by the Fire Chief.

(8) No gas shall be transferred at a liquefied petroleum gas station to any automotive fuel supply tank if such tank requires removal from its normally-established installed position for weighing or gauging.

(9) Liquefied petroleum gas service stations shall be equipped with at least 20 lb. dry powder fire extinguisher or the equivalent, if approved by the Fire Chief.

15.81 TELEVISION AND RADIO RECEIVING AND TRANSMITTING ANTENNAS.

(1) **APPLICABILITY.** This section shall apply to the outdoor portion, more than 12' in height, of all apparatus used for receiving or transmitting television or radio waves.

(2) **TO BE OF INCOMBUSTIBLE MATERIALS.** All television and radio antenna systems, including the supporting tower or mast, shall be constructed of galvanized steel or other corrosive resistant incombustible material. Where approved by the State Department of Industry, Labor, and Human Relations, towers constructed of wood or wood poles set in the ground may be used to support antenna systems, provided no wood tower or wood pole shall be mounted on the roof of any building or structure.

(3) LOAD REQUIREMENTS.

(a) The antenna and tower shall support the dead load of the structure plus an ice load of at least 1/2" in radial thickness. The ice load shall be computed upon the wires, cables, messengers, and antenna only.

(b) **To Withstand Wind.** The tower or mast shall be braced or guyed and anchored to resist a horizontal wind pressure of not less than 30 lb. per sq. ft. of net exposed surface area. Guy wires shall not be anchored to a chimney or to any roof ventilator or vent pipe.

(4) **TO BE INDEPENDENTLY MOUNTED.** Antenna systems installed on the roof of a building shall not be supported by or attached to a chimney. All such installations shall be mounted on an independent platform or base and anchored in place. Such platform or base shall be large enough to distribute the weight of the tower over sufficient roof area so the roof will safely support the weight of the structure in addition to the required live and dead roof loads.

(5) **DISTANCE FROM STREETS AND UTILITY LINES.** (Rep. & Rec. GO 12-97) All antenna systems shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the top-most point. Any variance necessary from this requirement shall be reviewed by the Plan Commission. If a variance is granted herein, the owner shall sign an agreement, approved by the City Attorney, to hold the City harmless from any and all liability that may result from the construction and maintenance of any structure permitted pursuant to such variance. No wires, cables, or guy wires shall extend over any street or other public thoroughfare or over any electric power or communication lines.

(6) **NOT TO INTERFERE WITH UTILITY POLES AND LINES.** Poles used for electric power or for communication lines shall not be used for supporting or guying any antenna system. Where antenna installations are so located that damage will be caused to adjacent power or communication lines by falling of the antenna structures, a separate safety wire shall be attached to the top of the tower and secured in a direction away from such power or communication lines.

(7) **ELECTRICAL INSTALLATIONS.** Electrical installations in connection with antenna systems, including the grounding of the tower or mast, shall comply in all respects with the requirements of the State Electrical Code.

(8) **VARIANCE.** The Improvement and Service Committee is authorized to hear and decide special exceptions to the terms of this section and to authorize upon appeal in specific cases such variance from the terms of this section as shall not be contrary to the public interest. Such variance shall be granted only where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship. It is the intent that the spirit of this section shall be observed, public safety and welfare secured, and substantial justice done. If a variance is granted herein, the owner shall sign a contract, approved by the City Attorney, hold the City harmless from any and all liability that may result from the construction and maintenance of any structure permitted pursuant to such variance.

15.82 **POOLS, PONDS, AND SPAS.** (Rep. & Rec. GO 16-04)

(1) **DEFINITIONS.**

(a) **Pool.** Any constructed or prefabricated structure either temporary (installed for a duration of less than seven days) or permanent (installed for a duration of seven days or more), either above ground or in ground, containing or normally capable of containing water that is primarily for the purpose of wading, swimming, or other recreation use. This definition excludes hot tubs, spas, and ponds.

(b) **Spa (Hot Tub).** Any hydro-massage pool or tub for recreational or therapeutic use, designed for immersion of users that may or may not be equipped with a filter, heater, and motor-driven blower.

(c) **Pond.** Any naturally occurring or man-made body of water that retains or detains the natural flow of water. This definition does not include ponds used for, or for part of a stormwater management plan as regulated in Chapter 30, Green Bay Municipal Code.

(2) **PERMIT REQUIRED.** No construction of a pool intended as a permanent installation, a pond, or spa shall begin unless a permit therefor has been obtained and the fee paid in accordance with the fee provisions of this chapter. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property.

(3) **REQUIREMENTS.**

(a) **Setback.** Permanent above or in-ground pools, ponds, or spas shall maintain a minimum front yard setback of 25' and a rear and side yard setback of 10' from adjoining property, subject to properly granted variance under Chapter 13, Green Bay Municipal Code. In determining this setback for above-ground pools, ponds, or spas with permanent fencing or decks, any deck, or similar structure shall be considered part of the pool, pond, or spa.

(b) **Fencing.** All pools, ponds, or spas requiring a permit shall be encompassed by fencing as provided under this subsection. A variance to maximum fence height may be granted under the procedures of Chapter 13, Green Bay Municipal Code. However, under no circumstance may the minimum fence height requirements of this subsection be varied.

1. **Structural Requirements.** All fences under this subsection shall be constructed in such a manner as to comply with the requirements of §13.38(2), Green Bay Municipal Code, or variance therefrom, and the requirements of this subsection.

a. The fence must be able to withstand 200 pounds force in any direction.

b. The fence shall be so constructed and designed so as to prevent penetration of an object greater than 6" in diameter.

c. All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section.

2. **Permanent In-Ground Pools, Ponds or Spas.** Permanent in-ground pools, ponds, or spas, subject to §13.38, Green Bay Municipal Code, shall be encompassed by a free-standing fence not less than 48" nor more than 96" from the ground level. Such fence shall be no less than 3' from the pool, pond, or spa at its nearest point. The fence shall comply with subsection 1 above.

3. **Above-Ground Pools.** (Amd. GO 58-04) Above-ground pools, ponds, and spas shall be encompassed by fencing which complies with one or any combination of options listed below and complies with subsection 1 of this section.

a. A fence in compliance with subsection 2 of this section.

b. A fence within 3' of the pool, pond, or spa, not less than 48" nor more than 96" from ground level.

c. A fence attached to a deck or walkway, provided such fence is at least 36" above the surface of the deck or walkway and complies with subsection 3b.

d. A pool wall not less than 48" from ground level, provided steps, ladders, or other means of pool access are removed when the pool is not in use.

(c) Exceptions. Fencing shall not be required if the following are provided:

1. Pools, ponds, or spas with locking and solid structural covers. Such covers shall be in place whenever the pool, pond, or spa is not in use and/or unsupervised by an adult.

2. Pools, ponds, or spas completely enclosed within a building.

3. Existing pools, ponds, or spas as of April 20, 2004.

4. As determined by the Planning Director, that the pool, pond, or spa does not affect the safety, health, or welfare of the residents or the community and does not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

(4) OPERATION OF RESIDENTIAL POOLS, PONDS, OR SPAS.

(a) Public Pools, Ponds, or Spas Prohibited in Residential Areas. No person shall operate a public pool, pond, or spa on any premises zoned residential. The operation of a public pool, pond, or spa on residential premises is declared to be a public nuisance.

(b) Interference with Enjoyment of Property Rights Prohibited. No pool, pond, or spa shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the pool, pond, or spa or located in the neighborhood.

(c) Shielding Lights. Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises as regulated in §13.365, Green Bay Municipal Code.

(d) Unnecessary Noise. No person shall make, continue, or cause to be made or continued at any pool, pond, or spa any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of any pool, pond, or spa, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the pool, pond, or spa premises, shall be prohibited.

(f) Indecent Exposure. Every person using an outdoor pool, pond or spa shall wear a bathing suit or other suitable garment to protect his/her person from indecent exposure.

15.83 **WISCONSIN ADMINISTRATIVE CODE ADOPTED**. (Rep. & Rec. GO 40-92), (Amd. GO 10-12)

(1) **CODE ADOPTED**. The State of Wisconsin Administrative Code, Chs. SPS 320 through 325, inclusive and made applicable to any additions or alterations to any existing one- and two-family dwellings, and Chs. SPS 361 through 366, inclusive, and all amendments thereto are hereby adopted and incorporated into this Code by reference.

(1m) PLAN REVIEW FEE SCHEDULE. The State of Wisconsin Administrative Code, §SPS Table 302.31-2, and all amendments thereto are hereby adopted and incorporated into this Code by reference. Persons authorized under sub. (2) shall collect on behalf of the city the same fees in the same amounts as set forth in said table.

(2) AUTHORIZED ENFORCEMENT OFFICIALS. The Inspection Service Specialist or delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of this chapter.

(3) CONFLICTS. Any conflict between the Wisconsin Administrative Code and existing Municipal Code provisions shall be resolved in favor of the Wisconsin Administrative Code requirements.

(4) PENALTY. Any person violating the provisions of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code. Each day of violation shall constitute a separate offense.